



**SPAN**  
35 Halsey Street  
4<sup>th</sup> Floor  
Newark, NJ 07102  
(973) 642-8100  
(973) 642-8080 - Fax  
E-Mail address: [span@spannj.org](mailto:span@spannj.org)  
Website: [www.spannj.org](http://www.spannj.org)

Statewide Parent Advocacy Network, Inc.

**Parent Centers and State Lead Agencies:  
Partners in Improving Outcomes through  
Development & Implementation of  
State Performance Plans &  
Annual Performance Reports:  
A Parent Center Guide**

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Our Mission: To empower families and inform and involve professionals and other individuals interested in the healthy development and educational rights of children, to enable all children to become fully participating and contributing members of our communities and society.

# **The Systems Change Opportunity: The Role of Parents and Advocates in the State Performance Plan and Annual Performance Report**

## **The Context of IDEA 2004**

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) was passed within a larger context of overall school improvement that includes No Child Left Behind (NCLB) and the Elementary and Secondary Education Act (ESEA). The five themes of school reform epitomized by these three laws can be summarized in five questions:

- What should all students know and be able to do?
- What do we have to do to get there?
- How do we know if we get there? (student assessment, and monitoring)
- What happens if we don't get there? (improvement planning and accountability)
- Who is "we?" (governance, parent involvement)

## **Requirement for State Performance Plan and Annual Performance Report**

Section 616 of IDEA, the section on Monitoring, Technical Assistance & Enforcement, requires each state to develop and implement a State Performance Plan that:

- Evaluates the States' efforts to implement the requirements and purposes of this part;
- Includes measurable and rigorous targets for the indicators established under the priority areas; and
- Describes how the State will improve implementation

IDEA 2004 requires that the State Performance Plan (SPP), including its indicators and targets, be developed with broad stakeholder input and be widely disseminated to the public.<sup>1</sup> Once developed, states must use the targets in the SPP to analyze the performance of each local district or early intervention (EI) service provider in the State, and must report annually to the public on the performance of each district or EI provider on each of the SPP targets (Annual Performance Report, or APR). Within the context of the State Performance Plan, measurable and rigorous targets must be established with broad stakeholder input and specify the challenging levels of improved performance to be reached within a particular timeframe. The SPP provides states with a process to identify areas of strength and promising practices as well as areas needing improvement and areas of noncompliance.

The development of an SPP with broad stakeholder input facilitates shared responsibility and partnership, not only in identifying the problems but also in developing, implementing, and

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<sup>1</sup> **Report language:** "The Conferees believe that accurate decision making with regard to enforcement of the IDEA is required in order to: (1) ensure that federal dollars are being spent productively on education, and, (2) to ensure that monitoring and enforcement is administered fairly. It is our expectation that state performance plans, indicators, and targets will be developed "**with broad stakeholder input and public dissemination.**" Minimally this means the State Special Education Advisory Council for Part B and the State Interagency Coordinating Council for Part C. Broad stakeholder input is required: but not formal public participation such as is required by statute and regulation for applications for IDEA funds.

assessing the impact of solutions; allows priorities and plans of action to be set by stakeholders; and brings together collective wisdom across roles, making it more likely that the plan will have the desired impact.

Because the SPP and APR are now the primary mechanisms by which the U.S. Department of Education will determine which states are selected for monitoring and enforcement actions, and the primary mechanisms by which the state will identify districts for monitoring and enforcement, it is critical that parents be involved every step of the way, from development of a high quality SPP with high expectations, through implementation of improvement plans and ongoing monitoring of continuous improvement at the district level.

### **Content of State Performance Plan (SPP)**

In the SPP, States must provide an overview of the system or process; baseline data; a discussion of the baseline data; measurable and rigorous targets; and improvement activities, with timelines and resources to be used, including public reporting on statewide performance as well as on the performance of each school district and EI program.

