

Part B State Performance Plan (SPP) for 2006-2010

Overview of the State Performance Plan Development:

(Intro pending)

Monitoring Priority: Effective General Supervision Part B/General Supervision
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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))

Measurement: Percent = 3.1(a) divided by (3.1) times 100.
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Overview of Issue/Description of System or Process:

Through the FFY 2005 the Michigan Department of Education (MDE) operated a two tier due process system with independent contractors serving as hearing officers for local hearings and state level reviews. Effective January 1, 2006, review of local hearing officer (LHO) decisions are conducted by a state review officer (SRO) appointed by the State Office of Administrative Hearings and Rules (SOAHR). Guided by stakeholder input to improve the timeliness and the perception of fairness of the process, the MDE transitioned to a single tier system for hearing requests filed on or after July 1, 2006. Effective July 1, 2006, hearing officers are salaried state employees, employed in a state department separate from the SEA, the State Office of Administrative Hearings and Rules (SOAHR). Pursuant to an Interagency Agreement between the MDE and the SOAHR, due process complaints are filed with the MDE and referred to SOAHR for appointment of an Administrative Law Judge (ALJ) to conduct hearings. Due Process complaints initiated prior to July 1, 2006 are being processed utilizing the two-tier system, with contracted hearing officers conducting the hearings.

Baseline Data for FFY 2005 (2005-2006):

Table 1: Resolution Sessions/Written Settlement Agreements during FFY 2005

(3) Total Hearing Requests (local)	116
(3.1) Resolution Sessions	77
a. Settlement Agreements	28
(3.2) Hearings Fully Adjudicated	9
(3.3) Resolved without hearing	83
(4) Expedited Hearing Requests	5
- Resolution Sessions	5
- Settlement Agreements	2
Pending cases as of July 1, 2006	24

Source: Michigan Complaints and Hearings Database

Percent = 3.1(a) divided by (3.1) times 100.

$$36\% = 28 \div 77 \times 100$$

Discussion of Baseline Data:

The baseline for this indicator is 36%. During FFY 2005 there were 77 resolution sessions conducted pursuant to the 116 Due Process complaints filed. Resolution session settlement agreements were completed in 36% of the resolution sessions. It is also important to note that 92 of the Due Process complaints filed in 2005-2006 were concluded during FFY 2005. 90% percent of the concluded Due Process complaints were resolved without hearings.

Measurable and Rigorous Target

	Measurable and Rigorous Target
2006 (2006-2007)	The percent of hearing requests that go to resolution sessions that are resolved through resolution session settlement agreements will increase to 37 %.
2007 (2007-2008)	The percent of hearing requests that go to resolution sessions that are resolved through resolution session settlement agreements will increase to 38%
2008 (2008-2009)	The percent of hearing requests that go to resolution sessions that are resolved through resolution session settlement agreements will increase to 39%.
2009 (2009-2010)	The percent of hearing requests that go to resolution sessions that are resolved through resolution session settlement agreements will increase to 40%.
2010 (2010-2011)	The percent of hearing requests that go to resolution sessions that are resolved through resolution session settlement agreements will increase to 42%.

Improvement Activities/Timelines/Resources:

TIMELINES	ACTIVITIES	RESOURCES
2006 (2006-2007)	Refine further the case and docket management system to accommodate the additional data fields needed to track resolution session data.	PA staff SOAHR staff
2006-2009	Disaggregate and assess data annually to identify emerging areas of need.	PA staff SOAHR staff
2006 (2006-2007)	Revise due process complaint procedures, as needed to reflect new single tier due process complaint system and 2004 IDEA Regulations.	PA staff SOAHR STAFF
2006 (2006-2007)	Create a due process complaint procedures document, to reflect new single tier due process complaint system and 2004 IDEA Regulations.	PA staff
2006 (2006-2007)	Disseminate a due process complaint procedures document, to reflect new single tier due process complaint system and 2004 IDEA Regulations.	PA staff
2006 (2006-2007)	Revise Michigan Administrative Rules for Special Education as needed, to reflect new single tier due process complaint system and 2004 IDEA Regulations.	PA staff

2006 (2006-2007)	Revise and disseminate a Michigan Special Education due process FAQ ¹ document.	PA staff
2006 (2006-2007)	Establish an Interagency Agreement between SOAHR and the OSE/EIS. Revise the roles and responsibilities of the parties as needed.	PA staff SOAHR staff
2006 (2006-2007)	Create a position for a MDE Due Process Complaint Coordinator and support staff. Coordinator responsibilities may include: - liaison with the SOAHR Due Process Complaint Coordinator and Supervisor, - additional case management and supervision responsibilities, - assuring collection and accurate reporting of data, - coordination of formal and informal technical assistance.	PA staff
2006 (2006-2009)	Provide Training/Technical Assistance (TTA) regarding "Resolution Sessions" and "Resolution Session Settlement Agreements".	PA staff
2006 2006-2011	Provide increased opportunities for stakeholders' participation in policy, rules, and procedures revisions.	PA staff Stakeholders
2007 (2007-2011)	Revise roles and responsibilities of MDE Due Process Complaint Coordinator as needed.	PA staff
2007 (2007-2011)	Review Interagency Agreement between SOAHR and the OSE/EIS; revise the roles and responsibilities of the parties as needed.	PA staff SOAHR staff
2007 2007-2008	Develop policies and procedures to enhance use of alternative dispute resolution for resolution sessions.	PA staff
2007 2007-2008	Provide opportunities for stakeholders participation in policy, rules, and procedures revisions regarding alternative dispute resolution for resolution sessions.	PA staff Stakeholders
2008 2008-2011	Disseminate information and TTA for enhanced use of alternative dispute resolution for resolution sessions.	PA staff
2008 (2008-2009)	Develop and implement procedures and policies for "Continuum of Dispute Resolution Alternatives" (further integration with Complaints, Due Process, and Mediation components)	PA staff
2008 (2008-2011)	Provide TTA on Continuum of Dispute Resolution alternatives"	PA staff
2009 (2009-2010)	Continue to monitor and evaluate the implementation of activities to date. Revise in accordance with performance data.	PA staff
2010 (2010-2011)	Continue to monitor and evaluate the implementation of activities to date. Revise in accordance with performance data.	PA staff

¹ Frequently Asked Questions
Part B State Performance Plan: 2005-2010
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