

SEAC Due Process Report for SY 2022-23

May 10, 2024



Purpose of Annual Review

- Requirement of State Advisory Panels under IDEA to review due process hearing decisions
- Annual Report a priority activity for SEAC since 2005
 - Began with move from independent hearing officers to DCCA
 - Effort to reduce high incidence of formal dispute resolution
 - Proactive preference for early dispute resolution to save money and relationships

Two Kinds of Comparisons

Hawaii vs. national means

Methodology: Compare Hawaii dispute resolution practices using 618 IDEA Dispute Resolution data

1. Mediation
2. Written Complaints
3. Due Process Hearing Requests
4. Resolution Sessions

EMAPS Education Monitoring and Reporting System	
Hawaii IDEA Part B - Dispute Resolution School Year: 2022-23	
Section A: Written, Signed Complaints	
(1) Total number of written signed complaints filed	27
(1.1) Complaints with reports issued	19
(1.1.1) Reports with finding of non-compliance	5
(1.1.2) Reports with no finding	14
(1.2) Reports without signed complaint	8
(1.2.1) Complaints pending	4
(1.2.2) Complaints pending due process hearing	1
(1.2.3) Complaints withdrawn or dismissed	3
Section B: Mediation Requests	
(2) Total number of mediation requests received through all dispute resolution processes	13
(2.1) Mediations held	6
(2.1.1) Mediations held related to due process complaints	1
(2.1.2) Mediations held related to due process complaints	1
(2.1.3) Mediations held not related to due process complaints	4
(2.2) (a) Mediations agreements reached through resolution meetings	4
(2.2) (b) Mediations withdrawn or not held	3
Section C: Due Process Complaints	
(3) Total number of due process complaints filed	43
(3.1) Resolutions meetings	18
(3.1.1) Written settlement agreements reached through resolution meetings	6
(3.1.2) Written settlement agreements not reached through resolution meetings	12
(3.2) Hearing held subsequent	2
(3.2.1) Decisions within timeline (include expedited)	2