### **Challenging Levels of Improved Performance**

IDEA 2004 refocuses the purpose and priorities for federal monitoring on *improving educational results and functional outcomes for all children with disabilities*; and ensuring that States meet IDEA's requirements, with a particular emphasis on those requirements that are *most closely related to improving educational results* for children with disabilities.

### **Monitoring Priorities**

Effective monitoring systems:

- Address all legal requirements, including procedural compliance and educational results;
- Include public involvement in education compliance issues;
- Build upon existing student data to increase the efficiency of the system;
- Direct resources to areas of greatest need and importance; and
- Result in timely verification or enforcement of compliance and continuous improvement.

The U.S. Department of Education monitors States through oversight of the state's exercise of their "general supervision" responsibilities; the State performance plan; and focused monitoring. The monitoring priority areas established by IDEA 2004, 20 USC 1416 (a)(3) for the Part B system (preschool through transition to adult life) include FAPE (free, appropriate public education in the least restrictive environment; effective general supervision (which includes the state's monitoring, complaint, due process and mediation systems); and disproportionality). The monitoring priority areas established by IDEA 2004, 20 USC 1416 (a)(3) & 1442, are the provision of early intervention services in the natural environment and effective general supervision.

States must monitor local districts and EI programs based on these priority areas, and must set qualitative and quantitative indicators and adequately measure performance of all districts and EI providers against these indicators.

### **Indicators and Targets**

There are two types of indicators: compliance indicators, which are indicators that have mandated targets set by the U.S. Department of Education, and performance and outcome indicators, which must have rigorous and measurable targets set by a broad group of stakeholders. A summary of the indicators and established targets is attached.

#### ***Targets for Compliance Indicators***

For compliance indicators, the target must always be 100% compliance (except for the target of 0% for districts with inappropriate disproportionality in special education, in certain disability categories, and in placement). 100% compliance is defined by the U.S. Department of Education as meaning that, when the state identifies noncompliance, it is corrected within one year of identification and that it stays corrected over time.

When reviewing compliance data and determining relevant action/improvement plans, states must consider how/when they will determine a locally identified problem is actually a systemic (statewide) problem; what process is currently in place for correction, and how effective is that process; can systemic noncompliance be corrected within a year of identification, and if not, should a compliance agreement be developed.

#### ***Setting Targets for Performance and Outcome Indicators***

In order to ensure that SPPs lead to improved performance, the U.S. Department of Education requires that the targets set for performance and outcome indicators be “SMART:”

- **Specific** (targets must be directly related to the indicators)
- **Measurable** (targets must be quantifiable)
- **Achievable but challenging** (realistic, but a stretch; not a wish list, but ambitious; targets that are too difficult debilitate rather than motivate, while those that are too easy often lead to complacency and lack of progress)
- **Relevant** (to stakeholders and to current baseline data, and established within the context of the state’s improvement goals)
- **Timed** (6 year plan, with intermediate annual steps along the way).

States have been urged by the U.S. Department of Education to keep in mind three critical ideas:

- A goal that can’t be measured is just a *slogan*
- We treasure what we measure
- The State Performance Plan and Annual Performance Report are both all about improvement.

In determining performance and outcome targets, state must explain the reason(s) a specific approach was chosen and document why that approach was taken. Where does the state want to be in six years? Does the state want to close gaps? Does the state want comparability to general education? How was the baseline determined?

The baseline data used in the SPP must be quantifiable (i.e., in numbers, not mere narrative descriptions); clear, and accurate, valid and reliable. The State's targets must reflect improvement, even in areas where the state is doing better than the national average; it is part of a system of continuous improvement.

States can use monitoring data for some indicators. When monitoring data are used, States must describe how districts and EI programs are selected for monitoring.

Some indicators allow sampling. When sampling is used, States must describe the sampling methodology outlining how the design will yield valid and reliable data.

States can add indicators. If they do so, they must include the data source, measurement and calculation for each added indicator.

