

MSDE Public Website of State Performance Plan Results

Local School System Results for Special Education

Maryland: Indicator 19

Percent of mediations held that resulted in mediation agreements.

Results

| | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | 2009/10 | 2010/11 |
|-----------------|---------|---------|---------|---------|---------|---------|---------|
| State Baseline: | 80% | - | - | - | - | - | - |
| State Target: | - | 75% | 75% | 75% | 75% | 75% | 75% |
| State Results: | - | 73% | - | - | - | - | - |

Narrative Description of Indicator

The DSE/EIS recognizes the slippage in the percentage of mediations which resulted in written agreements. In light of this information, we carefully analyzed the data regarding the above referenced data. We found that of the 63 cases where mediation was attempted and did not result in an agreement, 37% of these cases involved a desire for a more restrictive environment and we would not expect either party to resolve such a dispute through a mediated agreement. We are also considering that the recent court decision, *Weast vs. Schaffer*, which lays the burden of proof on the party opposing the IEP as also having an impact on mediation settlements. We will continue to analyze this data and determine if additional steps are required to maintain our target.

In the future we look forward to analyzing mediation and resolution data together to determine the early resolution settlement rate of disputes.

STATE: Maryland

| SECTION A: Signed, written complaints | |
|--|------------------|
| (1) Signed, written complaints total | 157 |
| (1.1) Complaints with reports issued | 134 |
| (a) Reports with findings | 109 |
| (b) Reports within timeline | 124 |
| (c) Reports within extended timelines | 9 |
| (1.2) Complaints withdrawn or dismissed | 20 |
| (1.3) Complaints pending | 3 * |
| (a) Complaint pending a due process hearing | 2 |
| SECTION B: Mediation requests | |
| (2) Mediation requests total | 425 |
| (2.1) Mediations | Calculated Value |
| (a) Mediations related to due process | 120 |
| (i) Mediation agreements | 81 |
| (b) Mediations not related to due process | 115 |
| (i) Mediation agreements | 91 |
| (2.2) Mediations not held (including pending) | 190 |
| SECTION C: Hearing requests | |
| (3) Hearing requests total | 349 |
| (3.1) Resolution sessions | 108 |
| (a) Settlement agreements | 69 |
| (3.2) Hearings (fully adjudicated) | 38 |
| (a) Decisions within timeline | 17 |
| (b) Decisions within extended timeline | 20 |
| (3.3) Resolved without a hearing | 303 |
| SECTION D: Expedited hearing requests (related to disciplinary decision) | |
| (4) Expedited hearing requests total | 11 |
| (4.1) Resolution sessions | 2 |
| (a) Settlement agreements | 1 |
| (4.2) Expedited hearings (fully adjudicated) | 2 |
| (a) Change of placement ordered | 2 |

*The 1 complaint pending other than for a due process hearing was held in abeyance because the parent requested the State Board of Education review a decision of the local education agency Board of Education.