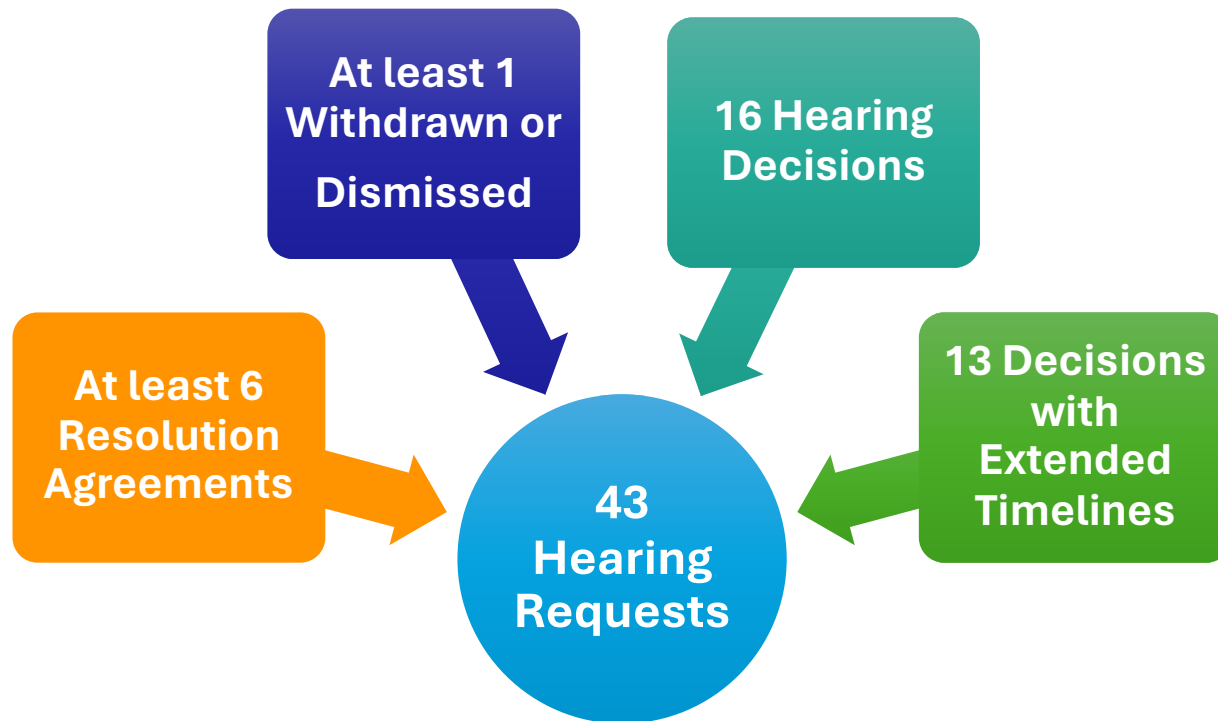
Table 6 - Discipline

HAWAII TRENDS OVER TIME

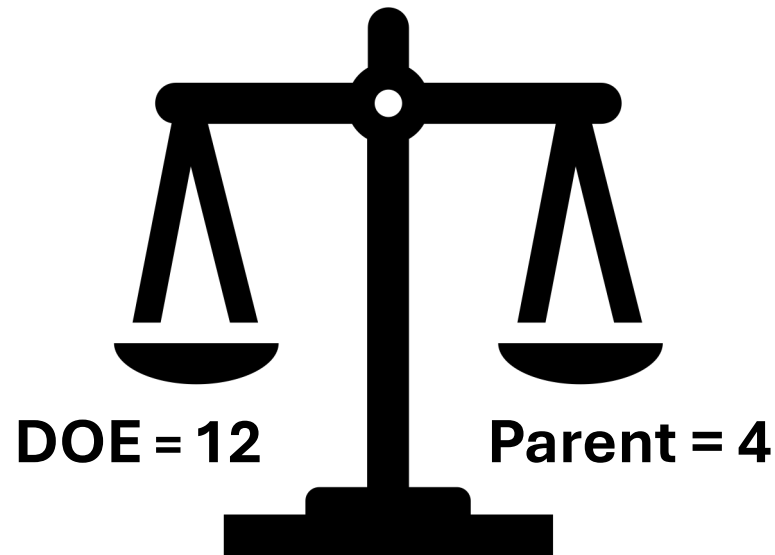
Methodology: Track all due process hearing requests filed in a school year (July 1st – June 30th)

1. Wait one school year to allow for all or most of the hearing requests to resolve.
2. Use these more complete data sets to compare due process activity over a span of years.