### **Improvement Activities**

All targets must be supported by an action plan that includes strategies describing how the targets will be achieved. The improvement activities or strategies must be reasonably designed to assist the state in meeting their established targets. The activities must also be specific, with timelines; some activities must be completed at intervals throughout the six years of the SPP. A good source for improvement activities are the federally-funded Technical Assistance and Dissemination projects. For information on these projects, go to [www.rrfcnetwork.org](http://www.rrfcnetwork.org).

### **The Annual Performance Report (APR)**

In the APR, States must provide:

- Actual annual performance against the targets;
- Discussion of improvement activities completed and explanation of progress or slippage (lack of progress or even regression)<sup>2</sup>; and
- Any revisions to approved targets, improvement activities, timelines or resources – with justifications.

IDEA 2004 requires that states *publicly* report on *each* indicator for *each* district or early intervention service provider each year.

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<sup>2</sup> “Slippage” does not always reflect poorer performance. For example, if the state’s data systems to track student drop-outs improves, the drop-out rate may look like it has increased when in fact the state is just doing a better job of catching all the drop-outs.

There is one exception. For indicators that allow sampling of data, states must report on each district and EI provider at least once every six years, and must collect data from a representative sample of districts and EI providers each year.

## **Public Reporting**

Yogi Berra, a famous baseball player and manager who lives in New Jersey, once said, “You can learn a lot by looking.” The corollary to this saying is, “You can avoid a lot by closing your eyes.” The requirement for public reporting of the State Performance Plan and the Annual Performance Report is intended to ensure public accountability, both for the establishment of rigorous and meaningful targets, and for measuring progress towards those targets.

IDEA 2004 does not mandate how SPPs and APRs must be publicly reported, it merely sets the requirement. Some suggestions for states on public reporting include:

- Provide complete profiles for each district or EI provider;
- Compare districts and EI providers to overall state performance and/or to similar programs (e.g. size, demographics, etc.);
- Use maps, graphics, and rankings to give readers a visual picture of status and progress;
- Provide guides/fact sheets/glossary to help the public understand reports;
- Place all reports – including reports on NCLB and IDEA – in one location on the state’s website;
- Include a narrative and executive summary;
- Use a Question and Answer (Q & A) format;
- Translate reports in to multiple languages; and
- Disseminate information through various means, including posting on the state special education and early intervention websites; distribution to the media; and distribution through stakeholder groups, such as parent centers, regional forums, meetings, teleconferences, etc:

## **What happens if the State does not make adequate progress?**

If the U.S. Department of Education determines for two consecutive years that a state needs assistance based on their Annual Performance Report, the Secretary must advise the state of available sources of technical assistance (TA) to address areas of need and require state to work with these TA sources, including the US Department of Education, other federal agencies, and TA providers (regional resource centers, funded TA&D centers). TA may include providing expert advice, including explicit plans to address concerns within a specified time frame; help in implementing professional development, instructional strategies, etc.; using “expert” administrators, educators, etc. to provide advice, TA, and support; and collaborating with colleges and universities (IHEs) and other TA providers, among other steps. The U.S. Department of Education may also direct the state to use state-level funds on certain areas of concern and/or identify the state as high-risk and impose special conditions on their funds.

If the U.S. Department of Education determines for three consecutive years that the State needs intervention, the Secretary shall:

- Require a corrective action or improvement plan to be implemented within 1 year;
- Require the state to enter into a Compliance Agreement under GEPR 457 if there is reason to believe the problem cannot be corrected within 1 year;
- Withhold 20-50% of the state's funds, or Seek to recover funds under GEPR section 452;
- Withhold in full or in part any further payments; or
- Refer for appropriate enforcement action, including to the U.S. Department of Justice.

If the U.S. Department of Education determines that the state “needs substantial intervention,” or that there is a substantial failure to comply with any condition of a state or district’s eligibility, the Secretary of Education shall:

- Recover funds under GEPR Section 452;
- Withhold in full or in part any further payments;
- Refer the case to the Office of the Inspector General of the U.S. Department of Education; or
- Refer for appropriate enforcement, including to the U.S. Department of Justice.

