

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

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

Measurement: Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	75% - 86%

Actual Target Data for FFY 2009: [(35 + 706) / 854] x 100 = **86.8%**

2.1 – Mediations held: 854

2.1(a)(i) – Mediation agreements related to due process complaints: 35

2.1(b)(i) – Mediation agreements not related to due process: 706

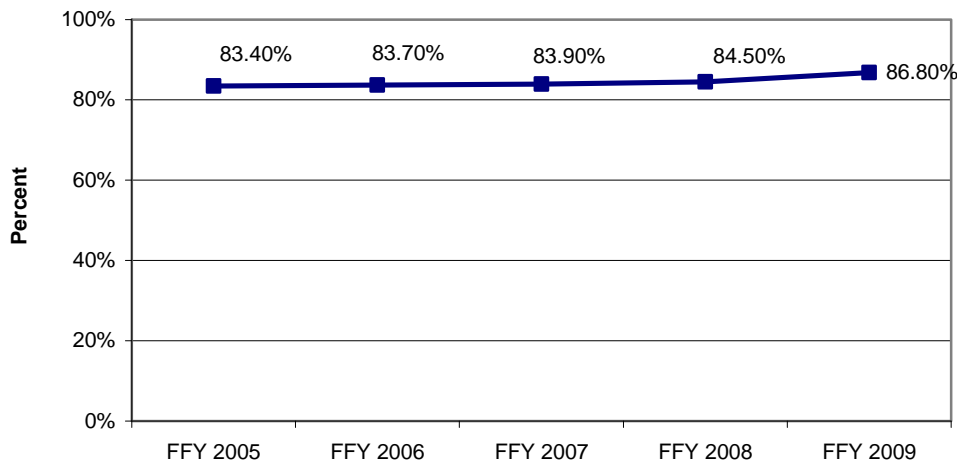
MASSDE is submitting with this report *Table 7 Report: of Dispute Resolution Under Part B of the Individuals with Disabilities Education Act, 2009-2010*, to document the data reported for Indicator 19. Please see Appendix E.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009 (2009-2010):

Explanation of Progress or Slippage

The MASSDE mediation program is managed by the Bureau of Special Education Appeals (BSEA). Of the 854 mediations held in FFY 2009, agreements were reached in 35 of them that were related to due process complaints, and 706 resulting agreements were not related to due process complaints. Agreements were reached in 86.8% of mediations held in FFY 2009. This result is consistent with national mediation success rate data that are reflected in the measurable and rigorous targets for Indicator 19. As demonstrated in the chart below, MASSDE's results for Indicator 19 have been relatively consistent since FFY 2005, the first reporting year. In FFY 2009, MASSDE exceeded its measurable and rigorous target.

**Percent of Mediations Held That Resulted in Mediation Agreements
FFY 2005 - FFY 2009**



Improvement Activities

In FFY 2009, BSEA staff continued to focus on training and technical assistance in special education mediations to improve understanding of the mediation process. Each year, mediation staff participates in statewide training programs with the Federation for Special Needs and other organizations on due process. These sessions focus, in part, on the mediation process and how it works. The increasing understanding by school districts, parents, and advocates of this dispute resolution resource has resulted in an increase each year in the number of mediations held.

Effective July 1, 2010, the BSEA was transferred from MASSDE to the Massachusetts Division of Administrative Law Appeals (DALA). Although the BSEA has always been an impartial agency, free from decision-making review by or influence of MASSDE, the establishment of the BSEA as a separate subdivision of DALA was done at the instruction of the Office of Special Education and Rehabilitative Services (OSERS) by letter dated January 15, 2009, in response to a request for guidance from the Massachusetts Commissioner of Education. While MASSDE will continue to provide general oversight to the BSEA that is necessary for ensuring compliance with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., DALA and the BSEA director will work together to manage the Bureau and its functions.

As part of this restructuring, beginning in FFY 2010 the BSEA and DALA will be reviewing all requirements under the IDEA and state special education law and regulations, and assessing current systems to determine what administrative changes are needed. The need for upgrading data and tracking systems, forms, instructions, and other written materials about mediation, and systems for data collection will be evaluated, and necessary changes will be made to them. MASSDE will report on the results of these activities in the FFY 2010 APR.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2009 (2009-2010):

Targets, improvement activities, timelines, and resources for Indicator 19 have been amended in the Massachusetts Part B State Performance Plan (MA SPP) to include FFY 2011 and FFY 2012, and were developed in consultation with the Massachusetts Statewide Special Education Steering Committee. Please see the Indicator 19 MA SPP for more information.