

SEAC Due Process Report for SY 2023-24

MAY 9, 2025

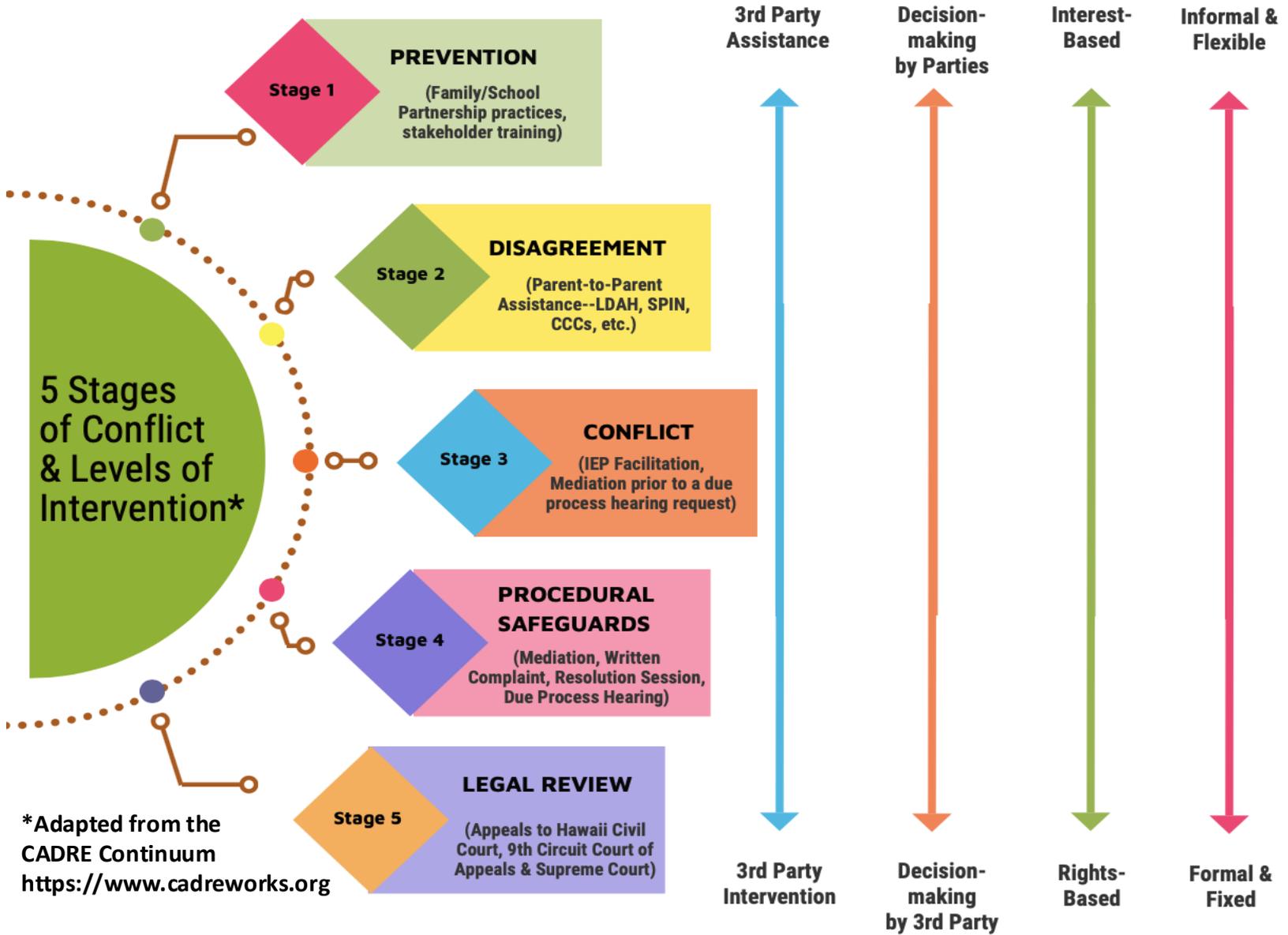


Purpose of Annual Review

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



*Adapted from the CADRE Continuum
<https://www.cadeworks.org>

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

Section A: Written, Signed Complaints	
(1) Total number of written signed complaints filed	4
(1.1) Complaints with reports closed	3
(1.1a) Reports with findings of non-compliance	1
(1.1b) Reports with findings	2
(1.2) Reports with resolved resolution	0
(1.2a) Complaints pending	0
(1.2b) Complaints pending a due process hearing	0
(1.2c) Complaints withdrawn or dismissed	3

