

Exhibit A: Workflows

USER ROLES FOR DUE PROCESS TEAM DATABASE

User Role	Current #	Potential #	Internal/ External	Scope of Access
Due Process Administrator	4	4	Internal	Full
IT Administrator	?	1 or 2	Internal	?
Complaint Investigator	2	more than 2	Internal	Full
Mediator	10	10-15	External	Limited -input & some retrieval within process
IHO	7	7-15	External	Limited -input & some retrieval within process
Parent	200-250	unknown	External	More limited: Submit initial request; submit & review personal docs
School	approx 200	# schools in IN	External	More limited: Submit initial request; submit & review personal docs
Attorney for School / Parent	approx 20	unknown	External	proxy for school / parent: same limited access
3rd Party Complainant	less than 20	unknown	External	Most Limited: Submit initial request for CP only; submit documents

Exhibit B: Federal Reports



Indiana

IDEA Part B - Dispute Resolution

School Year: 2012-13

Section A: Written, Signed Complaints

1. Total number of written signed complaints filed.	133
1.1 Complaints with reports issued.	92
1.1.a Reports with findings of noncompliance.	71
1.1.b Reports within timelines.	92
1.1.c Reports within extended timelines.	0
1.2 Complaints pending.	0
1.2.a Complaints pending a due process hearing.	0
1.3 Complaints withdrawn or dismissed.	41

Section B: Mediation Requests

2. Total number of mediation requests received through all dispute resolution processes.	52
2.1 Mediations held.	42
2.1.a Mediations held related to due process complaints.	10
2.1.a.i Mediation agreements related to due process complaints.	6
2.1.b Mediations held not related to due process complaints.	32
2.1.b.i Mediation agreements not related to due process complaints.	26
2.2 Mediations pending.	0
2.3 Mediations withdrawn or not held.	10

Section C: Due Process Complaints

3. Total number of due process complaints filed.	65
3.1 Resolution meetings.	45
Written settlement agreements reached through resolution	

Exhibit B: Federal Reports

3.1.a	meetings.	33
3.2	Hearings fully adjudicated.	5
3.2.a	Decisions within timeline (include expedited).	2
3.2.b	Decisions within extended timeline.	3
3.3	Due process complaints pending.	1
3.4	Due process complaints withdrawn or dismissed (including resolved without a hearing).	59

Section D: Expedited Due Process Complaints (Related to Disciplinary Decision)

4.	Total number of expedited due process complaints filed.	13
4.1	Expedited resolution meetings.	9
4.1.a	Expedited written settlement agreements.	4
4.2	Expedited hearings fully adjudicated.	4
4.2.a	Change of placement ordered.	0
4.3	Expedited due process complaints pending.	0
4.4	Expedited due process complaints withdrawn or dismissed.	9

Comment:

Additional Comment:

This report shows the most recent data that was entered by Indiana. These data were generated on 10/16/2013.

EDFacts OMB Number: 1875 - 0240

EDFacts Form Expires: 02/29/2016

Part B State Annual Performance Report (APR) for 2012

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

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.

FFY	Measurable and Rigorous Target
2012 (SY 12 – 13)	Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements will be 31.6%.

Actual Target Data for 2012:

3	Total Hearing Requests	65
3.1	Resolution Sessions	45
3.1 (a)	Settlement Agreements	33
3.2	Hearings Fully Adjudicated	5
Measurement = [(33 ÷ 45) x 100 =		73.33%

For FFY 2012 (SY 12-13), the Indiana Department of Education (IDOE) sought to have 31.6% of resolution sessions conducted result in resolution session settlement agreements. The actual target data for FFY 2012(SY 12-13) shows that 73.33% of resolution sessions conducted resulted in resolution session settlement agreements.

Explanation of Progress of Slippage that occurred for FFY 2012 (SY 12 - 13):

Indiana met and exceeded its target of 31.6% for Indicator 18 for FFY 2012 (SY 12-13).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2012:

Discussion of Improvement Activities Completed for FFY 2012 (SY 12-13):

Improvement Activities	Timelines	Status
Refine and utilize the due process database to ensure that necessary elements are included in the system with respect to resolution sessions. For each due process request, the resolution process and the results of that process will be monitored.	FFY 2007 (SY 07-08) through FFY 2013 (SY 13-14)	Indiana is currently in the process of writing an RFP to implement a new tracking system that will provide more comprehensive reporting capabilities.
Independent Hearing Officers (IHOs) will be trained and updated, at least annually, about resolution process and the procedures for monitoring the process.	FFY 2007 (SY 07-08) through FFY 2013 (SY 13-14)	For FFY 2012 (SY12-13) all IHOs were required to participate in the annual IHO training. Ongoing communications occur throughout the year.
The OSE will work with parent organizations and LEAs to develop awareness of the option to resolve disputes through a resolution session.	FFY 2007 (SY 07-08) through FFY 2013 (SY 13-14)	IDOE staff and members of the parent advocacy group, IN*SOURCE, work with parents to promote the use of mediation to resolve differences of opinion regarding the individual needs of students with disabilities. Information regarding the mediation process is located on the IDOE website at http://www.doe.in.gov/specialed/special-education-mediation

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2013 (SY 13 – 14)

For FFY 2012 (SY12-13) Indiana met its target for Indicator 18. Due to the fact that Indiana has met its targets for this Indicator, revisions to improvement activities for Indicator 18 will not be made at this time.

OSEP Response Table for FFY 2010 (SY 10-11):

Statement from the FFY 2010 Response Table	Indiana's Response
OSEP looks forward to reviewing the State's data in the FFY 2011 APR.	No action required.

Part B State Annual Performance Report (APR) for 2012

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
2012 (SY 12 – 13)	Percent of mediation requests that go to mediation will result in agreements 53.6% of the time.

Actual Target Data for 2012:

2.1(a)(i)	Mediations related to due process that resulted in complete agreement:	6
2.1 (b)(i)	Mediations not related to due process that resulted in complete agreement:	26
2.1	Total number of mediations held:	42
2.3	Mediations not held	10
Measurement = [(6 + 26) ÷ 42] x 100 =		76.19%

For FFY 2012 (SY 12-13), the Indiana Department of Education (IDOE) sought to have 53.64% of mediations conducted result in agreements. The actual target data for FFY 2012 (SY 12-13) shows that 76.19% of mediations resulted in complete agreement, including 26 mediation agreements not related to due process.

Explanation of Progress or Slippage that occurred for FFY 2012 (SY 12-13):

The IDOE data for FFY 2012 (SY 12-13) shows 76.19% of mediations conducted resulted in agreements. This is comparable to FY 2011 (SY 11-12) wherein 76.47% of mediations resulted in agreement. Indiana met its target of 53.64% for FFY 2012 (SY 12-13).

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2012:

Improvement Activities	Timelines	Status
Mediators will be surveyed for suggestions to improve process.	FFY 2007 (SY 07-08) through FFY 2013 (SY 13-14)	The Office of Special Education maintains communication with mediators to evaluate the mediation process.
Conduct training sessions at least annually for mediators.	FFY 2007 (SY 07-08) through FFY 2013 (SY 13-14)	For FFY 2012 (SY12-13) the IDOE completed technical assistance and training for mediators in the following areas: <ul style="list-style-type: none"> • Special education rules and regulations; • Mediation procedures and practices; • Mediation techniques; and • Areas of special interest and hot topics.
Develop a plan to increase public awareness to parents and LEAs to explain and encourage the use of mediation. In addition, design and complete a mediation document to disseminate to LEAs and parents regarding the availability of mediation services as well as other dispute resolution methods available in Indiana.	FFY 2007 (SY 07-08) through FFY 2013(SY 13-14)	IDOE staff and members of the parent advocacy group, IN*SOURCE, work with parents to promote the use of mediation to resolve differences of opinion regarding the individual needs of students with disabilities. Information regarding the mediation process is located on the IDOE website at http://www.doe.in.gov/specialed/special-education-mediation
Develop and utilize a database to track progress in mediations, including the mediation dates, results, withdrawals, and timelines.	FFY 2007 (SY 07-08) through FFY 2013 (SY 13-14)	Indiana is currently in the process of meeting with vendors to complete the writing of a Request for Proposal (RFP) to implement a new tracking system that will provide more comprehensive reporting capabilities as well as timeline management. This process has begun and will continue until a thorough investigation of the best system to be purchased can be completed. In addition to this work, a community was created for mediators on Indiana's online tool for teachers and the education community, Learning Connection, and it is required that mediators provide all mediation documents electronically through this site to improve timeliness.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012

For FFY 2012 (SY 12-13) Indiana met its target for Indicator 19. Due to the fact that Indiana has met the targets for Indicator 19, there will no revisions to the improvement activities for Indicator 19 at this time.