If funds are withheld, the U.S. Department of Education may:

- Limit withholding to certain programs or projects; and/or
- Prohibit the state from making payments to districts or EI providers that caused or were involved in the decision to withhold funds.

If funds are withheld, they are withheld until the problems are “substantially corrected,” and the state must bring the problems and enforcement actions to public attention.

### **Key Roles for Parents and Advocates**

Parents and advocates can and should play key roles in the development, implementation, dissemination, and ongoing evaluation of State Performance Plans and Annual Performance Reports and in work at the local level. Some specific roles include:

- Review the US Department of Education letters to Part C (early intervention) and Part B (preschool through transition to adult life special education) lead agencies to identify noncompliance and data collection deficiencies. Communicate and meet with your state lead agencies (NJ Department of Health and Senior Services for early intervention, and NJ Department of Education Office of Special Education Programs for preschool and school-age programs) to discuss how the areas identified by the U.S. Department of Education SPP approval letters will be addressed and what the role of parents and advocates will be. Provide parent perspectives on how to address noncompliance and data collection deficiencies. Specifically discuss how parents and advocates, with resources from the state, can help “fill in” the gaps and work with the state to correct noncompliance more efficiently and effectively. Use your existing dissemination networks to disseminate the SPP and APR, including your website, newsletter, statewide and local district or parent group workshops, and other forums.

- Share data from your parent or advocacy group with state lead agencies. What are the major issues and concerns identified by parents? How do the state's existing professional development, policy dissemination, enforcement, and dispute resolution mechanisms work? Where are the areas of weakness? Which districts or EI providers seem to be doing the most and least effective jobs?
- Share strategies with state lead agencies. What has your parent or advocacy group done that has worked in terms of educating families and professionals? What strategies seem not to work? What are parents asking for from the state? How can parents be more involved in all aspects of continuous improvement? What can you do to help at all stages?
- Help states develop more user-friendly formats for the SPP and APR so that parents, educators, advocates, administrators, and others can use the information to make things better for children with disabilities and their families.
- Review existing research and information and strategies from the U.S. Department of Education-funded Technical Assistance and Dissemination (TA&D) Network and share relevant information with your state lead agencies to ensure that they are using best practices to address areas of noncompliance and to make progress towards performance indicators. Check out the Technical Assistance Communities of Practice, which bring together TA&D research and dissemination projects, the regional resource centers, and regional parent TA Centers, on topics such as LRE (preschool and school-age), identification (Part C), Part C settings (natural environments), Data (Parts B and C), and Exiting (Transition). These Communities of Practice provide invaluable opportunities for stakeholders to improve practice and outcomes for infants, toddlers, children and youth with disabilities.
- In the development of the State Performance Plan and Annual Performance Report, maintain a role for the SPP Stakeholder team in implementation and monitoring of the impact of the plan, including periodic meetings to discuss data and results. IDEA 2004 does not require that this occur; it must be built into the SPP and APR. For example, the SPP could require quarterly meetings with the director of the state lead agency as well as periodic written updates to the SPP/APR team and other stakeholders.
- Reach out to your lead agency, State Board of Education or agency responsible for early intervention, Governor, legislators, etc. to request strengthening of stakeholder involvement in not only the SPP and APR processes but also in your state monitoring and improvement planning and implementation processes at the local level.

### **Tips for Parent Center Participation**

- Don't be afraid to advocate for your inclusion on the SPP/district self-assessment team. There should be parents representing students with varied disabilities, ages, racial and language backgrounds, and placement and service needs. Your experience and point of view is important.
- Find out who – or who else – is on the team. Make sure that the parents on the team are informed and not easily intimidated, and representative of families in your community.
- If you were not invited to be on the team, write a letter to the lead agency director, and follow it up with a phone call. Let them know of your interest in being on the team, and what you can bring to the process. Copy your State Education Commissioner or Board of Education, or head of the Part C lead agency. If you know state legislators who are aware of

your work, let them know that you are interested in being on the team but have not yet been invited.

