MICHIGAN Department of Education
Office of Special Education and Early Intervention Services

Hearings Adjudicated

Michigan's State Performance Plan
Indicator 17

Special Education Facts

Hearings Adjudicated Matters for Students With Disabilities

- Timely adjudication of due process hearings ensures that disputes are resolved in a timely manner and students receive appropriate programs and services.

Reporting Requirement: Hearings Adjudicated

Indicator 17 is a compliance indicator with a target of 100 percent.

Indicator 17—Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

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

Michigan Information on Hearings Adjudicated

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

According to the Interdepartmental Agreement between the Michigan Department of Education (MDE) and the State Office of Administrative Hearings and Rules (SOAHR), due process hearings are conducted by administrative law judges (ALJs) who are hired and supervised by the SOAHR. The Interdepartmental Agreement is reviewed at least annually and revised as needed. The Office of Special Education and Early Intervention Services (OSE-EIS) and the SOAHR collaborate for initial and ongoing training of ALJs.

Michigan's Commitment to Education

Since 2000, the OSE-EIS has been engaged in a continuous improvement cycle to develop effective processes to ensure that both the requirements and the intent of the IDEA are implemented and met. Changes to the due process hearing system are an example of the improvement efforts the OSE-EIS continues to make.

Defining Hearings Adjudicated

The IDEA requires states to have procedures for due process complaints/hearings for students with disabilities. A due process hearing may be requested to resolve issues such as: eligibility, evaluations, identification, appropriateness of an Individualized Education Program (IEP), and a free appropriate public education (FAPE). The IDEA also requires a resolution period to encourage parents and districts to resolve disputes without a hearing. The resolution period begins the date the complaint is filed and extends for 30 calendar days. If the dispute is not resolved during the resolution period, a due process hearing will be scheduled. The due process hearing must be fully adjudicated within 45 calendar days (or an extended time period permitted by the IDEA) following the resolution period. Fully adjudicated is defined as having completed a full administrative hearing and an ALJ having issued a final decision and order.

A parent may also request an expedited due process hearing to appeal district decisions regarding some disciplinary actions. The required resolution period for an expedited due process hearing is 15 calendar days. An expedited due process hearing must be fully adjudicated within 20 school days (or a properly amended time period) following the resolution period.

Michigan's Performance

Measurable and Rigorous Targets

Indicator 17 is a compliance indicator. This target is set by the U.S. Department of Education's Office of Special Education Programs (OSEP) at 100 percent.

Indicator Component	FFY 2008 Result	FFY 2009* Result	FFY 2009 Target	FFY 2009 Status
Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.	83.3%	**100%**	100%	Target Met

Analysis of Due Process Hearing Data for FFY 2008 and FFY 2009

	FFY 2008	FFY 2009
(3) Hearing requests total[1]	72	65
(3.1) Resolution sessions (percent of total hearing requests)	58 (80.6%)	54 (83.1%)
(3.2) Hearings (fully adjudicated) (percent of total hearing requests)	6 (6.3%)	5 (7.7%)
(a) Decisions within timeline (percent of fully adjudicated hearings)	2 (33.3%)	3 (60.0%)
(b) Decisions within extended timeline (percent of fully adjudicated hearings)	3 (50.0%)	2 (40.0%)
(3.2) (a) + (3.2) (b) (percent of fully adjudicated hearings)	5 (83.3%)	5 (100%)
(3.3) Resolved without a hearing (percent of closed complaints)	56 (90.3%)	43[2] (89.6%)
(4) Expedited hearing requests total (percent of total hearing requests)	25 (34.7%)	18 (27.7%)
Hearings pending		17

Source: Michigan Hearings Database

**Federal Fiscal Year (FFY) 2009 = July 1, 2009 to June 30, 2010*

[1]Parents now file a 'due process complaint' per IDEA 2004 language, which is synonymous with Hearing Request as referenced in this State Performance Plan Indicator.

[2]65 hearing requests minus 17 hearing requests pending = 48 concluded hearing requests; 48 concluded hearing requests minus 5 fully adjudicated hearings = 43 hearing requests resolved without a hearing; 43 of the 48 concluded hearing requests were resolved without a hearing = 89.6 percent.

Percent = [(3.2(a) + 3.2(b)) divided by 3.2] times 100
[(3+2) ÷ 5] X 100 = 100%

Michigan met the Indicator 17 target of 100 percent compliance. The OSE-EIS attributes this improvement to increased collaboration between the OSE-EIS and the SOAHR.

For More Information

Michigan Department of Education (MDE), Office of Special Education and Early Intervention Services (OSE-EIS)
www.michigan.gov/ose-eis

MDE, OSE-EIS Special Education Due Process Complaint/Hearing Procedures
www.michigan.gov/mde/0,1607,7-140-6530_6598_36168---,00.html

MDE, OSE-EIS Special Education Due Process Request Model Form
www.michigan.gov/mde/0,1607,7-140-6530_6598_36168---,00.html

Michigan Special Education Mediation Program (MSEMP)
http://msemp.cenmi.org

MDE, Office of Administrative Law (ADLAW)
http://www.michigan.gov/mde/0,1607,7-140-6530_6555---,00.html

State Office of Administrative Hearings and Rules (SOAHR)
www.michigan.gov/cis/0,1607, 7-154-10576_35738---,00.html

Michigan's State Performance Plan (SPP) and Annual Performance Report (APR)
www.michigan.gov/ose-eis

Michigan Can Improve

- The MDE will develop common expectations for careful and prompt attention to completion of due process hearing activities among ALJs, hearing participants, and stakeholders.
- The MDE will develop and disseminate a Michigan special education due process frequently asked questions document.
- The MDE will provide increased opportunities for stakeholders' participation in revisions to policy, rules, and procedures.