OSEP Response Table for FFY 2010 (SY 10-11):

Statement from the FFY 2010 Response Table	Indiana's Response
OSEP looks forward to reviewing the State's data in the FFY 2011 APR.	No action required.

Exhibit C: Examples of Required Reports We Need to Run

Database

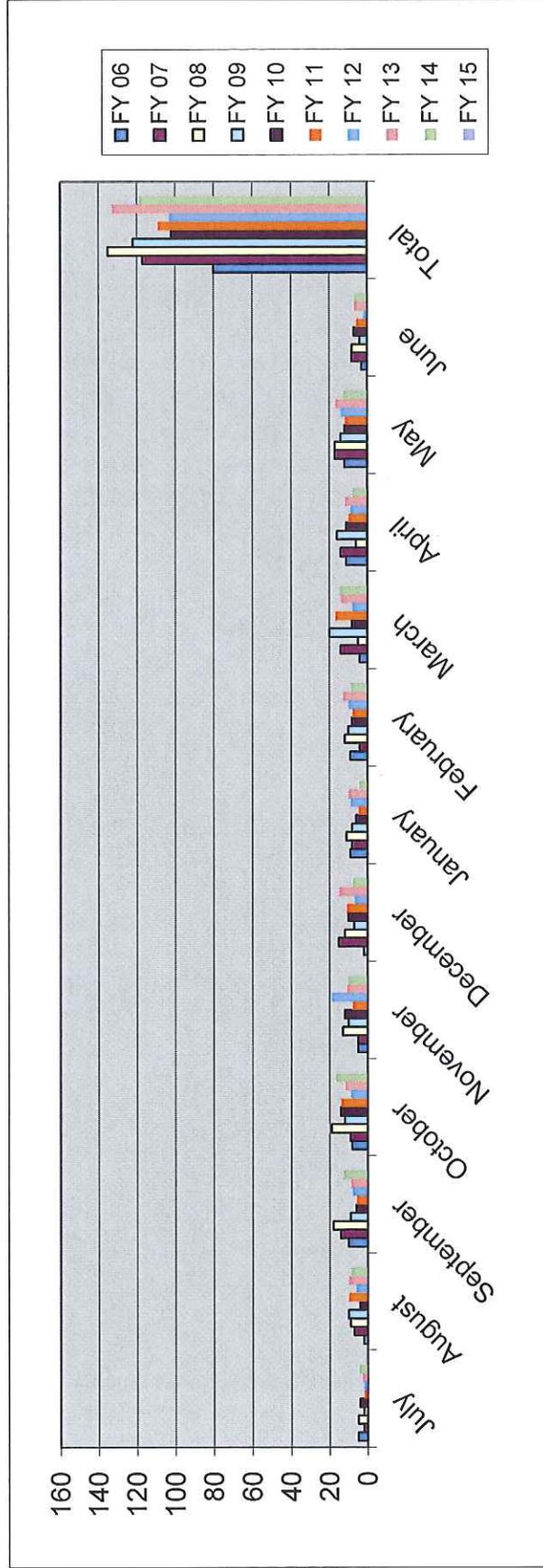
- Complaints
 - Total number of complaints filed
 - Total number of reports issued
 - Reports with findings of noncompliance
 - Reports with no findings of noncompliance
 - Reports with substantiated issues/corrective action ordered
 - Total number of complaints resolved before report issued
 - Resolved in mediation
 - Resolved by written agreement
 - Reports issued within 60-day timeline
 - Reports granted extension of time
 - Reports within extended timeline
 - Total number of complaints withdrawn
 - Withdrawn because pursuing mediation
 - Withdrawn for other reason/s
 - Total number of complaints dismissed
 - Total number of complaints subsumed in hearing
 - Complaints pending due process hearing
 - School corporations & cooperatives involved in complaints
 - Issues raised in complaints
 - Complaints filed where issues involved enforcement of IHO hearing decision
 - Complaints filed where issues involved enforcement of mediation agreement
 - Complainant profile
- Hearings
 - Total number of hearing requests
 - Total number of expedited hearing requests
 - How many hearings resolved by 30 day resolution period
 - How many hearings resolved at resolution session (15 days)
 - How many schools held resolution session within 15 days
 - Written agreements
 - Dismissed hearings
 - Withdrawn hearings
 - Hearings fully adjudicated
 - How many written decisions were within the timeline
 - Decisions within extended timelines
 - Pending hearings
 - School corporations & cooperatives involved in hearing
 - Requestor of hearing
 - Hearings resolved w/out hearing through written settlement agreement from resolution session meeting

**Exhibit C: Examples of
Required Reports We Need
to Run**

- Hearings resolved w/out hearing through mediation agreement
- Hearings resolved w/out hearing through settlement agreement reached outside resolution period
- Hearings resolved w/out hearing that were withdrawn by family w/out other information about resolution
- Hearings resolved w/out hearing that were withdrawn by school w/out information about resolution
- Hearings resolved w/out hearing as a result of IHO's dismissal in response to insufficiency challenge
- Hearings resolved w/out hearing for OTHER
- Number of hearings completed in timeline w/ extension
 - Extension 30 days or less
 - 30-90 day extension
 - 90-180 day extension
 - Extension more than 180 days
- Mediations
 - Total number of mediation requests
 - Number of mediations held
 - Number of mediations related to complaint
 - Mediation agreements that resulted in withdrawal of complaint
 - Complaints resolved by mediation
 - Mediations not related to complaint
 - Number of mediation agreements (full & partial agreements)
 - Mediations pending
 - Mediations withdrawn
 - Mediations not held
 - School corporations & cooperatives involved in hearing
 - Issues raised in mediation
 - Enforcement of prior hearing decision
 - Enforcement of complaint corrective action
 - Enforcement of IEP
 - Insufficiently resolved & resulted in complaint/hearing