Section B: Mediation Requests	
(2) Total number of mediation requests received through all dispute resolution processes	4
(2.1) Mediations held	4
(2.1a) Mediations held related to the process complaints	1
(2.1b) Mediations held related to the process responses	0
(2.1c) Mediations held not related to the process complaints	3
(2.2) Mediations not related to the process complaints	2
(2.2a) Mediations pending	0
(2.2b) Mediations withdrawn or not held	2

Section C: Due Process Complaints	
(3) Total number of the process complaints filed	14
(3.1) Resolution sessions	37
(3.1a) Written settlement agreements reached through resolution sessions	11
(3.1b) Written settlement agreements reached through mediation	15
(3.2) Discipline with hearing (includes requests)	0

Table 6 - Discipline

HAWAII TRENDS OVER TIME

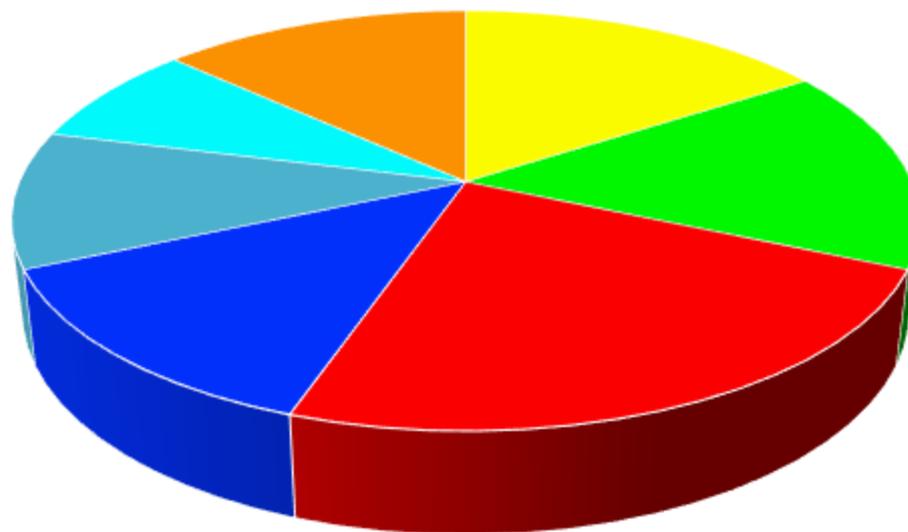
Methodology: Track all due process hearing requests filed in a school year (July 1st – June 30th)

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 2023-24 Hearing Requests



Top Issues in SY 23-24 Due Process Hearings



■ Private School \$

■ Insuffient IEP

■ LRE

■ Parent Part.

