INDICATOR B-13: SECONDARY TRANSITION

Completed by the National Technical Assistance Center on Transition (NTACT).

INTRODUCTION

The National Technical Assistance Center on Transition (NTACT) was assigned the task of analyzing and summarizing the data for Part B Indicator 13 – the secondary transition component of the Individualized Education Program (IEP). States are required to report data on the "p*ercent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition service needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority*."(20 U.S.C. 1416(a)(3)(B)). Throughout this chapter the term "states" is inclusive of the 50 states, eight territories or associated states, and the Bureau of Indian Education and the District of Columbia.

DATA SOURCES

Ratings of students' IEPs regarding the measure described above as examined through each state's monitoring system for Indicator B-13 comprise the data source for the Indicator. States used a variety of checklists to measure compliance with Indicator B-13 including the OSEP approved I-13 Checklist developed by the National Secondary Transition Technical Assistance Center (NSTTAC, 2012) or their own checklist. Twenty-eight states (46%) used the NSTTAC I-13 Checklist or an adaptation of that Checklist, while 14 states (24%) used their own checklists to collect data. An additional 18 states (30%) use another method to determine compliance with Indicator B-13. Figure 1 illustrates the data sources reported for this Indicator. Table 1 reports the same information in a reader-friendly format. Over time, the use of the NTACT has increased slightly across years, from 28% in FFY 2013 to 38% in FFY 2018. Other types of checklists have fluctuated and decreased, according to states reporting. Finally, not reporting a checklist mechanism for calculating this Indicator increased in FFY 2015 reporting but returned to FFY 2013 levels in the FFY 2018 data, with 30% of states not reporting the use of any checklist.

Figure 1. Type of Checklist Used to Collect Indicator B-13 Data

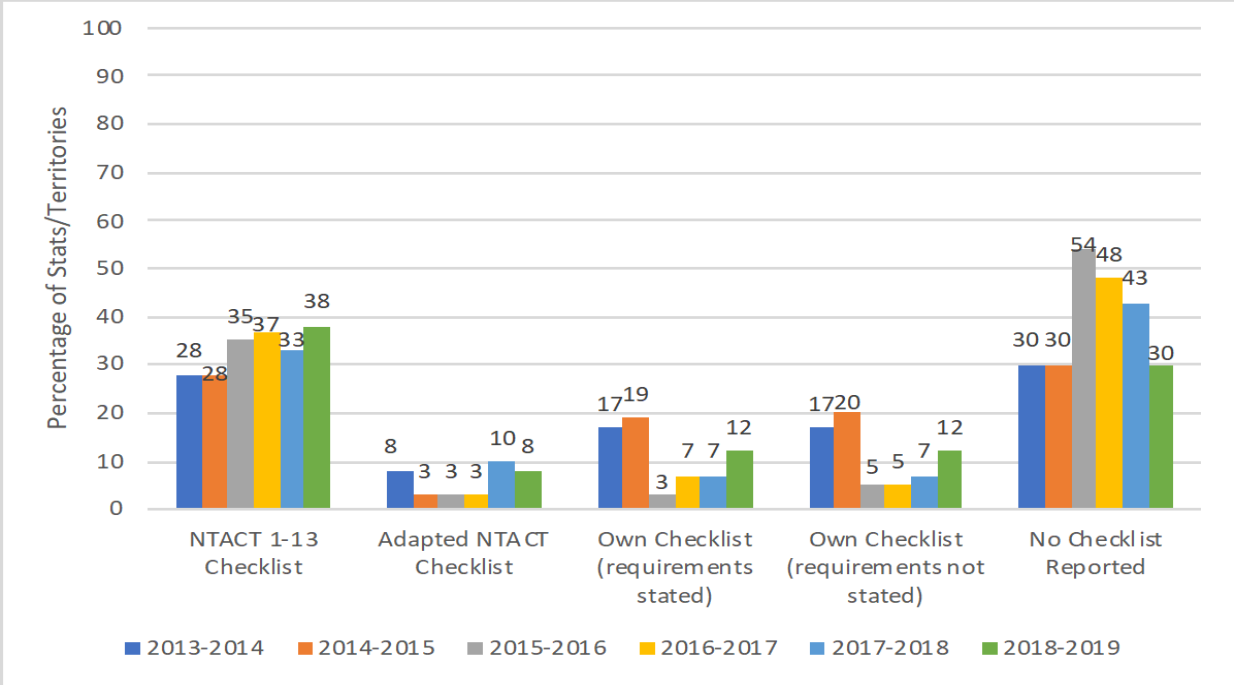


Table 1: Data for Type of Checklist Used to Collect Indicator B-13 Data

Type of Checklist Used	Percent of States Using in 2013-2014	Percent of States Using in 2014-2015	Percent of States Using in 2015-2016	Percent of States Using in 2016-2017	Percent of States Using in 2017-2018	Percent of States Using in 2018-2019
NTACT Checklist	28	28	35	37	33	38
Adapted NTACT Checklist	8	3	3	3	10	8
State's Checklist (requirements stated)	17	19	3	7	7	12
State's Checklist (requirements not stated)	17	20	5	5	7	12

Type of Checklist Used	Percent of States Using in 2013-2014	Percent of States Using in 2014-2015	Percent of States Using in 2015-2016	Percent of States Using in 2016-2017	Percent of States Using in 2017-2018	Percent of States Using in 2018-2019
No Checklist Reported	30	30	54	48	33	30

METHODOLOGY

In 2018-2019, 15 (25%) states reported a census method for collecting Indicator B-13 data. An additional 34 (57%) states used a sampling methodology and 11 (18%) states did not report the method used to collect the data. Figure 2 and Table 2 summarize the percentage of states by the type of method used to collect data for this Indicator from FFY 2013 to FFY 2018. The percentage of states using census, sample, or not reporting on either fluctuated across years; however, sample methodology is used most frequently across years, representing 48% to 64%.