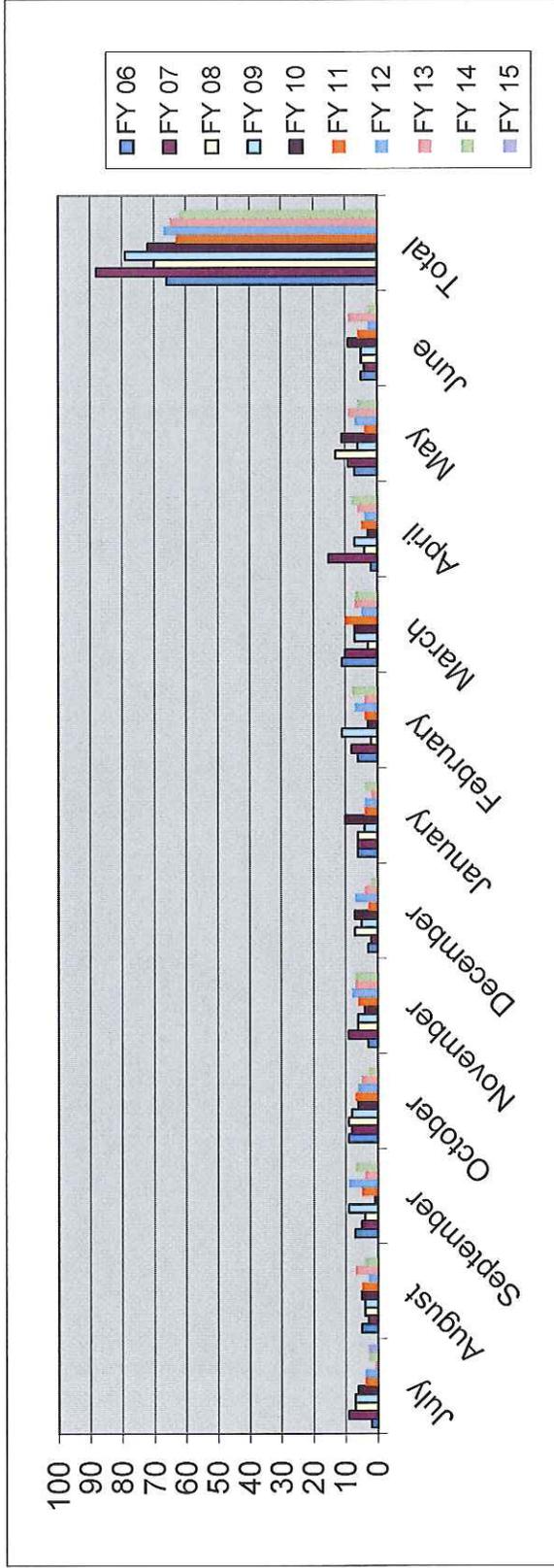
Filed Complaints

Month	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15
July	7	5	2	5	2	4	2	2	3	5	1
August	13	2	7	9	10	4	10	6	10	9	
September	11	10	14	18	9	6	6	8	9	13	
October	9	8	9	19	12	14	14	9	12	17	
November	7	5	5	13	10	12	8	19	11	10	
December	5	2	15	12	7	10	11	7	15	8	
January	9	9	8	11	8	6	5	9	10	5	
February	17	9	4	12	10	8	8	10	13	9	
March	14	4	14	5	20	8	17	8	14	15	
April	9	11	14	6	16	11	10	9	12	8	
May	8	12	17	17	14	12	12	14	17	13	
June	5	3	8	8	4	7	6	2	7	7	
Total	114	80	117	135	122	102	109	103	133	119	



Due Process Hearings Filed

Month	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15
July	8	2	9	7	7	6	4	4	1	3	3
August	7	5	3	4	4	5	5	3	7	4	
September	7	7	5	4	9	1	5	9	4	7	
October	7	9	8	9	8	6	7	6	5	3	
November	8	3	9	6	6	4	6	8	7	7	
December	8	3	2	7	5	7	3	7	4	2	
January	6	6	6	6	4	10	4	4	2	4	
February	3	6	8	2	11	3	4	7	4	8	
March	8	11	10	3	7	7	10	5	7	7	
April	7	2	15	4	7	3	5	4	6	8	
May	12	7	9	13	6	11	4	7	9	6	
June	6	5	4	5	5	9	6	3	9	3	
Total	87	66	88	70	79	72	63	67	65	62	



Mediation Requests

Month	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15
July	3	0	3	3	0	3	3	3	3	5	2
August	3	0	2	3	2	2	1	3	3	2	7
September	1	3	3	2	4	2	3	3	3	1	4
October	5	2	5	2	2	2	4	3	3	1	6
November	4	2	5	1	10	4	1	1	1	8	4
December	4	1	2	2	2	2	4	4	4	1	8
January	6	2	7	6	5	3	2	3	3	3	3
February	4	1	2	2	3	4	0	2	2	6	4
March	0	4	5	3	2	4	3	3	3	4	7
April	5	4	4	1	0	4	5	7	7	6	8
May	7	8	7	13	5	7	7	4	4	11	7
June	3	4	4	0	6	5	4	4	6	4	2
Total	45	31	42	46	44	43	39	42	52	52	62