Resolution of SY 2022-23 Hearing Requests



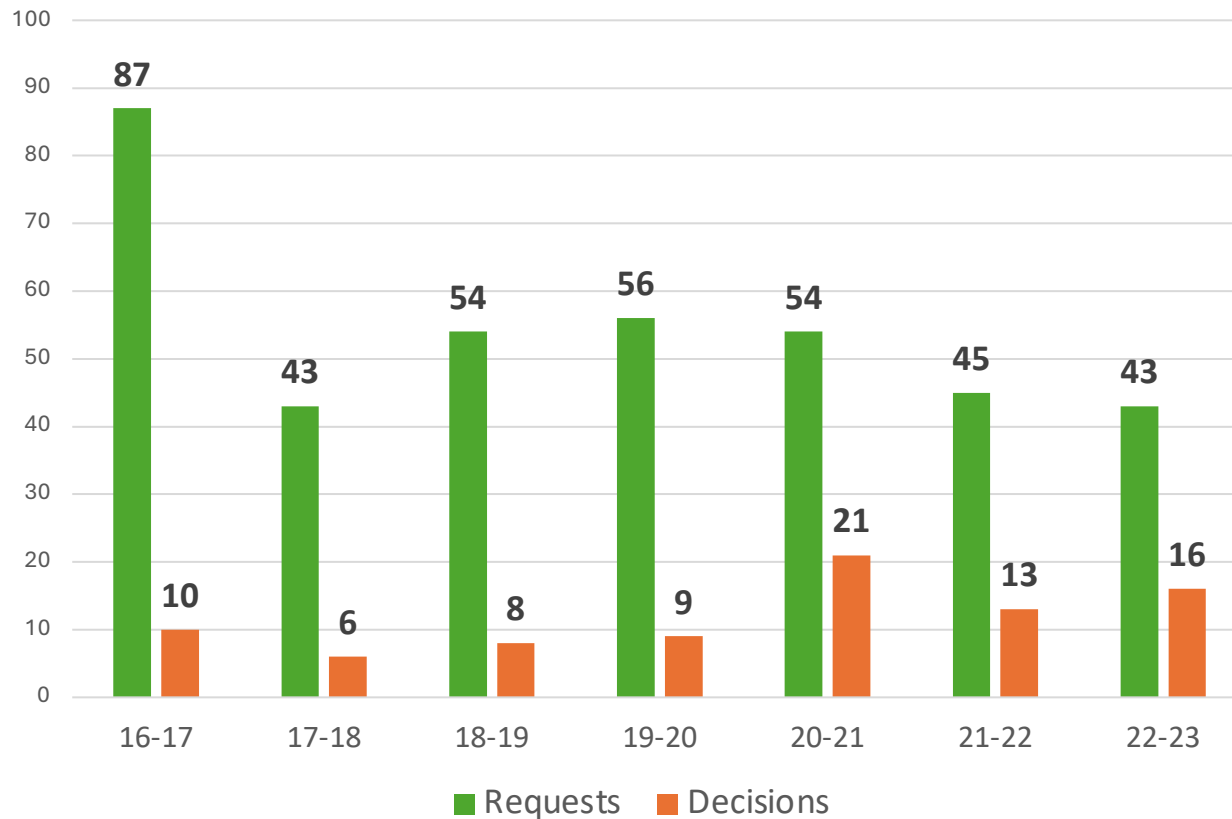
Prevailing Parties for SY 22-23



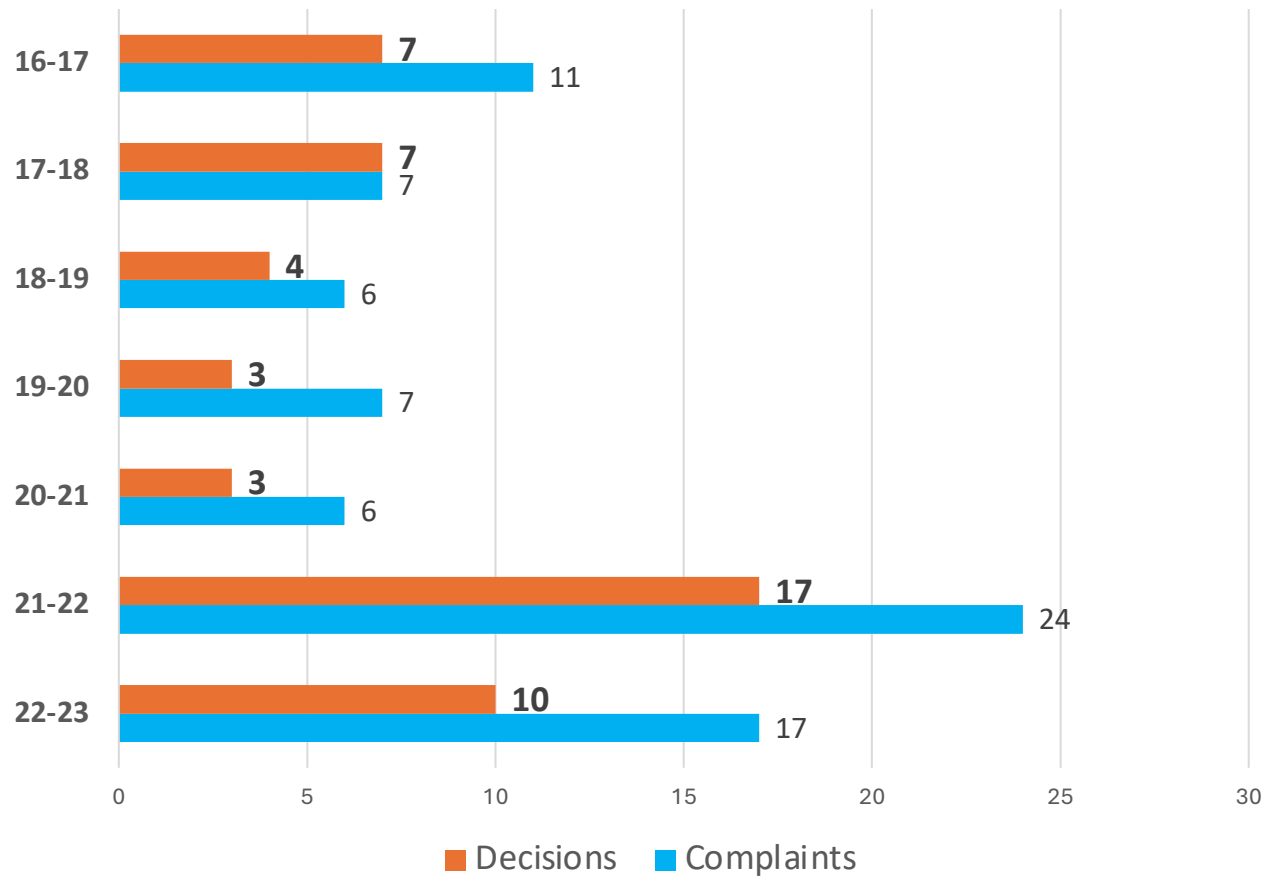
2 cases filed by DOE re: Request for Independent Educational Eval