- Whether or not you are on the team, reach out to other parents, advocates, and like-minded potential allies on the team. Identify areas of shared concern and recommendations. If you are not on the team, ask them to convey your concerns to the rest of the team.
- Ask the lead agency if the meetings are open to the public, even if you can't participate in discussions, and if they are, attend meetings even if you are not on the team. Encourage other parents and advocates to attend the meetings as well.
- If you are on the team, be prepared! Make sure you review the SPP/APR requirements before the process starts and periodically along the way. You want to be one of – if not the – most informed persons on the team! Take a look at the SPP and APR documents before and during the process to make sure the team is staying on track.
- Don't be afraid to be the only person raising a concern. You have a unique perspective, so you may be the only person who's aware of that concern or who cares so much about it. Stand up for your right to include your concerns in the summary of concerns; raising concerns is not a consensus process!
- Look closely at the data. Does it coincide with your experience? Raise questions about the accuracy of data if it doesn't feel right to you. Ask where the data came from, and how it was compiled. Add other data you are aware of, or suggest other data sources.
- Go to every meeting, or ensure that there is a representative from your parent or advocacy group at every meeting! Lots can happen in one meeting! Remember that you aren't just representing your own experience but the experiences of other parents. Talk to other parents and advocates to get their ideas, concerns, and recommendations along the way, and keep them informed and updated of developments.
- Meet with your State Assemblyman and State Senator, attend State Board of Education meetings, and schedule community forums to discuss the contents and impact of the State Performance Plan in your state or community. Share information in local newsletters, letters to the editor, etc. Give workshops to parents, professionals, etc. Share the SPP materials you have received. Keep the issues of services to and outcomes for students with disabilities at the top of everyone's agenda!

## Conclusion

“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.” *Margaret Mead*

Parents and advocates can play a critical role in ensuring that the small group of thoughtful, committed stakeholders on your state's SPP/APR team and district self-assessment/self-improvement team changes the world for infants, toddlers, children and youth with disabilities and their families in your state and community, not just one child at a time, but through your participation on the team that is focused on systematically and systemically identifying the strengths and weakness of current policies and procedures, setting visions and goals for the future, and developing, implementing, and assessing the impact of continuous improvement plans through the SPP and APR. You want to make a difference, to change things for the better, and you know that democracy is not a spectator sport. You know that you can't score points – or make change – by sitting on the sidelines. *So get in the game!*

## The State Performance Plan Under IDEA 2004

### Monitoring Priority Areas: Part B

- 20 USC 1416(a)(3)
  - FAPE in the LRE
  - Effective General Supervision
  - Disproportionality

### Monitoring Priority Areas: Part C

- 20 USC 1416 (a)(3) & 1442
  - EI Services in the Natural Environment
  - Effective General Supervision

## TWO TYPES OF INDICATORS

- **Compliance**
  - Mandated indicators set by US DOE: target must be 100% except in a few situations where it must be 0%, noted below. 100% compliance means that when you identify non-compliance, it is corrected within one year of identification and stays corrected over time.
- **Performance & Outcomes Indicators**
  - Rigorous & measurable targets set by broad group of stakeholders

## COMPLIANCE INDICATORS

### PART C COMPLIANCE INDICATORS

#### Indicator #1: EI in Natural Environments:

- Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.

#### Indicator #7: Effective General Supervision: EI Child Find

- Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.

#### Indicator #8: Effective General Supervision: EI Transition to Preschool

- Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday, including IFSPs with transition steps and services, notification to LEA if child is potentially eligible for Part B, and transition conference, if child is potentially eligible.