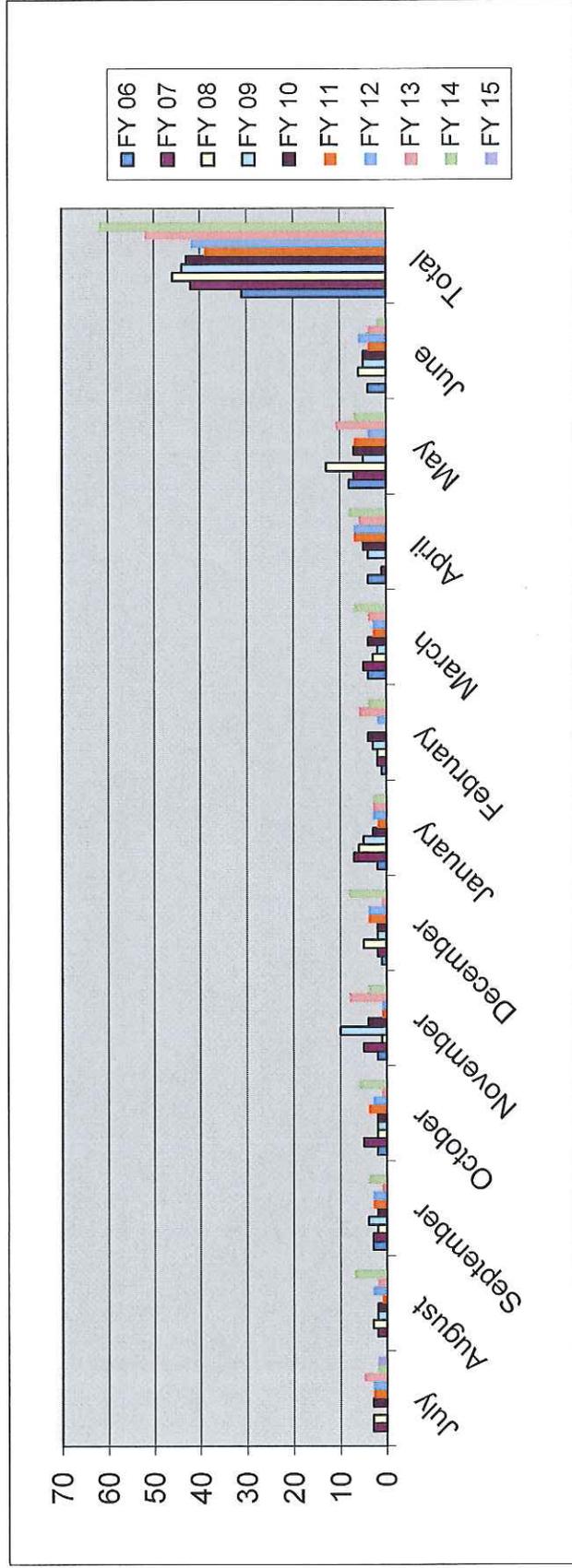


Exhibit D: Sample Database Relationship Structure Diagram

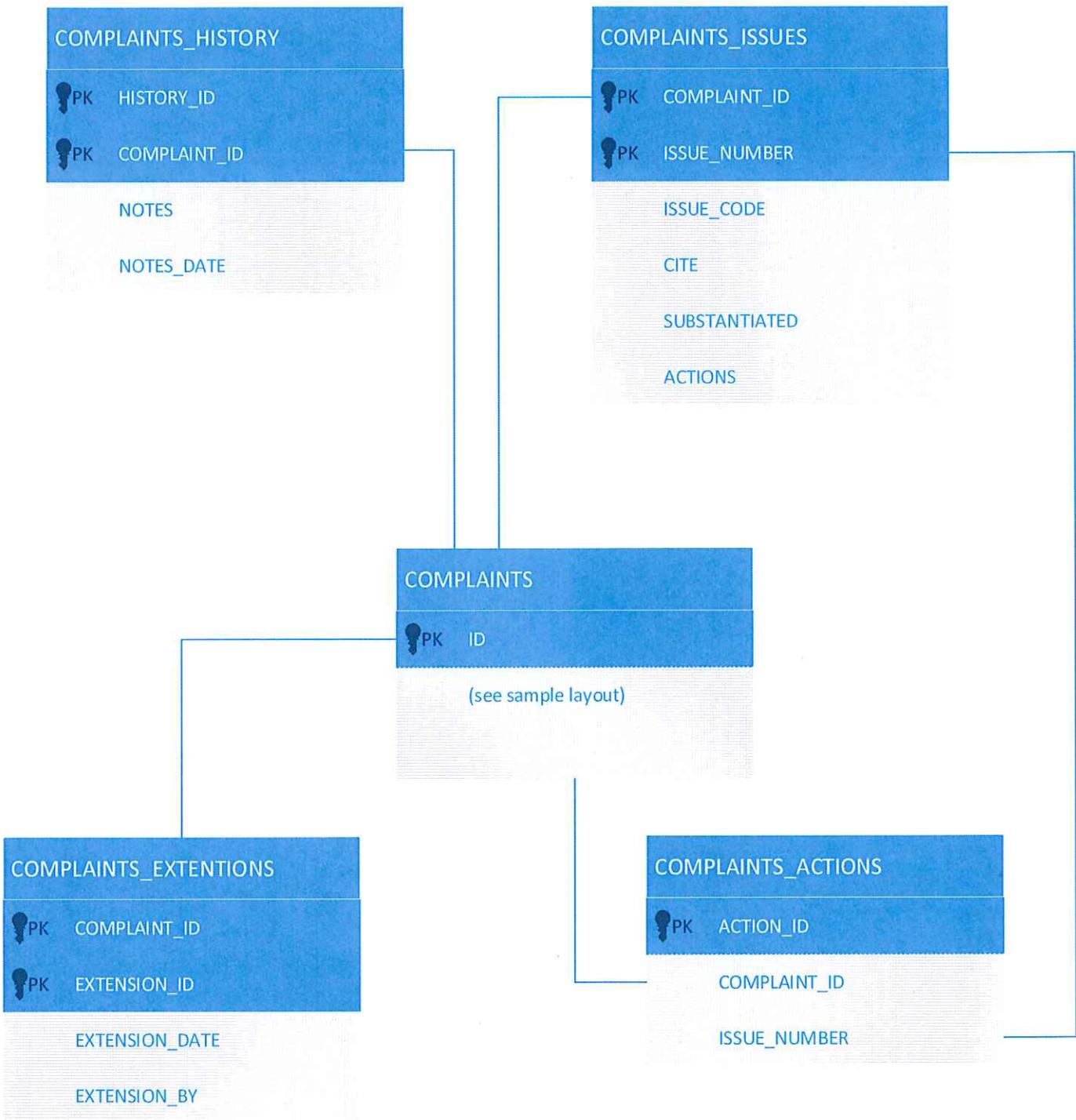


Exhibit D: Sample Database Relationship Structure Diagram

HEARINGS_HISTORY

PK HISTORY_ID

PK HEARING_ID

NOTES

NOTES_DATE

HEARING_ISSUES

PK HEARING_ID

PK ISSUE_NUMBER

ISSUE_CODE

HEARINGS

PK ID

(see sample layout)

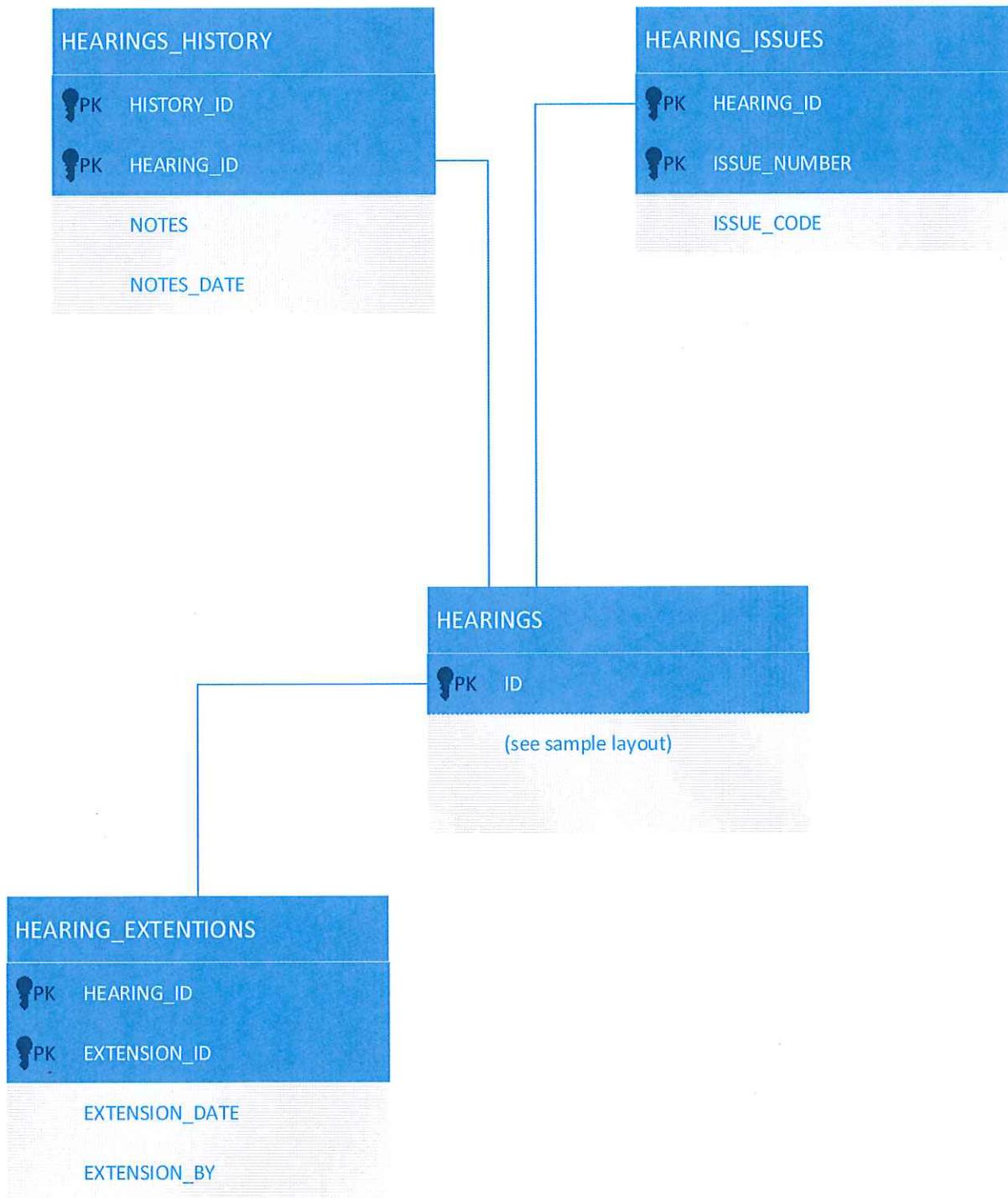
HEARING_EXTENTIONS

PK HEARING_ID

PK EXTENSION_ID

EXTENSION_DATE

EXTENSION_BY



MEDIATIONS_HISTORY

- PK HISTORY_ID
- PK MEDIATIONS_ID

NOTES

NOTES_DATE

MEDIATIONS_ISSUES

- PK MEDIATIONS_ID
- PK ISSUE_NUMBER

ISSUE_CODE

AGREE

MEDIATIONS

- PK ID

(see sample layout)



