>> Well hello, and thank you, everybody, for joining our webinar today. I'm Dr. Melanie Reese, the director of CADRE. We are excited to welcome back our friend, Jason Harper, to talk with us. Jason will be building upon his spring presentation on Implicit Bias and Micro-Aggressions in Special Education.

As you know, CADRE has been focusing and identifying and building resources and tools around cultural linguistic competency and state education dispute resolution systems, and today's webinar, "Cracks in the Foundation: Checking our Bias to Build Better Systems" is designed specifically for state education agencies. This presentation is another in our continuing series of valuable CADRE webinars archived, and will be available on our website on our RMCA pages.

So a few technical notes -- next page, please -- phone lines have been muted to minimize interruptions. At any point during the presentation you can enter questions or comments into the Chat actually, and the presenter is reserving time at the end to take questions. So if you put them in there, I'll ask them at the end. The presentation materials are also posted.

We are truly pleased to bring you today our friend and senior consultant for CADRE, Mr. Jason Harper. Mr. Harper is the founder of Harper Conflict Resolution, an LLC specializing in education and employment mediation, utilizing a collaborative approach. In addition, Jason is the alternative dispute resolution consultant for the Los Angeles County Office of Education, providing mediation and conflict resolution services over 50 school districts and charter schools. Additionally, Mr. Harper is a lecturer in law at the University of Southern California, Gould School of teaching, on cross-cultural dispute resolution, and adjunct professor of mediation at Pacific Coast University School of Law. Jason has been recognized by the California State Senate and the United States Congress for his mediation trainings. Among his many accomplishments, he is one of the founding directors of Kids Managing Conflict, a nonprofit dedicated to promoting conflict resolution programs for K-12 grade students.

Jason received his master's degree in Negotiation, Conflict Resolution and Peacebuilding from Cal State System Dominguez Hills, and his mediation training from Loyola Law School in Los Angeles. So with that, Jason, thank you so much for joining us today.

>> Hi, Dr. Reese. Thank you so much for having me, and all of the fine folks at CADRE for allowing me the time and the space to present on such an important topic. I'd also like to thank all the attendees. It seems as though you have a thirst for this type of information, and us and CADRE are happy to provide that. So if you afford me the time, allow me to present to you "Cracks in the Foundation: Checking our Bias to Build Better Systems." And like Dr. Reese stated earlier, this is a continuation of sorts from an earlier webinar that I did on Implicit Bias and Micro-Aggressions in Special Education. So what we decided to do was, we decided to do was, we decided to take that particular subject and elevate it to system design. So in our first part on Implicit Bias and Micro-Aggressions in Special Education, we talked about it from an interpersonal communication standpoint, let's say. But here, today, during our time together, we're going to elevate that discussion to talk about how that implicit bias can infiltrate the way that we create systems. And even with the best intentions, some of our blind spots can be embedded in the system that we use to serve the communities that we have in front of us. So again, "Cracks in the Foundation: Checking our Bias to Build Better Systems."

So like I mentioned earlier, when it comes to system design, identifying and confronting our unconscious bias is critical to producing the best systems. So in light of that, we're going to talk about a number of different things. I'm going to be asking you a series of questions that serve to get your mind doing in the direction of, hey, what is it that I need to be on the lookout for when I'm creating the state dispute resolution system for my constituents in my communities? So because of that, we're going to cover a lot of things, and we don't have a whole lot of time, but I do think we have plenty of time to have a substantive discussion, and at the very least, get the ball rolling on your thought process in creating a dispute resolution system.

So we're going to talk about implicit bias, we're going to talk about it as a concept. We're going to talk about its implications, not just from an interpersonal standpoint, but also from a system design standpoint. And then we're going to obviously discuss strategies that can facilitate equity in your policies and procedures. Again, this is about building the best system that you can, even within our own blind spots, right? That's the purpose of our time today, and let's get right into it.

So the first concept that I want to broach with you, the audience and the participants, is the idea of cultural competence. All right? We may have heard this particular term a lot, particularly over the last few years; cultural competence is something that we talk about a lot. I know I talk about it a lot, Dr. Reese mentioned it earlier. I am a law professor at the University of Southern California Gould School of Law, and in that class, or in that school, I teach cross-cultural dispute resolution. And cultural competence is a huge part of the class that I teach, and the content of the class. And so when we talk about cultural competence, I want us to make sure that we're aware, and we're all speaking the same language. So we define cultural competence as the act of becoming aware of assumptions about human behavior, values, biases, preconceived notions, personal limitations, and how these assumptions influence actions, interactions, behaviors, and -- I think most importantly -- decisions, right? And that's where we come in today. Obviously that definition is a mouthful, to say the least. And one of the things that people get really caught up on is the fact that becoming aware of all of these different things, right -- we talked about human behaviors, values, biases, preconceived notions, personal limitations -- the list goes on. And there's a lot of intimidation that comes along with that.