■ Compensatory Services

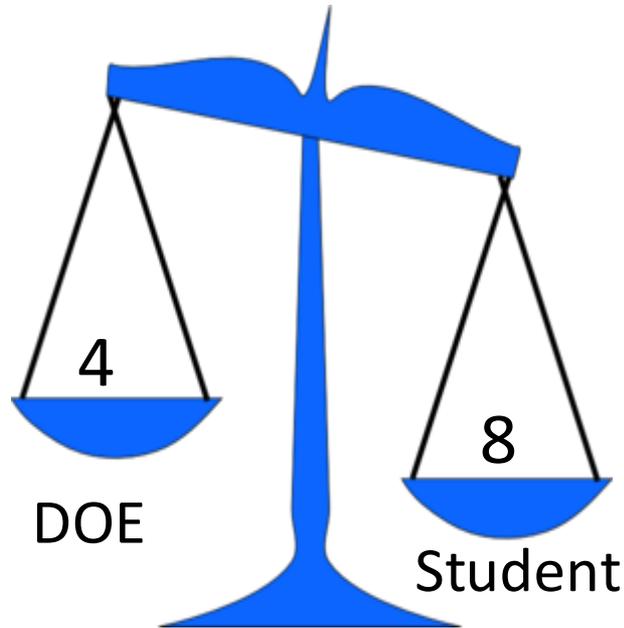
■ Placement

■ IEE

Timeliness - SY 23-24 Due Process Hearings

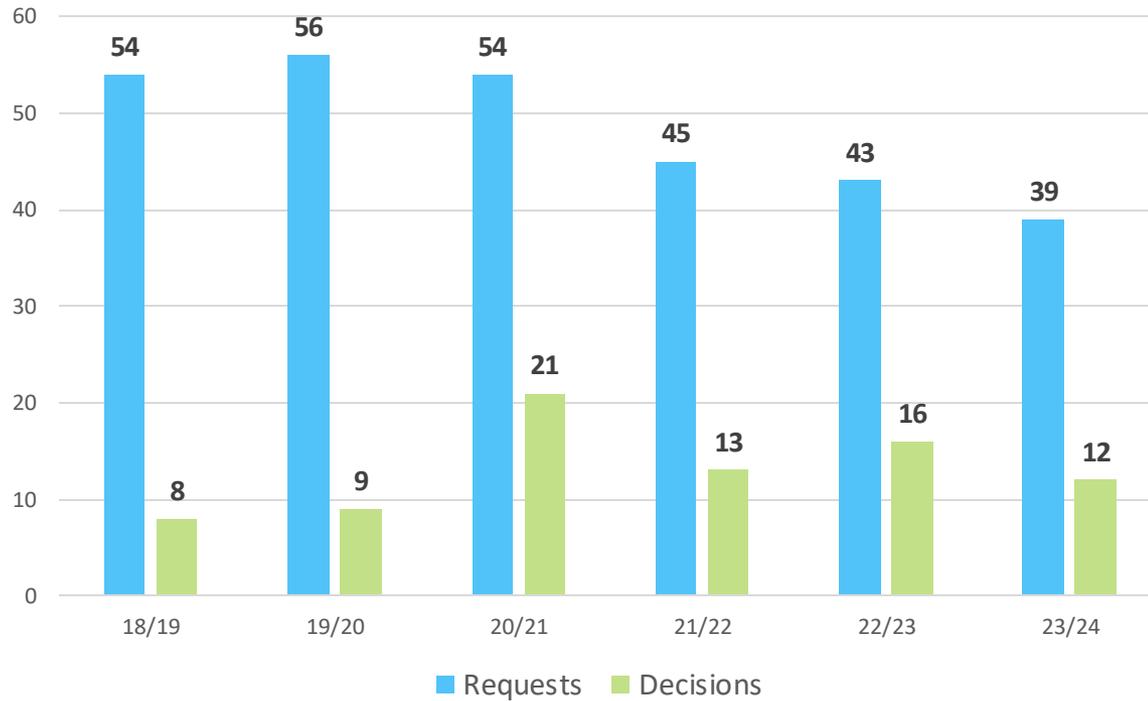
DP Request #	Total Days – Filing to Decision	Total Days – Last Hearing to Decision
2324-003	184 days	53 days
2324-005	86 days	43 days
2324-021*	27 days	26 days
2324-022	111 days	74 days
2324-025	78 days	52 days
2324-026	43 days	19 days
2324-027	68 days	20 days
2324-036	120 days	25 days
2324-039	74 days	15 days
2324-033	96 days	42 days
2324-038*	112 days	73 days
2324-040*	29 days	11 days