Exhibit E: DEL Database Generic Data

Data Structure of Four Major Tables of DEL System

Complaints

Hearing

Mediation

Contacts

Complaints		Hearing		Mediation		Contacts	
ID	CP-001-2009	ID	HR-001-2009	ID	MD-001-2009	ID	100
STN	123456789	STUDENT_NAME	John Doe	STUDENT_NAME	JANE DOE	FIRST_NAME	John
SCHOOL_CORP	1234	ELIGIBILITY		PARENT_NAME	MARY DOE	LAST_NAME	Doe
INVESTIGATOR	126	GRADE_LEVEL_CODE	1234	STN	123456789	FULL_NAME	John Doe
DATE_RECEIVED	03-JUL-08	SCHOOL_CORP	2	DISABILITY_CODE	1234	COMPANY	
DATE_REPORT_DUE	01-AUG-08	REQUEST_BY_CODE	Debbie Doe	SCHOOL_CORP	1234	ADDRESS	123 Main St
DATE_WITHDRAWN		PARENT_NAME	08-JUL-08	DATE_RECEIVED	26-AUG-08	CITY	Evansville
DATE_REVISD_DUE		DATE_FILED	23-SEP-08	MEDIATOR_CODE	1043	STATE	IN
DATE_REPORT_MAILED	01-AUG-08	DATE_DUE		DATE_MEDIATOR_ASSIGNED	26-AUG-08	ZIP	47713
DATE_RECONSIDERATION_REQUESTED		HEARING_OFFICER_CODE	116	OVERALL_RESOLUTION	2	PHONE	(812) 555-5555
DATE_REVISD_REPORT_DUE		MEDIATION_ID		DATE_WITHDRAWN		FAX	
EXTENSION	0	EXPEDITED_HEARING	0	REASON_WITHDRAWN		EMAIL	a@a.com
NUM_EXTENSIONS	0	DOE_PARTY	0	DATE_CLOSED	08-JUN-09	C_TYPE	Mediator
HEARINGID		DECISION_BY_DEADLINE	1	HEARING_REQUESTED		ADDRESS2	
CORRECTIVE_ACTION_REQUIRED	1	WRITTEN_AGREEMENT	0	HEARING_ID		USER_NAME	
REVISED_REPORT	0	ORDERS	0	DATE_SESSION	16-SEP-08		
SUMMARY_COMPLETED	1	COST	330	PS_DIRECTOR_SPEC_ED			
INTO_HEARING		DATE_FILE_CLOSED	15-SEP-08	PS_OTHER_SPEC_ED_ADMIN			
DATE_RECONSIDERATION_RESPONSE		DATE_LAST_UPDATED	02-NOV-11	PS_SUPERINTENDENT			
RECONSIDERATION_REQUESTED	0	USER_LAST_UPDATED	paytonk	PS_PRINCIPAL			
DATE_FILE_CLOSED	07-OCT-08	STN	123456789	PS_OTHER_GEN_ADMIN			
DATE_LAST_UPDATED	21-NOV-08	ATTORNEY_CODE		PS_TEACH_OF_RECORD			
USER_LAST_UPDATED	paytonk	HEARING_OUTCOME	1	PS_OTHER_SPEC_ED_TEACH			
PARENT	Jane Doe	PARENT_REP	1	PS_SPEECH_PATH			
COMPLAINANT	Jane Doe	OUTCOME_DATE	11-AUG-08	PS_GEN_ED_TEACH			
STUDENT_NAME	Joan Doe	APPEALED	0	PS_SCHOOL_PSYCH			
COMPLAINANT_PHONE	555/555-5555	APPEAL_PARTY		PS_GUIDANCE_COUNSELOR			
COMPLAINANT_ADDRESS	123 Main St	APPEAL_OUTCOME		PS_SCHOOL_ATTORNEY			
COMPLAINANT_CITY	Indianapolis	APPEAL_OUTCOME_DATE		PS_BLIND_ADMIN			
COMPLAINANT_STATE	IN	APPEAL_RULING		PS_DEAF_ADMIN			
COMPLAINANT_ZIP	46200	HEARING_HOURS		PS_SILVERCREST_ADMIN			
CONTACT_CODE	230	JUDICIAL_REVIEW	0	PS_RELATED_SERVICE_PROV			
DISTRICT_CODE	63	DISTRICT_CODE		PF_OTHER	1		
DATE_WRITTEN_AGREE		PARENT_PHONE	555-555-5555	PF_MOTHER	0		
DATE_COMPLIANCE_DOCUMENTS		PARENT_ADDRESS	123 Main St	PF_FATHER	0		
DATE_MEDIATION_AGREEMENT		PARENT_CITY	Indianapolis	PF_STEP_PARENT	0		
DATE_SUBSUME		PARENT_STATE	IN	PF_ED_SURROGATE	0		
SUMMARY_POSTED		PARENT_ZIP	46408	PF_PRIVATE_SERVICE_PROV	0		
DATE_SENT_ARCHIVES		SUMMARY_COMPLETE	0	PF_STUDENT	0		

Data Structure of Four Major Tables of DEL System

Complaints

BOX_NUMBER
 DATE_SCHEDULED_DESTRUCTION
 DATE_FILE_DESTROYED
 DATE_WRITTEN_AGREEMENT

Hearing

RESOLUTION_SESSION
 RES_SESSION_DATE
 RES_SESSION_AGREEMENT
 RES_SESSION_DISMISSED
 DATE_OFFICER_APPOINTED
 DATE_RENDERING_DECISION
 CONSULTANT_ASSIGNED
 DATE_ORDERS_IMPLEMENTED
 PROFESSIONAL_SERVICES_HOURS
 TRAVEL_TIME_HOURS
 MILEAGE
 LODGING_COST
 DATE_SENT_ARCHIVES
 DATE_SCHEDULED_DESTRUCTION
 DATE_FILE_DESTROYED
 OTHER_EXPENSES

Mediation

PF_ADVOCATE
 PF_FRIEND
 PF_ATTORNEY
 PS_OTHER
 NUM_SCHOOL_PARTICIPANTS
 NUM_FAMILY_PARTICIPANTS
 PREP_TIME
 LENGTH_OF_SESSION
 ROUND_TRIP_TRAVEL
 MEDIATOR_MILEAGE
 MEDIATOR_FEE
 OTHER_EXPENSES
 MEDIATOR_DATA_RETURNED
 DATE_CLAIM_RECEIVED
 DATE_CHECK_MAILED
 USER_LAST_UPDATED
 DATE_LAST_UPDATED
 REQUEST_WITHDRAWN
 CLOSED
 PSOTHER
 PFOTHER
 DISTRICT_CODE
 PARENT_PHONE
 PARENT_ADDRESS
 PARENT_CITY
 PARENT_STATE
 PARENT_ZIP
 DATE_FORWARD_TO_FINANCE
 SUMMARY_COMPLETE
 SUMMARY_POSTED
 DATE_SENT_ARCHIVES
 BOX_NUMBER
 DATE_SCHEDULED_DESTRUCTION
 DATE_FILE_DESTROYED

Contacts

1
 0
 0
 1
 2
 1
 3.5
 3
 61.6
 400
 0
 23-SEP-08
 22-OCT-08
 paytonk
 08-JUN-10
 0
 1
 0
 0
 42
 812/824-4242
 123 Main Street
 Bloomington
 IN
 47401
 0
 0

Exhibit F: Sample Log Book

SAMPLE Complaint Logbook

CP#	Inv	Complainant Last Name	Corp Name	District Name	Date Received	Date Due Out	Date Report Mailed	Violation found YES or NO	CA due date	Date Recon Requested	Date Recon Response Sent Out	Date File Closed	MD/HR#
CP-001-2015													
CP-002-2015													
CP-003-2015													
CP-004-2015													
CP-005-2015													
CP-006-2015													
CP-007-2015													
CP-008-2015													
CP-009-2015													
CP-010-2015													
CP-011-2015													
CP-012-2015													
CP-013-2015													
CP-014-2015													
CP-015-2015													
CP-016-2015													
CP-017-2015													
CP-018-2015													