Figure 2. Method Used to Collect Indicator B-13 Data

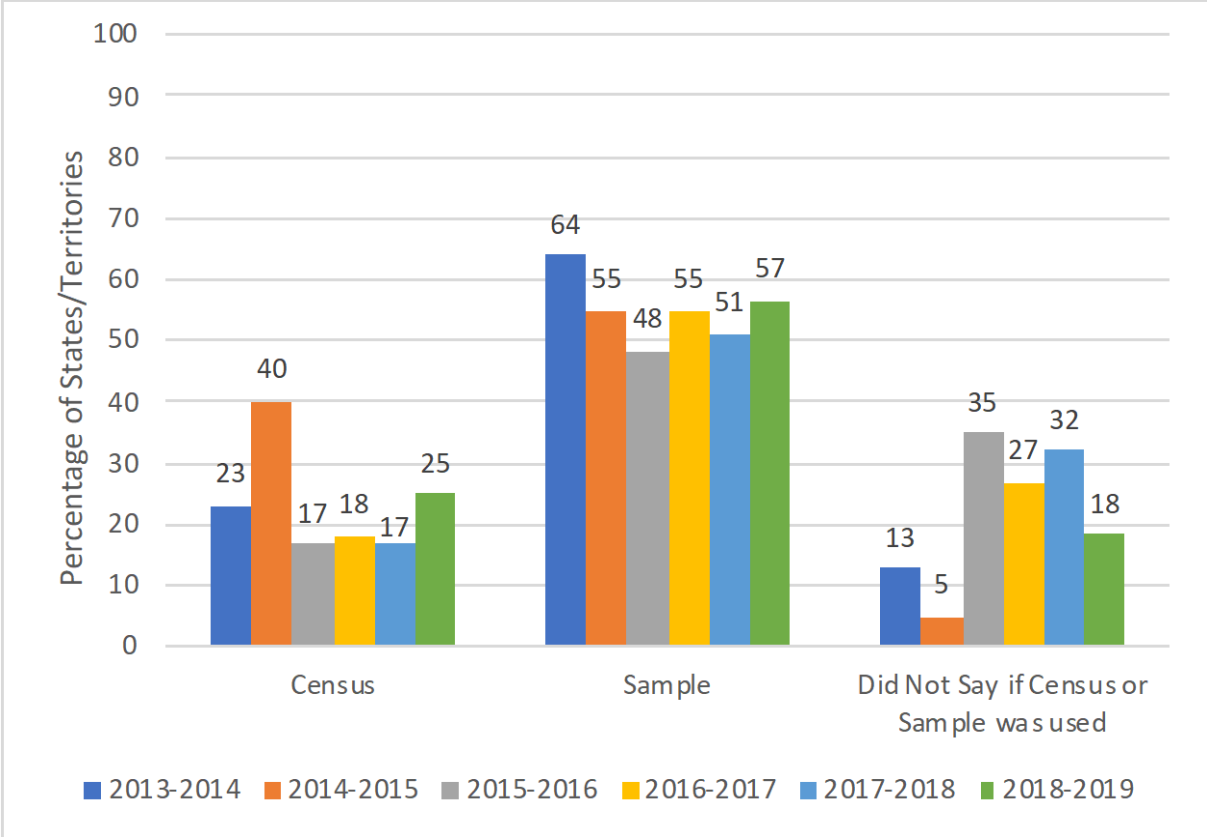


Table 2. Method Used to Collect Indicator B-13 Data

Data Collection Method	Percent of States Using in 2013-2014	Percent of States Using in 2014-2015	Percent of States Using in 2015-2016	Percent of States Using in 2016-2017	Percent of States Using in 2017-2018	Percent of States Using in 2018-2019
Census	23	40	17	18	17	25
Sample	64	55	48	55	51	57
Did Not Report	13	5	35	27	32	18

ACTUAL PERFORMANCE & TRENDS

Indicator B-13 performance ranged from 17% to 100% with a mean of 89% in 2018-2019. The median was 96.7%. Overall, the state six-year mean slightly slipped from

90% (FFY 2013) to 89% (FFY 2018). In addition, an increase (from 38 to 43 states since FFY 2013) demonstrated compliance rates of 90% or above in FFY 2018. Figure 3 and Tables 3 and 4 depict the mean and range annually across the last six years.

Figure 3. Six-Year Trends of Indicator B-13 Performance

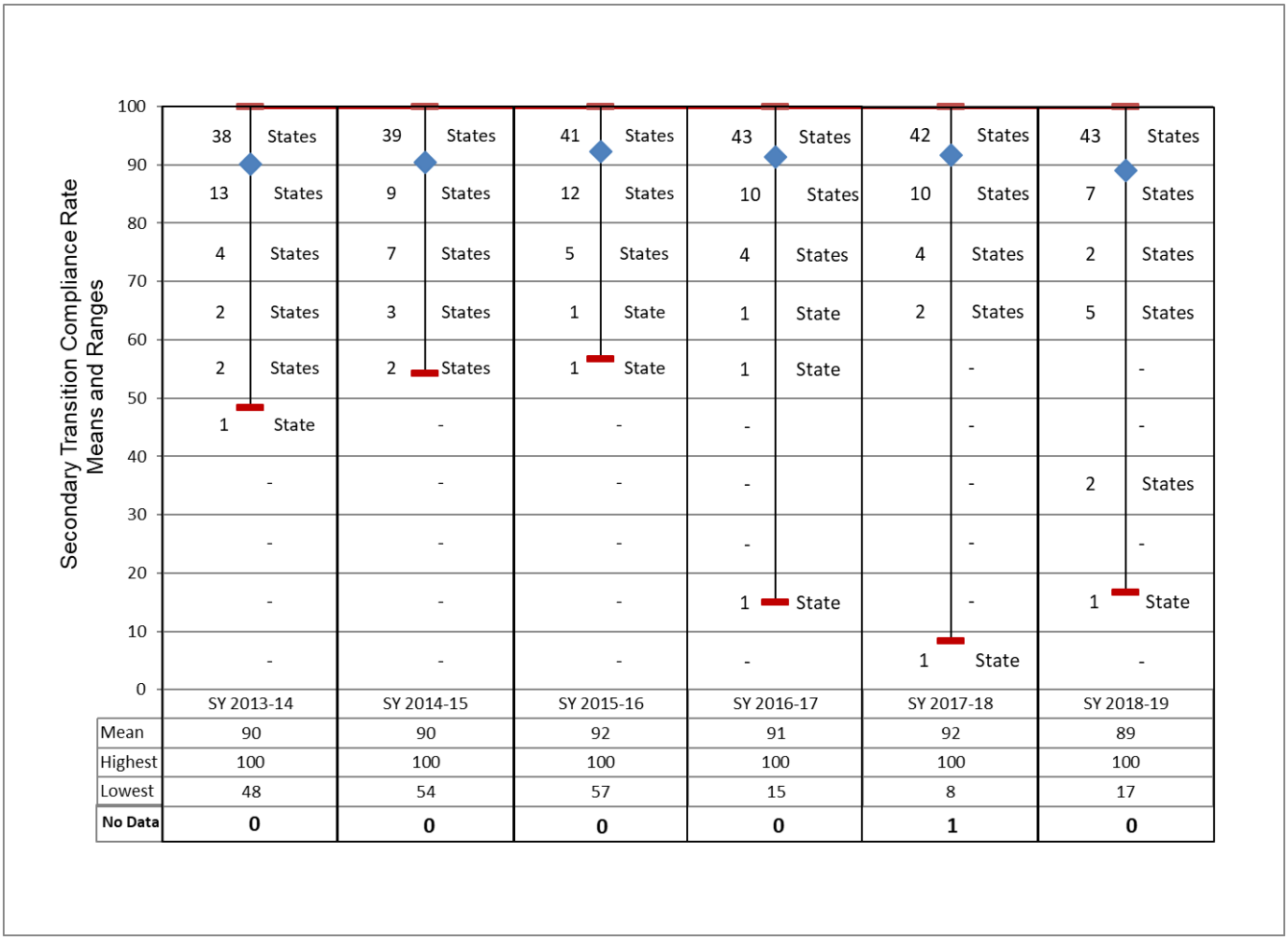


Table 3. Indicator B-13 Detailed Performance Data

Percent Compliant Transition Components	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
90% to 100%	38	39	41	43	42	43
80% to <90%	13	9	12	10	10	7