Prevailing Parties for SY 2021-22

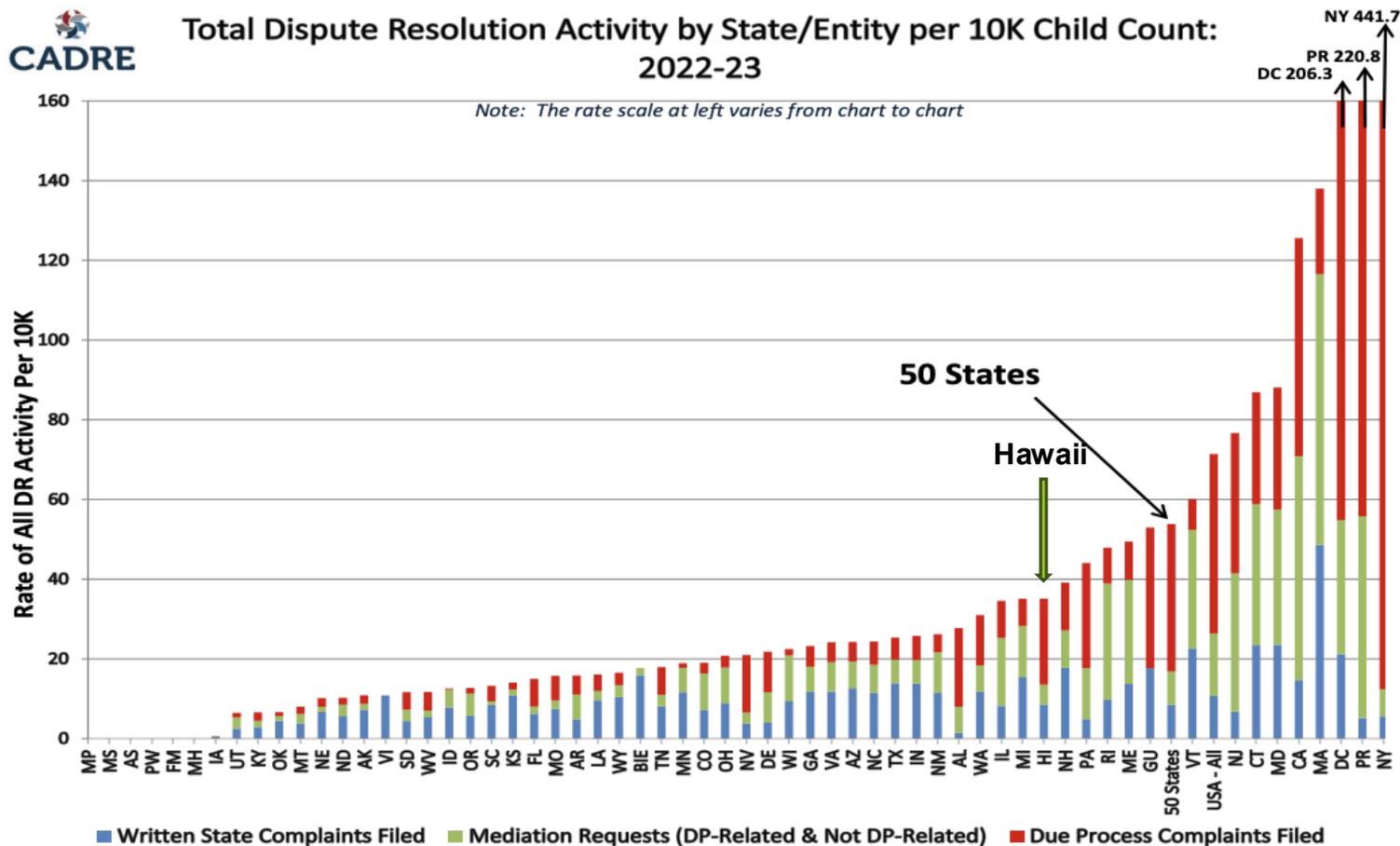


Includes 3 hearings which were filed by DOE in response to a parent request for an IEE. *Pro se* parents prevailed in only 1 of the 4 hearings.

6-Yr Comparison of Hawaii Hearing Requests and Hearing Decisions



Comparison to National Data All Complaints (per 10K SPED Students)



Source: CADRE, IDEA Resolution Data Summary, 2022-23



Areas of Concern: Resolution Sessions

The **30 resolution sessions** reported in the 618 Data Table on Dispute Resolution, resulted in only 5 written settlement agreements.

5/6 of the resolution sessions failed to resolve the complaint to avoid a due process hearing.



Areas of Concern: Timeliness

While there appears to be improvement in the length of time for most hearings to result in a decision, **more than half of the decisions exceeded the recommended timeline set in IDEA of 75 days.**

Improvement from last year's review was also seen in the timeline from hearing to the posting of a written hearing decision. **However, in 50% of the hearings, the hearing officer took more than 30 days to write up the final decision.**



Areas of Concern: Availability and Affordability of Plaintiff Attys.

5 of the hearings were represented by parents acting *pro se* on behalf of their child. **DOE was the prevailing party in all but one *pro se* case.**

The number of due process **hearing requests declined each year for the last five years.**

SEAC has documented reports from **families who were unable to retain a plaintiff attorney** to represent them in a due process hearing.