#### Indicator #9: Effective General Supervision: EI General Supervision

- General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

#### Indicator #10-11: Effective General Supervision: EI Dispute Resolution

- Percent of signed written complaints resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

- Percent of due process hearing requests fully adjudicated within the applicable timeline.

**Indicator #14: Effective General Supervision: EI Timely & Accurate Data**

- State reported data (618 and SPP and APR) are timely and accurate.
  - 20 U.S.C. 1416(a)(3)(B) and 1442

**PART B COMPLIANCE INDICATORS**

**Indicator #9-10 (new) Effective General Supervision: Disproportionality**

- Percent of districts with disproportionate representation of racial and ethnic groups in special education or specific disability categories that is the result of inappropriate identification.  
*Target must be 0%.*

**Indicator #11 (new) Effective General Supervision: Child Find**

- Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 60 days (or State established timeline).

**Indicator #12 Effective General Supervision: Effective Transition**

- Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.
  - (20 U.S.C. 1416(a)(3)(B))

**Indicator #13 (new) Effective General Supervision: Effective Transition**

- Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
  - 20 U.S.C. 1416(a)(3)(B)

**Indicator #15 Effective General Supervision: General Supervision**

- General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.
  - 20 U.S.C. 1416(a)(3)(B)

**Indicator #16-17 Effective General Supervision: Dispute Resolution**

- Percent of signed written complaints resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
- Percent of due process hearing requests fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

**Indicator #20 Effective General Supervision: General Supervision**

State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

## PERFORMANCE & OUTCOME INDICATORS

### PART C PERFORMANCE AND OUTCOMES INDICATORS

#### **Indicator #2: Settings**

Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children

#### **Indicator #3: Child Outcomes**

% who demonstrate improved:

- Positive social-emotional skills (including social relationships);
- Acquisition and use of knowledge and skills (including early language/communication);
- Use of appropriate behaviors to meet their needs.

#### **Indicator #4: Family Outcomes**

% of families who report that EI services have helped their family:

- Know their rights
- Effectively communicate their child's needs
- Help their child develop & learn

#### **Indicators #5-6: Child Find Birth to 1 & Birth to 3**

% of infants and toddlers 0 to 1 & 0 to 3 with IFSPs compared to:

- Other States with similar eligibility definitions;
- National data.

#### **Indicators 12-13: Resolution & Mediation Agreements**

- Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (if uses Part B system)
- Percent of mediations held that resulted in mediation agreements

### PART B PERFORMANCE AND OUTCOMES INDICATORS

#### **Indicators #1-2: Graduation & Drop-Out**

- Percent of youth with IEPs graduating from high school with a regular diploma compared to percent of all youth in the State graduating with a regular diploma
- Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping out of high school.

#### **Indicator #3: Assessments**

- Participation & performance of children with disabilities on statewide assessment:
  - Percent of districts meeting AYP for disability subgroup
  - Participation rate for children (regular assessment; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate standards)
  - Proficiency rate against grade level standards and alternate achievement standards.

**Indicator #4: Suspension**

- Rates of suspension and expulsion:
  - Percent of districts with significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in school year
  - Percent of districts with a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity

**Indicator #5: Placement/LRE**

- Placement (school-age)
  - % removed from regular class < 21% of day
  - % removed from regular class > 60% of day
  - % served in public or private separate schools, residential, home or hospital placements

**Indicator #6: Preschool Placement**

- Placement (preschool)
  - % who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

**Indicator #7 (new): Preschool Outcomes**

- % who demonstrate improved:
  - Positive social-emotional skills (including social relationships)
  - Acquisition and use of knowledge and skills (including early language/ communication and early literacy); and
  - Use of appropriate behaviors to meet their needs.

**Indicator #8 (new): Parent Involvement**

- Parent involvement
  - % of parents who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

**Indicator #14 (new): Post-School Outcomes**

- Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school

**Indicator #18 (new) & 19: Resolution Sessions & Mediations**

- Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements
- Percent of mediations held that resulted in mediation agreements