Exhibit G: Sample Rotation Schedule

Hearing #	IHO contacted	Method of contact	Date/time contacted	Date/time response	Accept/Decline	Reason if declined
		Email <input type="checkbox"/> Telephone <input type="checkbox"/> _____ left msg	Date _____ Time _____	Date _____ Time _____ No response by end of next business day <input type="checkbox"/>	Accept <input type="checkbox"/> Decline <input type="checkbox"/>	Conflict of Interest <input type="checkbox"/> Unavailable <input type="checkbox"/> Too busy <input type="checkbox"/> Other _____
		Email <input type="checkbox"/> Telephone <input type="checkbox"/> _____ left msg	Date _____ Time _____	Date _____ Time _____ No response by end of next business day <input type="checkbox"/>	Accept <input type="checkbox"/> Decline <input type="checkbox"/>	Conflict of Interest <input type="checkbox"/> Unavailable <input type="checkbox"/> Too busy <input type="checkbox"/> Other _____
		Email <input type="checkbox"/> Telephone <input type="checkbox"/> _____ left msg	Date _____ Time _____	Date _____ Time _____ No response by end of next business day <input type="checkbox"/>	Accept <input type="checkbox"/> Decline <input type="checkbox"/>	Conflict of Interest <input type="checkbox"/> Unavailable <input type="checkbox"/> Too busy <input type="checkbox"/> Other _____
		Email <input type="checkbox"/> Telephone <input type="checkbox"/> _____ left msg	Date _____ Time _____	Date _____ Time _____ No response by end of next business day <input type="checkbox"/>	Accept <input type="checkbox"/> Decline <input type="checkbox"/>	Conflict of Interest <input type="checkbox"/> Unavailable <input type="checkbox"/> Too busy <input type="checkbox"/> Other _____
		Email <input type="checkbox"/> Telephone <input type="checkbox"/> _____ left msg	Date _____ Time _____	Date _____ Time _____ No response by end of next business day <input type="checkbox"/>	Accept <input type="checkbox"/> Decline <input type="checkbox"/>	Conflict of Interest <input type="checkbox"/> Unavailable <input type="checkbox"/> Too busy <input type="checkbox"/> Other _____

Unavailable means the IHO is going to be out of town; too busy means the IHO's current workload (hearings and private work) prevents acceptance of the hearing; other means anything else such as illness, family matters, etc.

Conflict with accepting hearing assignment:

Mediation #	Mediator contacted	Method of contact	Date/time contacted	Date/time response	Accept/Decline	Reason if declined
		Email <input type="checkbox"/> Telephone <input type="checkbox"/> _____ left msg	Date _____ Time _____	Date _____ Time _____ No response by end of next business day <input type="checkbox"/>	Accept <input type="checkbox"/> Decline <input type="checkbox"/>	Conflict of Interest <input type="checkbox"/> Unavailable <input type="checkbox"/> Too busy <input type="checkbox"/> Other _____
		Email <input type="checkbox"/> Telephone <input type="checkbox"/> _____ left msg	Date _____ Time _____	Date _____ Time _____ No response by end of next business day <input type="checkbox"/>	Accept <input type="checkbox"/> Decline <input type="checkbox"/>	Conflict of Interest <input type="checkbox"/> Unavailable <input type="checkbox"/> Too busy <input type="checkbox"/> Other _____
		Email <input type="checkbox"/> Telephone <input type="checkbox"/> _____ left msg	Date _____ Time _____	Date _____ Time _____ No response by end of next business day <input type="checkbox"/>	Accept <input type="checkbox"/> Decline <input type="checkbox"/>	Conflict of Interest <input type="checkbox"/> Unavailable <input type="checkbox"/> Too busy <input type="checkbox"/> Other _____
		Email <input type="checkbox"/> Telephone <input type="checkbox"/> _____ left msg	Date _____ Time _____	Date _____ Time _____ No response by end of next business day <input type="checkbox"/>	Accept <input type="checkbox"/> Decline <input type="checkbox"/>	Conflict of Interest <input type="checkbox"/> Unavailable <input type="checkbox"/> Too busy <input type="checkbox"/> Other _____
		Email <input type="checkbox"/> Telephone <input type="checkbox"/> _____ left msg	Date _____ Time _____	Date _____ Time _____ No response by end of next business day <input type="checkbox"/>	Accept <input type="checkbox"/> Decline <input type="checkbox"/>	Conflict of Interest <input type="checkbox"/> Unavailable <input type="checkbox"/> Too busy <input type="checkbox"/> Other _____

Unavailable means the Mediator is going to be out of town; too busy means the Mediator's current workload (hearings and private work) prevents acceptance of the hearing; other means anything else such as illness, family matters, etc.

Conflict with accepting mediation assignment:

NOTE:

Exhibit H: Sample Forms and Template Letters

COMPLAINT INVESTIGATION ASSIGNMENT

TO: **NAME**
 DATE: **DATE**
 RE: Investigation of Complaint # CP-**000-0000**

Keep in mind the following dates:

10th DAY, ISSUES DUE:	DATE
DRAFT REPORT DUE:	DATE
FINAL REPORT DUE:	DATE
RECON REQUEST DUE:	DATE
CORRECTIVE ACTION DUE:	DATE
DATE FILED CLOSED:	DATE

Issues:

If any names, addresses, or phone numbers are incorrect, please notify Kim of the corrections. PLEASE DOUBLE CHECK ADDRESSES – THESE ADDRESS WILL BE USED TO MAIL THE REPORT OUT WITH.

SUPT NAME, Superintendent SCHOOL CORP STREET ADDRESS CITY, IN ZIPCODE Telephone: XXX.XXX.XXXX Fax: XXX.XXX.XXXX	SPECIAL EDUCATION DIRECTOR'S NAME, Director SPECIAL ED COOP STREET ADDRESS CITY, IN ZIPCODE Telephone: XXX.XXX.XXXX Fax: XXX.XXX.XXXX	COMPLAINANT'S NAME STREET ADDRESS CITY, IN ZIPCODE Home Phone: XXX.XXX.XXXX Cell Phone: XXX.XXX.XXXX
--	---	--

Student's name: **STUDENT'S NAME**
 DOB: **00/00/0000**

Notes:



PRELIMINARY LETTER

DATE

SUPT NAME, Superintendent
SCH CORP
ADDRESS
CITY, IN ZIP CODE

Re: Complaint # CP-000-0000

Dear Superintendent **LAST NAME**:

On **DATE RECEIVED**, the Office of Special Education received a request for a complaint investigation from **NAME OF COMPLAINANT**. The complaint request alleges procedural violations with respect to the provision of special education and related services to **NAME OF STUDENT**. A copy of the complainant's request is enclosed. According to the provisions of Article 7, I have been assigned as the complaint investigator.

According to 511 IAC 7-45-1(g), the school has the discretion to take one of the following actions within ten (10) calendar days from the date the school receives the complaint:

- 1) Respond to the complaint in writing and forward the response to the investigator and the complainant;
- 2) Resolve the complaint with a written agreement signed by the school and the complainant. The agreement must be forwarded to the investigator and specify whether any issues remain that require investigation;
- 3) Agree with a parent who has filed a complaint to engage in mediation. If the school and parent agree to engage in mediation, the mediation must be completed within 20 calendar days from the date the parties agree in writing to engage in mediation; or
- 4) Notify the investigator to begin investigation of the complaint.

In order to meet the 40 calendar day timeline, as specified in 511 IAC 7-45-1(l), the school must provide either a written response or notification to begin the investigation **no later than DATE (10 CALENDAR DAYS FROM DATE RECEIVED)**. In the absence of notification or written response, or receipt of a response that does not resolve all of the issues raised by the complainant, the complaint investigator will begin the formal investigation on **THE 11TH DAY DATE**.

Should you have any questions regarding the complaint process, please contact the complaint investigator at the number listed below.

Sincerely,

COMPLAINT INVESTIGATORS NAME, Complaint Investigator

Phone: 317.23X-XXXX

E-mail: XXXX@doe.in.gov

cc: COMPLAINANT NAME, Complainant

DIRECTORS Name, Director of Special Education, SP ED PLANNING DISTRICT

Office of Special Education – file copy



FAX

TO: **IHO NAME** **FAX NUMBER**
SUPT NAME **FAX NUMBER**
DIRECTOR NAME **FAX NUMBER**
ATTORNEY NAME **FAX NUMBER**

FROM: Kim Payton Fax number: 317/232-0589 Telephone: 317/233-2131

DATE: **DATE**

PAGES: **#**
(including cover)

RE: Due Process Hearing: HR-**000-0000**

NOTE:

CONFIDENTIALITY NOTICE

This communication is for the sole use of the intended recipient(s) and may contain information that is confidential, privileged, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient(s), the dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please contact the sender immediately and destroy all copies of the original message and any attachments. Receipt by anyone other than the named recipient(s) does not constitute a waiver of any applicable privilege.