Percent Compliant Transition Components	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
70% to <80%	4	7	5	4	4	2
60% to <70%	2	3	1	1	2	5
50% to <60%	2	2	1	1	0	0
40% to <50%	1	0	0	0	0	0
30% to <40%	0	0	0	0	0	2
20% to <30%	0	0	0	0	0	0
10% to <20%	0	0	0	1	0	1
0% to <10%	0	0	0	0	1	0

Table 4. Summary of Indicator B-13 Performance

Compliance Data Reported	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
Mean	90	90	92	91	92	89
Highest	100	100	100	100	100	100
Lowest	48	54	57	15	8	17
No Data	0	0	0	0	1	0

CONCLUSION

For FFY 2018, 8 (13%) states reported 100% compliance for Indicator B-13. Although the average performance across states was 89%, there was wide variation, ranging from 17% to 100%. Compared to last year, 31 (52%) states showed progress (either improving or remaining at 100% compliance). In FFY 2018, the mean compliance on Indicator 13 was lower than it has been during the previous five years. The range of means over this period has not been large, however, fluctuating between 89% and 92%.

States’ most recent APR submissions also provided greater specificity about data sources and methodology than in the previous three years.

INDICATOR B14: POST-SCHOOL OUTCOMES
Completed by the National Technical Assistance Center on Transition.

INTRODUCTION

This report summarizes states' Federal Fiscal Year 2018 (FFY18) submission for Part B Indicator 14: the "percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

A. Enrolled in higher education within one year of leaving high school.
B. Enrolled in higher education or competitively employed within one year of leaving high school.
C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school". (20 U.S.C. 1416(a)(3)(B))

Per the Measurement Table, the definitions for each measure are:
Higher education as used in measures A, B, and C means youth have been enrolled on a full- or part-time basis in a community college (two year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school. States had two options for defining competitive employment as used in measures B and C:

> *Option 1: Use the same definition as used to report in the FFY 2015 SPP/APR, i.e., competitive employment means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment. In total, 41 of 60 states (inclusive of freely associated states, jurisdictions/entities) reported using Option 1.*
>
> *Option 2: States report in alignment with the term "competitive integrated employment" and its definition, in section 7(5) of the Rehabilitation Act, as amended by Workforce Innovation and Opportunity Act (WIOA), and 34 CFR §361.5(c)(9).). For the purpose of defining the rate of compensation for students working on a "part-time basis" under this category, OSEP maintains the standard of 20 hours a week for at least 90 days at any time in the year since leaving high school. This definition applies to military employment. In total, 19 of 60 states (inclusive of freely associated states, jurisdictions/entities) reported using Option 2.*

Per OSEP, if a State changes its methodology it must revise the baseline. If the change in the definition for competitive employment in Indicator 14 led to a new methodology for collecting/analyzing data, then a baseline change would be required. States would also

be required to obtain stakeholder input to revise targets. Only 5 states appear to have reset baseline since 2016 and reported using Option 2.

Enrolled in other postsecondary education or training as used in measure C, means youth have been enrolled on a full- or part-time basis for at least one complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a two year program).

Some other employment as used in measure C means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

States reported post-school outcomes (PSO) data to the Office of Special Education Programs (OSEP) on February 1, 2020. States reported their SPP/APR data via the GRADS360 website (https://osep.grads360.org/#program). The National Technical Assistance Center on Transition (NTACT) at the University of Oregon analyzed the APRs submitted by the 50 states, nine jurisdictions/entities/free associated states, and District of Columbia. Collectively, we refer to these as the 60 states in this report. Percentages are based on a total number of 60 and may exceed 100% due to rounding. When the actual number of states is less than 60, the number of states is provided, not a percentage.

DATA SOURCES

When responding to Indicator B14, states could use data from (a) a post-school outcomes survey, conducted with former students or their designee one year after students left high school, (b) an administrative records database/s, or (c) using a combination of these methods.

To analyze Indicator B14, NTACT staff coded all 60 APRs using a structured coding protocol. OSEP supplied Center staff a spreadsheet containing baseline, targets, achieved performance data, whether targets were met, and difference between FFY17 and FFY18 data for Indicator 14 Measures A, B, and C. These data were used to calculate national median aggregate percentages in this report. Below we describe (a) whether the state used a census or sample, (b) the method used to collect PSO data, and (c) states' response rates and representativeness.

METHODOLOGY & MEASUREMENT APPROACHES (Optional, for some indicators)

Census versus Sample

To address Indicator B14, states had the option of conducting either a *census* of all student leavers with an IEP or a *representative sample* of students with an IEP leaving

high school (one year out). When using a sample, the sample had to be representative of each of the LEAs sampled based on disability category, age, race, and gender. States were asked, "*Was sampling used?"*

Of the 60 states, 72% (n = 43) of states reported collecting PSO data from a census of leavers with an IEP and 28% (n = 17) of states reported collecting data from a representative sample of leavers.

Method of Data Collection

The method used to collect PSO data is at the states' discretion. States were asked, "*Was a survey used?"*

Of the 56 states that reported their method of data collection, survey methodology continues to be the dominant method used by states to collect PSO data. In FFY18, 4 states did not report the method used to collect PSO data. In total,

- 27 states reported using a survey without being more specific,
- 15 states reported using only a phone or in-person interview,
- 10 states reported using some combination of methods (e.g., mailed questionnaire and phone interviews, or administrative database and interviews),
- 3 states reported using only an administrative database for collecting PSO data, and
- 1 state reported using only a mailed questionnaire.

Response Rate and Representation

Response rate and representation are two indicators of valid and reliable data for survey methods. States were asked, *Are the response data representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school?*

The response rate for PSO data collection is calculated by dividing the number of youth contacted and who completed the survey by the total number of youth with an IEP who left school in the year, less any youth ineligible for the survey. Ineligible youth are those who returned to school or deceased. States are required to input the number of respondents into the reporting system, but they are not required to enter the total number of leavers eligible for the PSO data collection. Absent this information, the response rate cannot be calculated or confirmed.

In FFY18, 43% of states (n = 26) reported a response rate or included the information to calculate the response rate. This rate is a decrease from the 40 states that reported a response rate in FFY17. Reported response rates for FFY18 ranged from 15.0% to 100%. The national median response rate was 59.9%; an increase from the national median of 48.6% in FFY17.