3 *Pro Se* cases with one parent prevailing

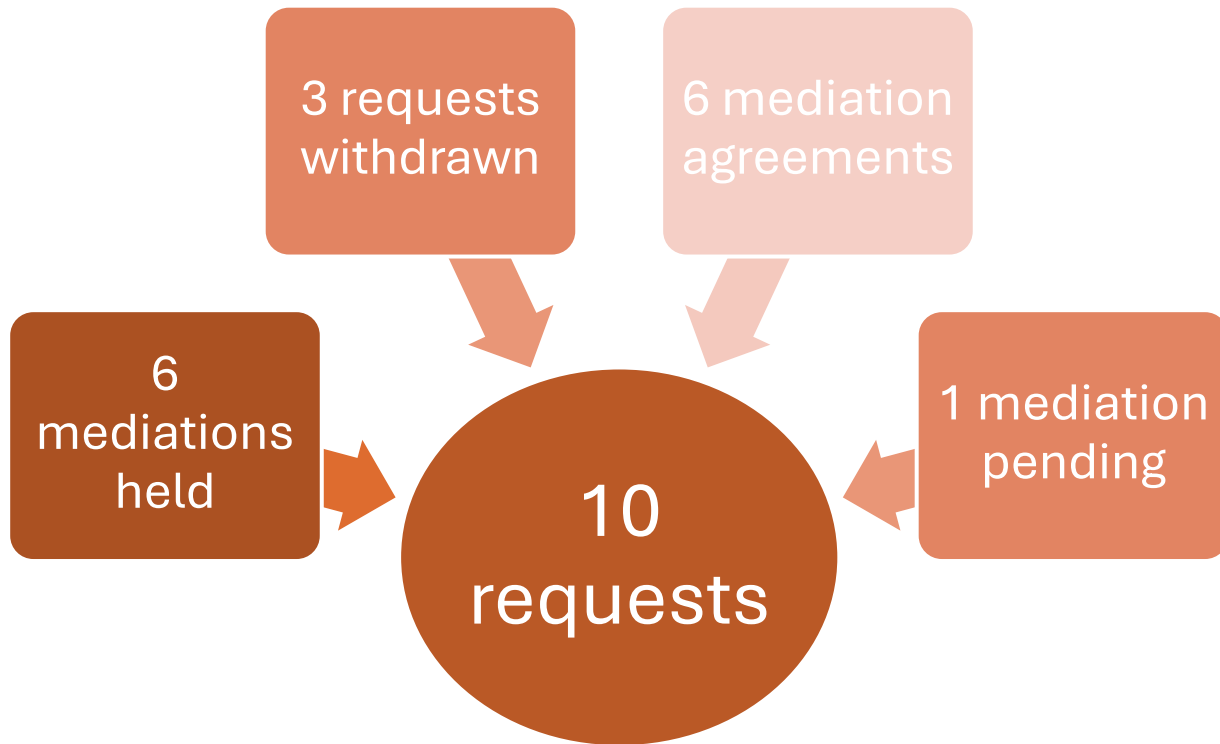
7-Yr Comparison of Hawaii Hearing Requests and Hearing Decisions



7-Yr Comparison of Written Complaints and Decisions



SY 2021-22 Mediations



1 mediations related to due process complaints

5 mediations not related to due process complaints

Comparison to National Data

All Complaints (per 10K SPED Students)