Office of Special Education
115 W Washington St., South Tower Ste 600 • Indianapolis, Indiana 46204
(317)232-0570 • (317)232-0589 Facsimile
<http://www.doe.in.gov/sped>



DATE

IHO NAME
ADDRESS
CITY, IN ZIPCODE

Re: Hearing #HR-000-0000

Dear DR/MR/MS LAST NAME:

This letter is to confirm your appointment by the Superintendent of Public Instruction as the independent hearing officer in the above referenced hearing, received in this office on DATE. A copy of the request is attached. It is your responsibility to frame the issue or issues to be decided at the hearing.

You must conduct the hearing in accordance with 511 IAC 7-45 and I.C. 4-21.5-3. Your written decision must be mailed to the parties within 45 calendar days from: (1) the date of the parties' written agreement to forego the resolution session, (2) the date of the parties' written agreement that no resolution is possible, or (3) the expiration of the 30-day resolution period with no resolution by the parties. If the parties agree that they will forego or otherwise cannot reach resolution, please send me a copy of the written agreement. You may grant specific extensions of time at the request of either party, but such extensions must be in writing and included in the record of proceeding. Please provide me with a copy of any orders to that effect. Your written decision must include a notice of the party's right to seek judicial review within 30 calendar days of the date the party receives the decision.

Please contact Superintendent LAST NAME, PARENT/ATTORNEY LAST NAME, and DIRECTOR, special education director, to make arrangements for the hearing. It is your responsibility to ensure that a verbatim recording and transcript of the hearing are provided and to make arrangements with the school to pay for the reporting services. The SCH CORP is responsible for payment of your expenses, and you must provide the requisite documentation to effect such payment.

Thank you for accepting this assignment.

Sincerely,

Dana Long, Special Education Attorney

Office of Special Education
115 W Washington St., South Tower Ste 600 • Indianapolis, Indiana 46204
(317)232-0570 • (317)232-0589 Facsimile
<http://www.doe.in.gov/sped>

Enc. Copy of Due Process Request

cc: NAME, Superintendent
SCH CORP
ADDRESS
CITY, IN ZIPCODE
Telephone: NUMBER
Fax: NUMBER

ATTORNEY NAME, (for the parents)
ADDRESS
CITY, IN ZIPCODE
Telephone: NUMBER
Fax:NUMBER

PARENT
ADDRESS
CITY, IN ZIPCODE
Telephone: NUMBER

DIRECTOR NAME, Director
SP ED PLANNING DIST
ADDRESS
CITY, IN ZIPCODE
Telephone: NUMBER
Fax: NUMBER

Office of Special Education – file copy



DATE

NAME, Superintendent
SCH CORP
ADDRESS
CITY, IN ZIPCODE

PARENT OR PARENT'S ATTORNEY NAME
ADDRESS
CITY, IN ZIPCODE

Re: Request for a hearing HR-000-0000

Dear Superintendent LASTNAME and PARENT/ATTORNEY LAST NAME:

The above-referenced request for a due process hearing was received on DATE. An independent hearing officer has been appointed by the Superintendent of Public Instruction and provided with a copy of the request. You have been provided with a copy of the appointment letter. Contact information for the hearing officer is:

IHO Name
Address
Phone
FAX#

The hearing officer will contact the parties to make the necessary arrangements for the hearing and related proceedings. Because the hearing must be accessible to the parties and their witnesses, please advise the hearing officer of any accommodations or assistance needed. Please contact the hearing officer for all matters related to this proceeding.

Pursuant to 511 IAC 7-45-6, the school must convene a meeting with the parent and relevant members of the case conference committee to discuss the due process hearing request and the facts that form the basis of the request. This meeting is to provide the school the opportunity to resolve the dispute that is the basis of the due process hearing request.

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- In the absence of a written agreement by both parties to waive the resolution session or an agreement by both parties to mediate, the school must conduct a resolution session within fifteen (15) days of receiving the request for a hearing.
- The school is required to document all efforts to obtain the parent's participation in the resolution session within the 15-day timeline, as well as its continued efforts for the remainder of the thirty (30) day resolution period.
- If the parent fails to participate in the resolution session, the school may, at the end of the 30-day resolution period, ask the Independent Hearing Officer (IHO) to dismiss the hearing request.
- If the school fails to conduct a resolution session within the 15-day timeline then the parent may seek intervention of the IHO to begin the due process hearing timeline.

Should you have any questions regarding the resolution session please contact feel free to contact me.

Sincerely,

Dana Long, Special Education Attorney

cc: **DIRECTOR NAME**, Director, **SP ED PLANNING DISTRICT**
IHO, Hearing Officer
Office of Special Education – file copy

Independent Hearing Officer Compensation Schedule

The public agency (“the School”) shall bear all costs pertaining to the conduct of a hearing whether or not a hearing is ultimately held, including hearing officer fees and expenses. 511 IAC 7-45-7 (q)

Service	Billing Unit	Rate of Pay
Professional services in preparation for the hearing, for conducting of the hearing, and for deliberation in preparation and writing of the decision	Per hour	\$90
Travel time to and from the hearing location	Per hour	\$50
Copying, postage, telephone calls, and other items related to the preparation for the hearing	Per item	Actual cost
Lodging	Per night	Current state rate ¹
Mileage	Per mile	Current state rate ²
Per Diem	Per day	Current state rate ³

- The School shall be responsible for compensating an independent hearing officer (“IHO”) in accordance with the established compensation schedule.
- The IHO shall submit an itemized bill in quarter hour increments to the Superintendent of the School for services rendered *within 30 days* of the date of the written decision or order.
- The School shall remit payment to the IHO **within 60 days** of the receipt of the itemized bill.

¹ Current rate is \$89.00 + tax per night

² As of May 1, 2011, rate is \$.44 per mile

³ As of July 1, 2004, rate is \$26 per day

**BEFORE AN INDEPENDENT HEARING OFFICER
APPOINTED BY THE INDIANA DEPARTMENT OF EDUCATION
PURSUANT TO 511 IAC 7-45-3**

In the matter of:)	
)	Hearing No. HR-XXX-20XX
STUDENT INITIALS by his/her parents)	
and next friends, PARENT NAMES)	
)	
Petitioners,)	
)	
And)	
)	
School Corporation)	
)	
Respondent)	

PRELIMINARY SCHEDULING ORDER

The Independent Hearing Officer (IHO) has jurisdiction in the Due Process matter pursuant to a letter of appointment from the Indiana Department of Education. According to documents sent by the Indiana Department of Education to the IHO, the parents made the request for a due process hearing on **DATE**. The Indiana Department of Education received this request on **DATE**. An appointment of an IHO was made on **DATE**. To ensure the rights of the parties pursuant to the Individuals with Disabilities Education Act and 511 IAC 7, the parties shall adhere to the following Order:

IT IS HEREBY ORDERED that the parties proceed in the following manner:

DATE: RESPONSE TO DUE PROCESS REQUEST (511 IAC 7-45-5):

The School shall, on or before **DATE**, send to the Parent and this IHO the School's written response that specifically addresses the issues raised in the Parents' due process hearing request. If the School has not provided the Parent with written notice in accordance with 511 IAC 7-40-4(e) or 511 IAC 7-42-7, the School's written response shall include:

1. an explanation of why the school proposed or refused to take the action raised in the due process hearing request;
2. a description of other options that the case conference committee considered and the reasons why those options were rejected
3. a description of each evaluation procedure, assessment, record or report the school used as a basis for the proposed or refused action; and
4. a description of other factors that are relevant to the School's proposed or refused action.

If prior written notice has been issued by the School but such written notice did not address all of the subject matter contained in the Parents' due process request, the School shall send to the Parent and to this Hearing Officer a response that specifically addresses the issues raised in the due process hearing request on or before **DATE**.

DATE: SUFFICIENCY OF DUE PROCESS REQUEST (511 IAC 7-45-4):

The School shall have until **DATE** to notify the IHO and the Parent, in writing, if it believes the due process request is insufficient and has not met the requirements of 511 IAC 7-45-3(b). Such notification shall be styled as "Notice of Insufficiency." Upon receipt of written notice of insufficiency, the IHO shall review the due process hearing request upon its face and make a determination within five (5) calendar days. Because the IHO is required to make a determination of whether the due process is sufficient on its face, no response from the Parent is required, nor will any response be considered.