A second indicator of valid and reliable data for survey methods is understanding how similar respondents are to the target population as a measure of confidence that the results reflect all students who left school. In prior years, when examining whether the respondent group was representative of the target leaver group, five subgroups were examined: (a) disability category, (b) gender, (c) race/ethnicity, (d) exit status, and (e) age. The FFY18 Measurement Table indicates states should "consider categories such as race and ethnicity, disability category, and geographic location."

In 2006, the National Post-School Outcomes Center (NPSO) staff, now NTACT staff conducting the I14 analyses, set the guideline of "important difference" at ±3% to determine whether the respondents represented the target leaver group. A ±3% difference between the proportion of youth in the respondent group and the proportion of youth in the target group for each subgroup was sufficient to say the respondent group was not representative of all students who left school in that subgroup. Using a ±3% difference between the respondent group and the target leavers is consistent with the NPSO/NTACT Response Calculator approved by OSEP.

Although 57% of states (n = 34) reported that their response data were representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school, discrepancies were noted. Discrepancies included checking the box to indicate response data were representative and providing conflicting data in the narrative, not including data (or enough) to support the determination of representation for respondents. Without complete and accurate data, representation data are specious.

FIGURES & EXPLANATIONS: ACTUAL PERFORMANCE & TRENDS

- Six-year trends in means and ranges of data (current year + 5 previous years)
- Explanation of patterns and trends from last year's actual to this year's actual
- Current data compared to previous year's data (formerly Progress/Slippage)
- Other comparisons of actual data that may be relevant to the indicator.

Achieved Data

Achieved data refers to the FFY18 engagement data states collected on youth who were out of school for at least one year. States can collect these data between April and September. To calculate measures A, B, & C, each respondent is counted only once and in the highest applicable category (i.e., 1 through 4 below), with 1 being the highest, 2 second highest, and so forth.

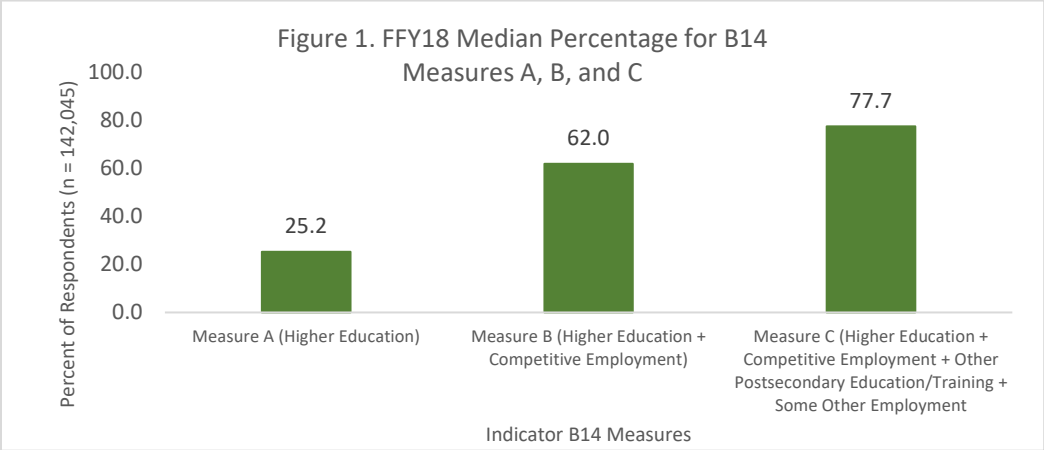
1 = # of respondent leavers enrolled in "higher education."
2 = # of respondent leavers in "competitive employment" (and not counted in 1 above).
3 = # of respondent leavers enrolled in "some other postsecondary education or training" (and not counted in 1 or 2 above).
4 = # of respondent leavers in "some other employment" (and not counted in 1, 2, or 3 above).

Measure percentages are calculated using the formula:

A = 1 divided by total respondents
B = 1 + 2 divided by total respondents
C = 1 + 2 + 3 + 4 divided by total respondents

All 60 states reported data for FFY18. Percentages are based on a total of 142,045 respondents to states' PSO data collections, an increase of 3408 respondents reported in FFY17. Below shows the median percent, standard deviation (sd), and range for each measure based on data provided by the states. Figure 1 shows the national median aggregate of the percent of youth engaged in each measure.

Measure A: 25.2% (sd = 13.3), range of 0.0% to 90.2%;
Measure B: 62.0% (sd = 13.5), range of 20.0% to 94.78%; and
Measure C: 77.7% (sd = 10.7), range of 44.2% to 100%.



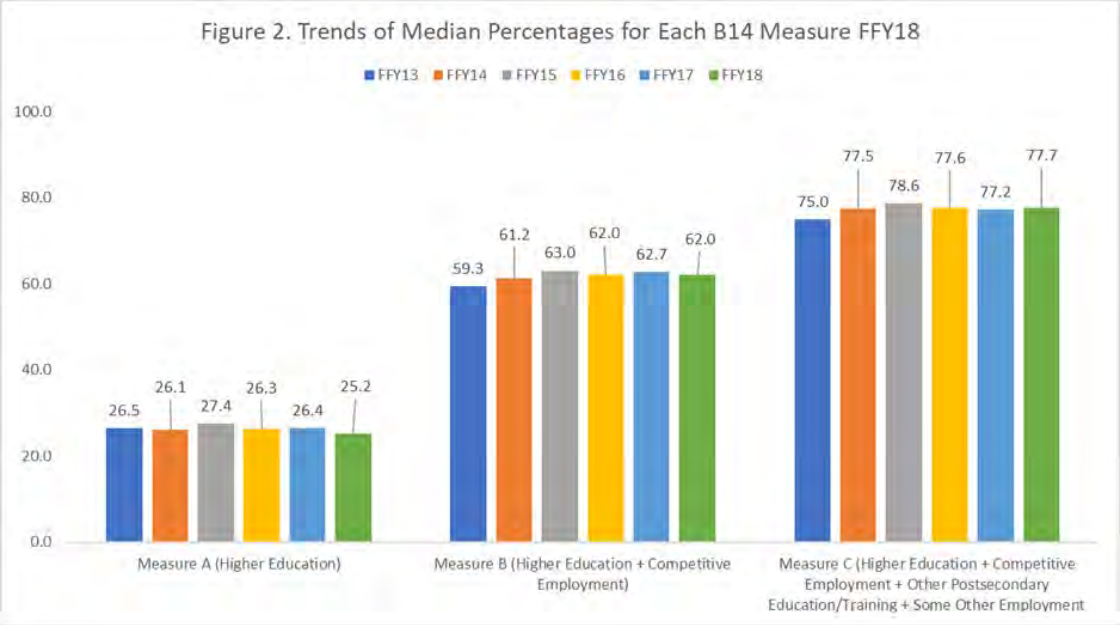
Targets Met

In FFY18,

- 17 states met their Measure A target: a decrease from 18 states in FFY17.
- 31 states met their Measure B target: a decrease from 37 states in FFY17.
- 33 states met their Measure C target: a decrease from the 34 states in FFY17.

