

Hearings Settled Matter for Students With Disabilities

- ⚖️ Resolution sessions allow parties to resolve disputes in an equitable and timely manner, ensuring that students receive appropriate programs and services.
- ⚖️ Resolution sessions are a new provision of IDEA 2004. This requirement is intended to expedite dispute resolution, deter high-cost litigation, and create equity between parties.

Reporting Requirement: Hearings Settled

Indicator 18 is a results measure. The United States Department of Education, Office of Special Education Programs (OSEP) has allowed each state to set targets for indicators other than compliance measures in the State Performance Plan (SPP). The indicator target of 36 percent was set by the state, represents input from a stakeholder group, and addresses the reporting requirement below.

Indicator 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416 (a)(3)(B))

Resolution Sessions in Michigan

There were 77 hearing requests during federal fiscal year (FFY) 2006,* with 64 going to resolution sessions as indicated with Indicator 17, Hearings Adjudicated.

Revisions were made to the database to collect and report resolution sessions.

Explanation of Progress or Slippage that Occurred for FFY 2006

Michigan improved its performance in this area. The Michigan Department of Education (MDE) had an increase in the number of Resolution Sessions and the percentage of Resolution Session Settlement Agreements from FFY 2005.

*FFY 2006=July 1, 2006 to June 30, 2007

Michigan's Commitment to Education

MDE's Office of Special Education and Early Intervention Services (OSE/EIS) has an ongoing commitment to explore and support the use of alternative forms of dispute resolution. The OSE/EIS ensures access to information and clarification of this new provision of the *Individuals with Disabilities Education Act (IDEA 2004)*, and that it will continue to be a subject for training and technical assistance (TA).

Defining Dispute Resolution

Effective Due Process Systems

Each state must ensure that school districts and other publicly funded educational agencies in the state comply with the requirements of the IDEA 2004 and its implementing regulations. Both state and federal law require local school districts to provide appropriate special education and related services. When disputes arise between parties, it is imperative that an impartial system is available to resolve disputes in a timely and equitable manner.

Michigan's Performance

Measurable and Rigorous Targets

Indicator Components	FFY 2005 Data	FFY 2006 Target	FFY 2006 Data	FFY 2006 Target Status
Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.	36%	36%	45%*	Target Met
(3) Number of hearing requests	116		77	
(3) Number of resolution sessions	77		64	
(3) Number of resolution sessions	28		29	

*Using the required measurement: 29 divided by 64 = 45 x 100 = 45%

For More Information

Policy and Guidance Updates - Building the Legacy: IDEA 2004

OSEP has created a "one-stop shop" for resources related to IDEA 2004 and its implementing regulations.

<http://idea.ed.gov>

Michigan Department of Education, Office of Special Education and Early Intervention Services (MDE, OSE/EIS)

Visit this site to learn about compliance, monitoring, and due process.

www.michigan.gov/ose-eis

Consortium for Appropriate Dispute Resolution in Special Education (CADRE)

CADRE, the national center on dispute resolution, encourages the use of mediation and other collaborative strategies to resolve disagreements about special education and early intervention programs.

www.directionservice.org/cadre

Additional Information

The OSE/EIS is committed to implementation of a continuum of dispute resolution alternatives, including facilitated individualized education programs (IEPs) and new state complaint procedures that include resolution services required at the initiation of state complaints.

It is reasonable to expect that an increase of resolution of conflicts at the IEP or pre-state complaint stage will result in fewer due process complaints. It is possible however, that the due process complaints that are filed will be less amenable to resolution, especially at the resolution session stage.

Michigan Can Improve

 Continue to monitor and evaluate the implementation of resolution session activities to date. Revise in accordance with performance data.

Michigan's complete State Performance Plan (SPP) and Annual Performance Report (APR) can be viewed and downloaded at:

www.michigan.gov/ose-eis