DATE: RESOLUTION MEETING (511 IAC 7-45-6):

Unless otherwise waived by written agreement of the parties or the parties agree to use the mediation process as described in 511 IAC 7-45-2, on or before **DATE**, the school shall convene a resolution meeting. (511 IAC 7-45-6(d)). The Parent and relevant members of the case conference committee who have specific knowledge of the facts identified in the due process request shall attend this meeting. A representative of the School who has full decision-making authority shall attend this meeting. An attorney for the School shall NOT be permitted to attend the meeting unless the Parents bring an attorney to the meeting. (511 IAC 7-45-6(e)).

At the resolution meeting, the Parents *shall discuss* the due process request and the facts that form the basis of the request, so that the School has the opportunity to resolve the issues underlying the request. (511 IAC 7-45-6(c)).

If agreement is reached during the course of the resolution session on any of the issues, the parties shall execute a legally binding written agreement. The agreement must be signed by the Parent and a representative of the School. The parties shall have three (3) business days after executing the agreement to void the agreement. Either party desiring to void the agreement within the three business day time period shall notify the other party in writing of the intent to void the resolution agreement. (511 IAC 7-45-6(k) & (1)).

If the resolution agreement is not voided by either party within the three business day time period, the parties shall notify the IHO, at which time the due process request will be dismissed, unless additional issues remain to be decided by the IHO.

If the School fails to convene or participate in the resolution meeting by **DATE**, the Parent may seek the Hearing Officer's intervention to begin the forty-five (45) day due process hearing timeline. (511 IAC 7-45-6(j)).

If the Parent fails to participate in the resolution meeting, the timelines for the resolution process and the due process hearing are delayed until the meeting is held. If, despite the School's reasonable efforts, it has been unable to obtain the Parents' participation in the resolution meeting within thirty (30) calendar days of the date the due process hearing request was filed, the School may request that the IHO dismiss the due process hearing request. (511 IAC 7-45-6(i)).

DATE: MEDIATION IN LIEU OF RESOLUTION MEETING (511 IAC 7-45-6(d)(2)):

The parties may agree to use mediation, as described in 511 IAC 7-45-2, in lieu of a resolution meeting. Mediation must be completed by **DATE** unless the parties agree in writing to extend the mediation process. Such written agreement shall be provided to the IHO, including a date certain by which the mediation will be completed.

DATE: COMMENCING DUE PROCESS HEARING TIMELINE

The forty-five (45) day timeline for the due process hearing shall commence on **DATE** unless one of the following occurs (511 IAC 7-45-6(f)):

(1) Waiver of the resolution meeting (511 IAC 7-45-6(f)(1)).

In lieu of conducting a resolution meeting, the parties may mutually agree in writing to waive the resolution meeting. The parties shall notify the IHO if this occurs and provide a copy of the written waiver. The forty-five (45) day timeline for the due process hearing shall commence on the day after the parties execute the written agreement to waive the resolution meeting.

(2) Written Agreement that resolution is not possible (511 IAC 7-45-6(f)(2)).

If, after the resolution meeting or mediation (as described above) is initiated but prior to the end of the thirty (30) day resolution period, the parties agree in writing that no agreement is possible, the parties shall provide the written agreement to the IHO. The forty-five (45) day timeline for the due process hearing shall commence on the day after the parties execute the written agreement that no agreement is possible.

(3) Withdrawal from mediation in lieu of resolution meeting (511 IAC 7-45-6(f)(3)).

If the parties have agreed to continue the mediation process at the end of the thirty (30) day resolution period, but one party subsequently withdraws from the mediation process, the party withdrawing from the process shall immediately provide written notice to other party and the IHO of the withdrawal. The forty-

five (45) day timeline for the due process hearing shall commence on the day after the party's decision to withdraw from the mediation process.

(4) Utilizing mediation in lieu of resolution meeting

If mediation does not resolve all of the issues, the parties shall provide written notice to the IHO within one (1) business day of the completed mediation identifying the unresolved issues. The forty-five (45) day timeline for the due process hearing shall commence the day after the completed mediation.

DATE: CONFERENCE CALL TO SCHEDULE PREHEARING CONFERENCE

A conference call with the parties will be held on **DATE** at **TIME**. The purpose of the conference call is to schedule the initial prehearing conference in this matter. The School shall make arrangements for the conference call and shall notify the other party and the IHO of those arrangements no later than **DATE**. Notification may be made by email. Email notification shall not include any personally identifiable information about the student.

AMENDING THE DUE PROCESS HEARING REQUEST

In accordance with 511 IAC 7-45-4 (d) & (e), the Parent may amend the due process hearing request only with the consent of the School or with permission of the IHO. In the event the Parent amends the due process hearing request, the timelines for the resolution meeting, the resolution process, and the due process hearing begin again.

DATED: DATE.

NAME OF IHO

Independent Hearing Officer

Distribution:

PETITIONER'S ATTORNEY (or Petitioners' name if unrepresented)

RESPONDENT'S ATTORNEY (or name of School if unrepresented)

Kim Payton, Office of Special Education, Indiana Department of Education

DOE FILE FOLDER – Contact information

Mediation # MD-000-0000 Date DOE Received: DATE
 Mediator: MEDIATOR NAME Date Assigned to Mediator: DATE

PARENT ADDRESS CITY, IN ZIPCODE Telephone: NUMBER Email:	NAME, Superintendent SCH CORP ADDRESS CITY, IN ZIPCODE telephone: NUMBER Fax: NUMBER	DIRECTOR NAME, Director SP ED PLANNING DIST ADDRESS CITY, IN ZIPCODE Telephone: NUMBER Fax: NUMBER Email:
Note:		

Date received copy of the Scheduling Letter: _____

Date received faxed copy of Mediation Agreement: _____

Date formal record received: _____

Agreement to Mediate Mediation Agreement Copy of Invoice Closure Report

Date received email from AP (invoice approval requested): _____

Date emailed approval sent to AP: _____

Contact Information for Mediator

COPY ONLY TABLES ABOVE AND INSERT IT HERE!

CONTACT INFO FOR PARTIES



Indiana
Department of Education

Glenda Ritz, Superintendent of Public Instruction

DATE

SUPT NAME, Superintendent
SCH CORP NAME
ADDRESS
CITY, IN ZIPCODE

RE: MD-XXX-XXXX

Dear Superintendent SUPT LAST NAME:

This is to confirm the appointment of the below mediator for Mediation MD-XXX-0000 that was received on DATE. If the mediator has not contacted you within one week of receiving this letter, please contact the Office of Special Education at 317/233-2131. The mediation session should be scheduled in a timely manner and held in a location that is convenient to both of the parties. Contact information for the mediator is:

MEDIATOR NAME

Telephone: XXX/XXX-XXXX

Fax: XXX/XXX-XXXX

When contacted by the mediator, please advise if a participant requires accommodations for a disability or an interpreter. In addition, please notify the mediator of the persons that will be attending the mediation with you.

The mediator will facilitate discussion between the parties in an effort to help the parties reach an agreement. If an agreement or partial agreement is reached, the parties must execute a legally binding written mediation agreement that sets forth the parties' resolution. The written mediation agreement must be signed by the parent and a representative of the school. A written, signed mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States. In addition, the complaint process may be utilized to enforce the mediation agreement.

Discussions that occur during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding.

At the conclusion of mediation, each party will receive a copy of the mediation agreement. The Office of Special Education will mail a brief evaluation form to the parent(s) and school representative. We encourage both parties to complete the evaluation form. Satisfaction of the parties with respect to the mediation process is important to the Office of Special Education. Therefore, your comments will assist the Office of Special Education to improve the special education mediation process.

Sincerely,

Dana Long, Special Education Attorney
E-mail: dalong@doe.in.gov

cc: PARENTS NAME
DIRECTOR, Director of Special Education, SP ED PLANNING DISTRICT
MEDIATORS NAME, Mediator
Office of Special Education – file copy