Trends

Figure 2 shows the six-year aggregate median percentages of respondents engaged in each measure from FFY13 through FFY18. Compared to FFY13, Measure A has decreased slightly, while Measures B and C have increased.



Measure A

Figure 3. Six-year trend box and whisker plot of the number of states categorized by percent of respondents in Measure A for FFY13 through FFY18.

Figure 3

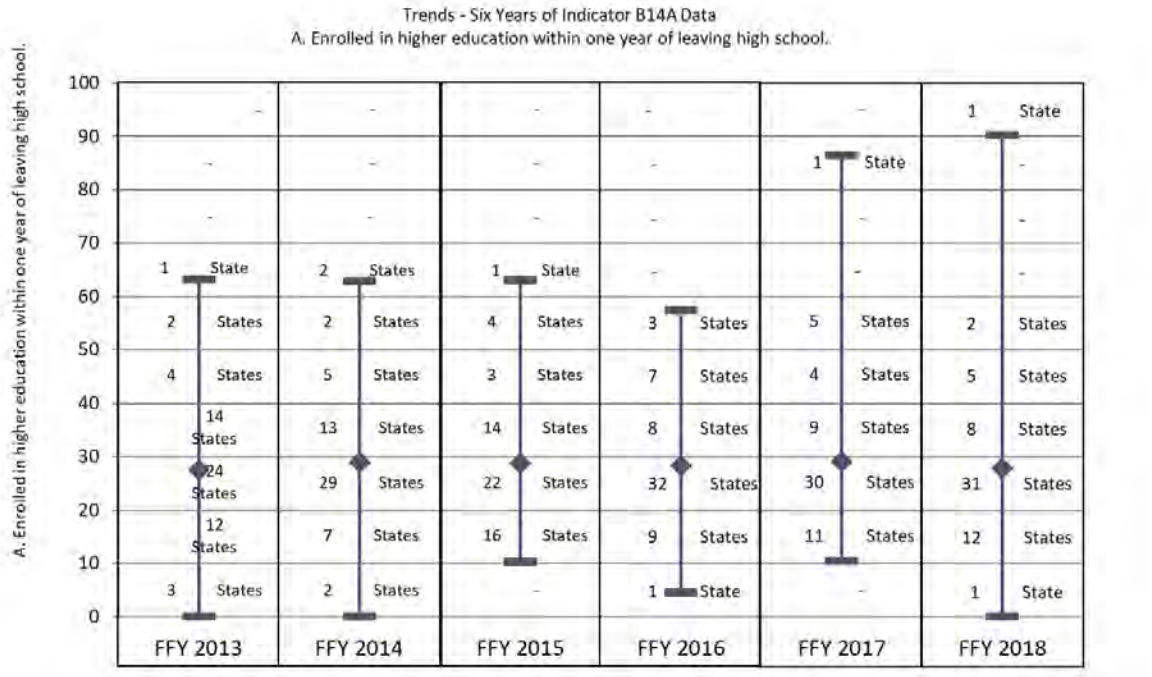


Table 1. Data table restating the information in the box and whisker plots in Figure 3 showing the six-year trend of the number of states categorized by percent of respondents in Measure A for FFY13 through FF18.

Table 1

Percentage ranges of respondents Measure A	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
90% to 100%	0	0	0	0	0	1
80% to <90%	0	0	0	0	1	0
70% to <80%	0	0	0	0	0	0
60% to <70%	1	2	1	0	0	0
50% to <60%	2	2	4	3	5	2
40% to <50%	4	5	3	7	4	5
30% to <40%	14	13	14	8	9	8
20% to <30%	24	29	22	32	30	31
10% to <20%	12	7	16	9	11	12
0% to <10%	3	2	0	1	0	1

Table 2. Shows the mean percent and range (highest to lowest percent) of respondents enrolled in higher education for FFY13 through FFY18. *Readers should note, the median, not mean statistic is reported in all other comparisons in this report.

Table 2

Statistic	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
Mean*	28	29	29	28	29	28
Highest	63	63	63	57	86	90
Lowest	0	0	10	5	11	0

Measure B

Figure 4. Six-year trend box and whisker plot of the number of states categorized by percent of respondents enrolled in higher education combined with percent of respondents competitively employed for FFY13 through FF18.

Figure 4

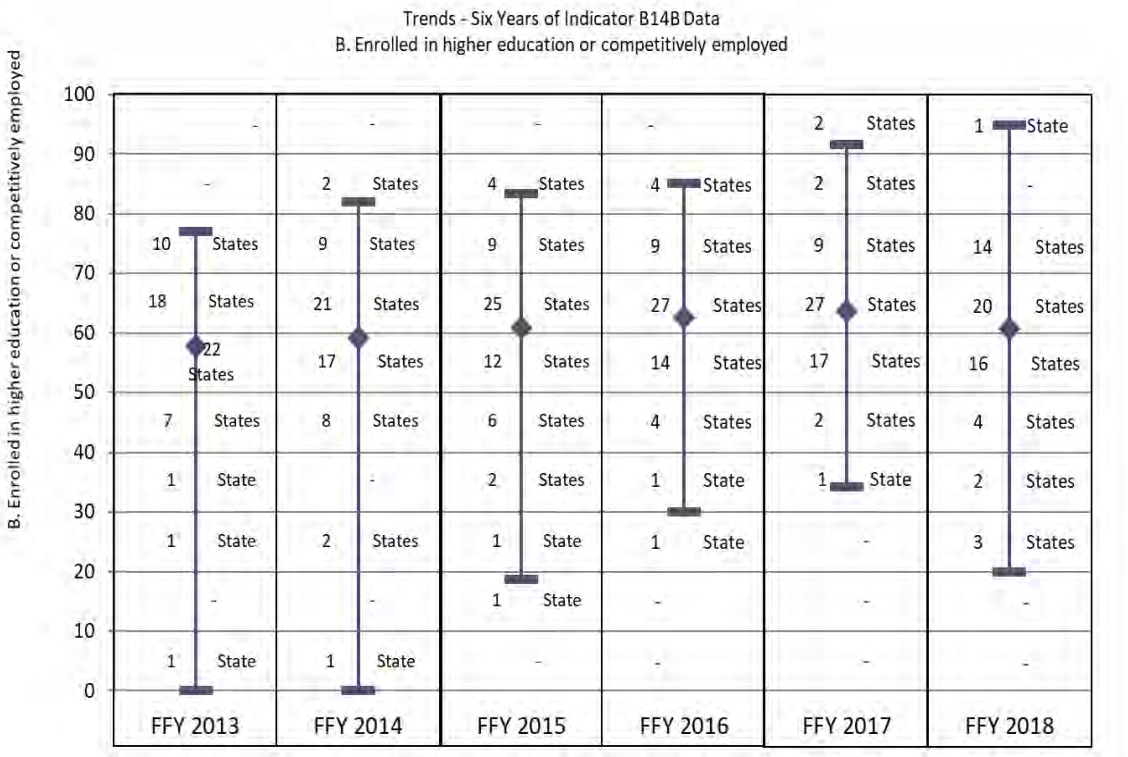


Table 3. Data table restating the information in the box and whisker plots in Figure 4 showing the six-year trend of the number of states categorized by percent of respondents in Measure B for FFY13 through FF18.