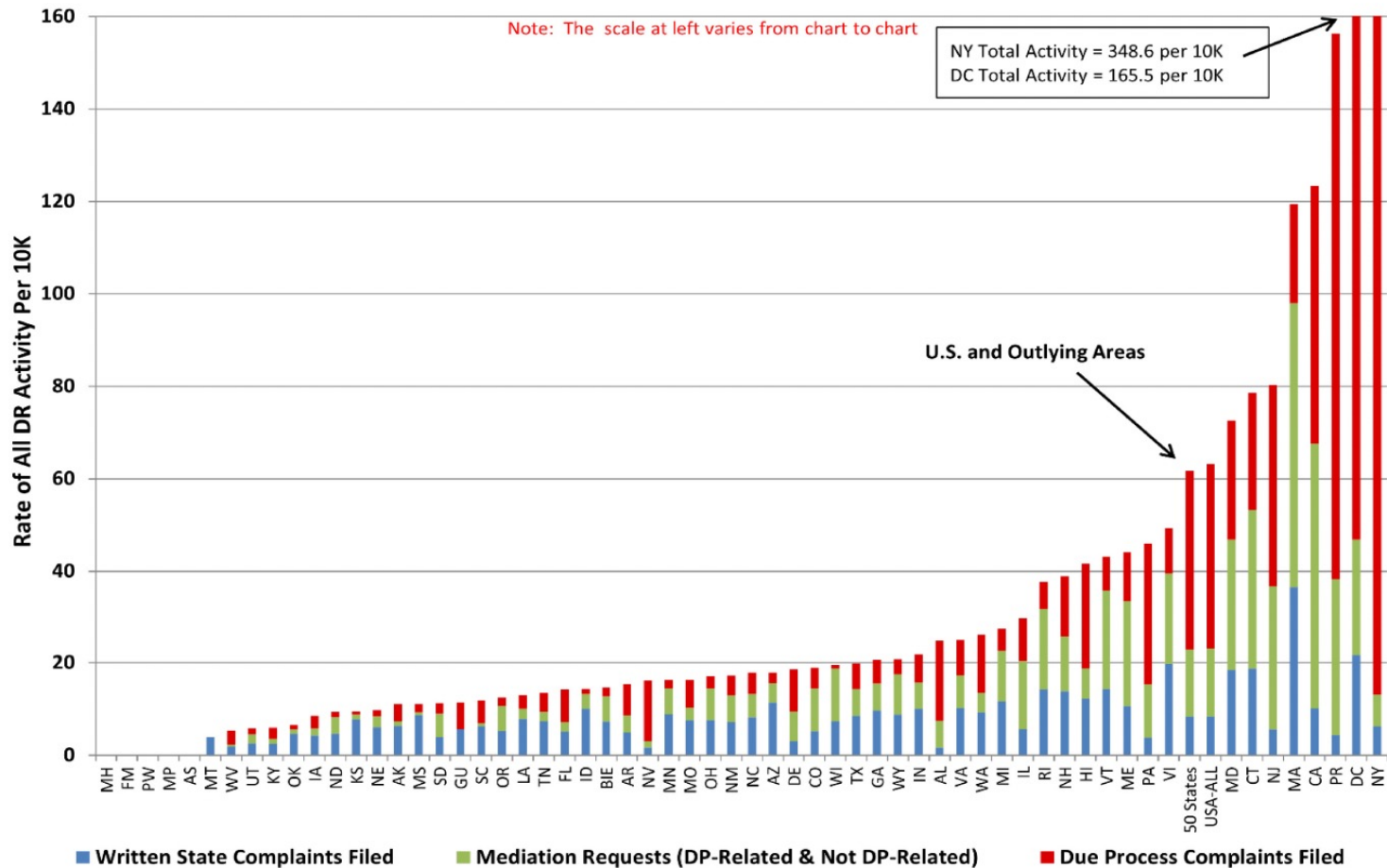
Dispute Resolution Method	National Average SY 21-22	Hawaii SY 20-21	Hawaii SY 21-22	Hawaii SY 22-23
Written Complaints with Reports	5.3	1.5	7.5	5.0
Hearing Requests Filed	40.1	27.0	22.5	21.5
Hearings Held	3.6	4.0	4.0	4.0
Mediations Held	7.6	3.5	3.5	3

Source: Part B 618 Data Tables

Comparison to National Data



**Total Dispute Resolution Activity by State/Entity per 10K Child Count:
2021-22**



Areas of Concern



Timeliness of Hearing Decisions



Shortage of Plaintiff Attorneys



Lack of Info re: Written Complaints



Underutilization of Mediation