

Special Education Appeals

Fiscal Year 2011 BSEA Statistics

What follows is a summary of Bureau of Special Education Appeals (BSEA) data for fiscal year 2011 (covering the period July 1, 2010 through June 30, 2011).

Rejected Individualized Education Programs

During FY 2011, the BSEA received 8,348 rejected IEPs, an increase of 473 over the past fiscal year.

Mediation

There were approximately 809 mediations concerning special education and Section 504 matters conducted by six BSEA mediators during FY 2011. (This figure represents a slight decrease, i.e., 5.3%, from the 854 mediations conducted the prior fiscal year.)

Approximately 86% of the mediations resulted in written agreements.

Hearings

There were 544 hearing requests received by the BSEA during FY 2011 (representing virtually no change from the 545 requests in the prior year). The vast majority of these hearing requests were either resolved prior to proceeding to the formal hearing, or subsequent to the commencement of the hearing but prior to concluding the process.

BSEA hearing officers conducted full hearings resulting in 35 decisions.

In addition to the 35 decisions, at least 51 substantive written rulings were issued.

Prevailing Party

Of the 35 decisions noted above, parents prevailed in 7 (20%), school districts prevailed in 22 (62.9%), and 6 decisions (17.1%) involved mixed relief

Representation

Statistics with respect to outcome in relation to representation are as follows:

Of the 7 cases in which parents fully prevailed:

parents were represented by counsel in 5, and appeared pro se in 2;
the school district was represented by counsel in all 7 matters.

Of the 22 cases in which school districts fully prevailed:

parents appeared pro se in 11, were represented by counsel in 9 and by a lay advocate in 2;
the school district was represented by counsel in all 22 matters.

Of the 6 cases in which mixed relief was granted:

parents were represented by counsel in 1, by a lay advocate in 1, and appeared pro se in 4;
the school district was represented by counsel in all 6 matters.