Table 3

Percentage ranges of respondents reporting Measure B	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
90% to 100%	0	0	0	0	2	1
80% to <90%	0	2	4	4	2	0
70% to <80%	10	9	9	9	9	14
60% to <70%	18	21	25	27	27	20
50% to <60%	22	17	12	14	17	16
40% to <50%	7	8	6	4	2	4
30% to <40%	1	0	2	1	1	2
20% to <30%	1	2	1	1	0	3
10% to <20%	0	0	1	0	0	0
0% to <10%	1	1	0	0	0	0

Table 4. Shows the mean percent and range (highest to lowest percent) of respondents in Measure B for FFY13 through FFY18. *Readers should note, the median, not mean statistic is reported in all other comparisons in this report.

Table 4

Statistic	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
Mean*	58	59	61	63	64	61
Highest	77	82	83	85	92	95
Lowest	0	0	19	30	34	20
No Data	0	0	0	0	0	0

Measure C

Figure 5. Six-year trend box and whisker plot of the number of states categorized by percent of respondents in Measure C for FFY13 through FF18.

Figure 5

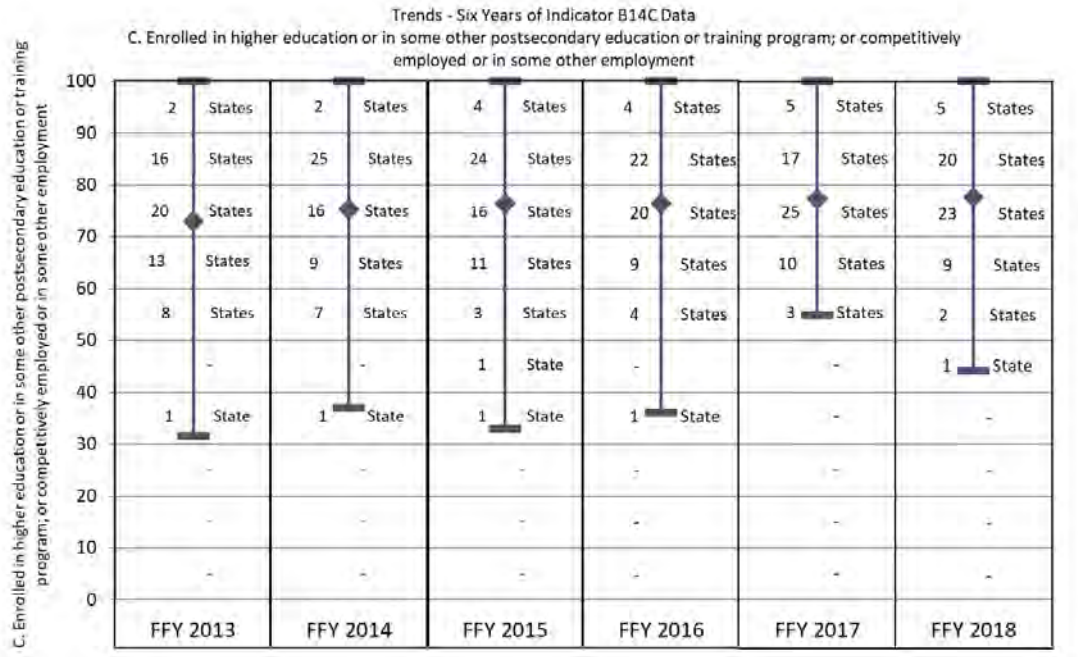


Table 5. Data table restating the information in the box and whisker plots in Figure 5 showing the six-year trend of the number of states categorized by percent of respondents in Measure C for FFY13 through FF18.

Table 5

Percentage ranges of respondents reporting Measure C	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
90% to 100%	2	2	4	4	5	5
80% to <90%	16	25	24	22	17	20
70% to <80%	20	16	16	20	25	23
60% to <70%	13	9	11	9	10	9
50% to <60%	8	7	3	4	3	2
40% to <50%	0	0	1	0	0	1
30% to <40%	1	1	1	1	0	0
0% to <30%	0	0	0	0	0	0

Table 6. Shows the mean percent and range (highest to lowest percent) of respondents in Measure C for FFY13 through FFY18. *Readers should note, the median, not mean statistic is reported in all other comparisons of this report.

Table 6

Statistic	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
Mean*	73	75	76	76	77	78
Highest	100	100	100	100	100	100
Lowest	32	37	33	36	55	44

CONCLUSION

In response to the requirements for Indicator B14, post-school outcomes, states have developed a data collection process for collecting and analyzing post-school outcomes for former students with disabilities. Most states make a concerted effort to collect reliable and valid data in a practical manner.

As more states strive to use their post-school outcomes data to drive decisions at state and local levels, it is imperative that these data represent the youth who had an IEP in effect at the time they exit school. Unfortunately, many states do not report response rate nor provide enough information to calculate response rate and representation. For NTACT staff to verify key data elements such as response rate and representation, states must go beyond the reporting prompts in GRADS360. For example, to verify response rate requires states to report the total number of leavers who exited school in

the reporting year; a data element not requested in GRADS360. Without the total number of leavers reported, response rate cannot be calculated, nor can the numbers and percentages reported in each measure be verified to ensure unduplicated counts-which has been a persistent error in prior years.

To verify the extent to which respondents are similar to the targeted leaver group, states need to calculate and report the proportion of youth in the target leaver group and respondent group by each demographic category (i.e., disability, gender, method of exit, and race/ethnicity). The addition of the prompt *Are the response data representative of the demographics of youth who are no longer in school and had IEPs in effect at the time they left school*? is useful. However, several states continue to provide contradictive, incomplete, or no data to support the response. The NTACT Response Calculator, originally developed under NPSO, was created to facilitate the calculating, and reporting of proportions between the two groups on demographic variables and identify where important differences exist between the two groups on those variables. The Response Calculator is available at https://transitionta.org/node/1978

Overall, based on information provided in the states' APR, improvement in post-school outcomes demonstrates slight improved engagement of young adults' post-school in further education and or employment. Using these data, disaggregated, at a local level can inform programmatic changes that can continue to improve outcomes for youth with disabilities leaving school.

INDICATORS B15 & B16: DISPUTE RESOLUTION

Completed by the Center for Appropriate Dispute Resolution in Special Education (CADRE).

INTRODUCTION

The IDEA requires states receiving grants under Part B to make available four dispute resolution processes, and to report annually to the U.S. Department of Education Office of Special Education Programs (OSEP) on their performance.[1] The processes, which include signed written complaints, mediation, due process complaints, and resolution meetings associated with due process, offer formal means for resolving disagreements and issues arising under the IDEA.

The following are brief analyses of states' Federal Fiscal Year (FFY) 2018 Annual Performance Reports (APRs) for Indicators B15 (Resolution Meetings Resulting in Written Settlement Agreements) and B16 (Mediations Resulting in Written Agreements).[2]

DATA SOURCES AND METHODOLOGY

Data sources for this report include FFY 2018 APRs and Section 618 data, available through the OSEP Collaboration Space. These analyses are specific to state performance on Indicators B15 and B16, and do not present a complete picture of dispute resolution activity.

SUMMARY BY INDICATOR

Indicator B15: Resolution Meetings Resulting in Written Settlement Agreements

Indicator B15 is a performance indicator that documents the percentage of resolution meetings resulting in written settlement agreements. States are required to report any activity relating to Indicator B15; however, they are not required to set a performance target if fewer than ten resolution meetings are held in a single year.

In 2018-2019, there were 14,074 resolution meetings held. A few states account for most resolution meeting activity, with one State reporting 9,702 resolution meetings, or 69% of all resolution activity.

The performance bands in Figure 1 (below) display states' performance on the percentage of resolution sessions resulting in written settlement agreements across the last six years. Fifty-three States reported Indicator B15 activity in 2018-19; seven States/entities reported no activity.

The purple diamonds on each performance band in Figure 1 indicate the mean, or

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[1] For the purposes of this report, the terms "states" and "states/entities" are used interchangeably to refer to all 60 Part B grant recipients (i.e., the fifty States, the District of Columbia, the Bureau of Indian Education (BIE), Puerto Rico, the Virgin Islands, American Samoa, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau).

[2] The reporting period (July 1, 2018-June 30, 2019) began during FFY 2018.

average, state-reported rates of agreement for that year.[3] The average state-reported rate of performance for Indicator B15 across all states for the last six years is 51%. Consistently over the last four years, the average agreement rate is on a slight declining trend with the FFY18 average agreement rate of 49%.

Figure 1

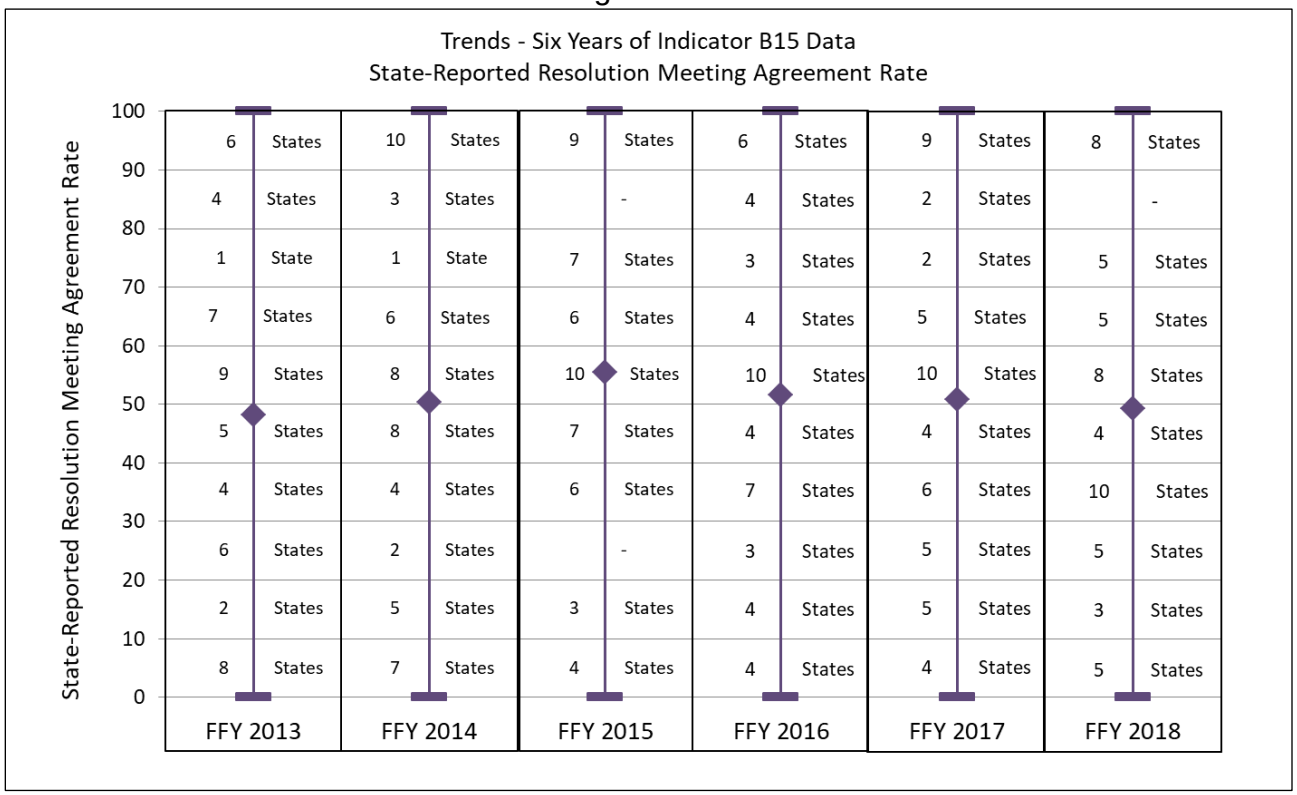

Table 1.1 provides the summary statistics of the resolution agreement rate data including the mean agreement rate, highest agreement rate, lowest agreement rate and the number of states that reported no activity, for each of the six years.

Table 1.1

Statistic	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
Mean	48	50	56	52	51	49
Highest	100	100	100	100	100	100
Lowest	0	0	0	0	0	0
No Data	8	6	8	11	8	7

Table 1.2 shows the number of states that reported agreement rates within each range. In FFY 2018, eight States reported between 90% to 100% agreement rates while five States reported agreement rates between 0% to <10%. The most frequent

[3] For this "average of state-reported agreement rates," all states contribute equally to the calculation regardless of the level of activity.

range of agreement rate was the 30% to <40% with ten States falling within that range.

Table 1.2

Ranges of state reported resolution agreement rate	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
90% to 100%	6	10	9	6	9	8
80% to <90%	4	3	0	4	2	0
70% to <80%	1	1	7	3	2	5
60% to <70%	7	6	6	4	5	5
50% to <60%	9	8	10	10	10	8
40% to <50%	5	8	7	4	4	4
30% to <40%	4	4	6	7	6	10
20% to <30%	6	2	0	3	5	5
10% to <20%	2	5	3	4	5	3
0% to <10%	8	7	4	4	4	5

Of the 53 States reporting resolution meeting activity, 45 had established targets for 2018-19. A target is required only when a state has ten or more resolution meetings in a single year. Ten States not required to set targets did so anyway. Targets ranged from 11% to 85%, with 18 States setting targets below 50%, showing a slight increase from last year when only ten States set similarly low targets. Of the 45 States with established targets, 23 met their targets. Twenty-three of the 45 States reported less than 50% agreement rate.

It is worth noting that Indicator B15 does not give a complete portrayal of the number of Due Process Complaints (DPC) that are resolved before a fully adjudicated hearing. This indicator only captures the number of DPC that are resolved through the resolution session, which makes up only a small percentage of DPC that are resolved without a hearing. Other resolutions may include agreements after the 30-day resolution period, mediation agreements that resolve the DPC, withdrawals of the DPC, dismissals and other agreements.

Indicator B16: Mediations Resulting in Written Agreements

Indicator B16 is a performance indicator that documents the percentage of mediations

held that result in written agreements. Fifty-three States reported mediation activity in 2018-19. States are required to report all activity relating to Indicator B16, but are not required to set a target if fewer than ten mediations are held in a single year.

In 2018-2019, there were 7,206 total mediations held. A few states account for most mediation activity, with one State reporting 2,742 mediations, or 38% of the total mediation activity. All of the States reporting no mediations held are territories and outlying jurisdictions.

The performance bands in Figure 2 (below) display states' performance on the percentage of mediations resulting in agreements during the last six years. The average state-reported mediation agreement rate for 2018-19 was 76%, which is a significant increase from the average rate in 2017-18 which was 69%. Prior to 2018-19, performance on this Indicator had been on a steady decline. Only one State reported 0% agreement in 2018-19. That State only held one mediation which resulted in no agreement. Thirty-five States reported that 70% or more of mediations resulted in agreements. Eleven of those States reported mediation agreement rates of 100%, almost three times as many as reported in FFY 2017-18.

Figure 2

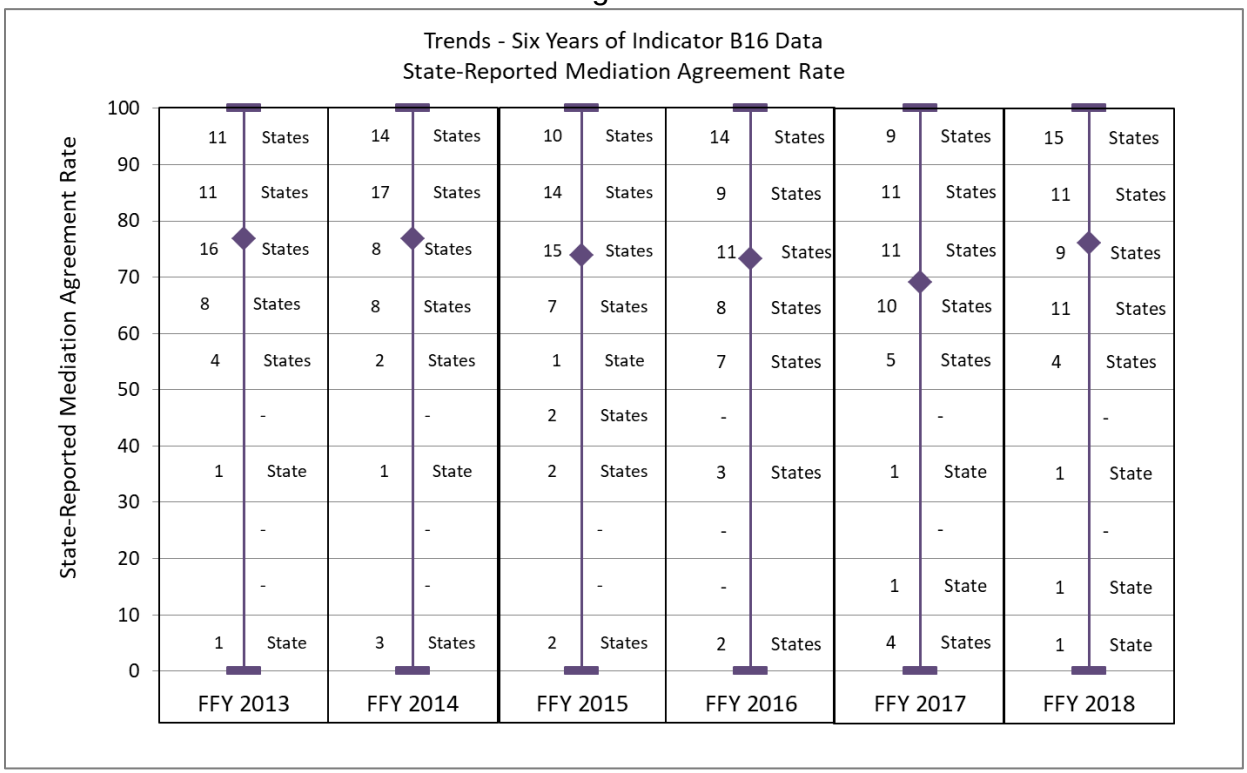

Table 2.1 below provides the summary statistics of the mediation agreement rate data including the mean agreement rate, highest agreement rate, lowest agreement rate and the number of states that reported no activity, for each of the six years.

Table 2.1

Statistic	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
Mean	77	77	74	73	69	76
Highest	100	100	100	100	100	100
Lowest	0	0	0	0	0	0
No Data	8	7	7	6	8	7

Table 2.2 shows the number of states that reported agreement rates within each range. In FFY 2018, the most frequent range of mediation agreement rate is 90% to 100%, with 15 States falling within that range. Only one State reported an agreement rate between 0% to <10%.

Table 2.2

Ranges of state reported mediation agreement rate	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
90% to 100%	11	14	10	14	9	15
80% to <90%	11	17	14	9	11	11
70% to <80%	16	8	15	11	11	9
60% to <70%	8	8	7	8	10	11
50% to <60%	4	2	1	7	5	4
40% to <50%	0	0	2	0	0	0
30% to <40%	1	1	2	3	1	1
20% to <30%	0	0	0	0	0	0
10% to <20%	0	0	0	0	1	1
0% to <10%	1	3	2	2	4	1

Forty-seven States set targets for 2018-19 including nine States which were not required to set targets because they held fewer than ten mediation sessions. Only three States set targets below 60%. Twenty-four States met their target, while 23 States did not meet their target. For 2017-18, only one of the 23 States that did not meet their established target reported an agreement rate below 60%. Seven States/entities reported no mediation activity.

CONCLUSION

Historical data remains consistent in that state-reported mediation agreement rates outperform those of resolution meeting agreement rates. Despite the drop in average state-reported mediation agreement rate, there remains consistent high performance in mediation agreement rates. This result continues to endorse that the use of a neutral third party helps educators and families involved in a dispute successfully reach agreement.