What tends to happen is, we engage in subjective thinking, right, and we rely on what I call "Popeye's problem," right, we remember Popeye the Sailor Man, the old cartoon, and at the end of the cartoon, he always says, "I am what I am, and that's all I am. I'm Popeye, the Sailor Man." Insert a "toot-toot" at your leisure. However, really what that means is, we get to a point where we become so overwhelmed that we just rest on the fact that we just know what we know, we are who we are, and we just engage in the world from that lens. And I would respectfully push back on that. It is imperative for us to remain curious. It is imperative for us to remain open. And while looking at this definition of cultural competence, it can be intimidating when you look at all of the different assets that go along with cultural competence, I want you to understand this -- and this is the very first thing that I want you to write down, if you're the note-writing type: Cultural competence is not a singular event. No one is expecting you to learn about all of these things, this amazing list of things, all in one sitting. That wouldn't be realistic, that's just not our experience. However, cultural competence is a journey. And if you're brave enough to go along on that journey, you'll be amazed what you can learn and the people that you can touch along the way. And that's the purpose of creating our dispute resolution systems, right, for our state education agencies. It's important that we do that, and it's important that we have that cultural competence when we create those systems.

So when we talk about dispute resolution systems, they have to be, again, culturally and linguistically competent in order to meet the interests and the needs of diverse populations that are residing in the United States and their territories, and the tribal nations. We serve a vast community, vast communities -- plural. And with each of those, they have their own particular cultural patterns. They have their own communication patterns. They have their own constituents. And in doing and creating these systems, we must be mindful of the totality of our communities. Now I know that sometimes we can get fixated on one specific community, but what tends to happen is, we can do that to the detriment of other communities that are within our space. So again, we have to be culturally and linguistically competent in order to meet the interests and the needs of all of those diverse populations.

So in order to do that, we need to take it a step back. Let's take a step back, and let's talk about stereotypes, implicit bias and its implications. So stereotypes, and I talked about this in the first part of this webinar series on Implicit Bias and Micro-Aggressions in Special Education, the stereotypes are known as widely held -- but, and here's the key term here -- fixed and oversimplified image or idea of a particular type of person or thing. A widely held, but fixed and oversimplified image or idea of a particular type of person or a thing. So we have stereotypes, and the reason why we have stereotypes is because we engage in what's called heuristics; heuristics are cognitive shortcuts. We, on a day-to-day basis, are inundated, bombarded with so many decisions in a given day, that if we were to spend time to really analyze each and every decision that we had, we wouldn't get out of bed in the morning. And some of us may not way to anyway, but we do have a lot of things to get done, right? So with that come a lot of decisions that we need to make. So we use stereotypes as a cognitive shortcut that allows our brains to make snap judgments, or snap decisions, because we prioritize a lot of things. So for some things we need to just make a decision right then and there, so that we can move onto the next thing, which may necessitate a little bit more energy from us from a thought process standpoint.

So stereotype we use, it's a shortcut that allows our brains to make snap judgments. The problem with that is, when used inappropriately, stereotypes don't allow us to see people for who they are individually and what they can bring to a given situation, right? When we unnecessarily rely on stereotypes, we tend to judge and view people as in a group, as opposed to an individual. From an interpersonal standpoint, that's extremely important to remember. So when we lean on stereotypes, what tends to happen is, it then creates bias. That is where we can get into trouble, especially when it comes to system design.

Implicit bias is defined as, any assumption that affects our understanding, our actions or our decisions in an unconscious manner. Everyone has an implicit bias. So I talked about this before in the very first webinar in the series, but I'm going to say it again, because it's just that important. Implicit bias, again, any assumption that affects our understanding, our actions or our decisions in an unconscious manner. And literally everyone has them. Everyone on the planet has an implicit bias. It covers a range of responses, from benign all the way to pivotal. I'll give you an illustration of the range of implicit bias and its consequences.

When we talk about implicit bias, what I would typically do is, I want you to close your eyes, and I just want you to just hear me out. When I say a particular word, I want you to mention the first thing that comes to mind when you hear that word, all right? Peanut butter. If I say "peanut butter," what's the first thing that comes to mind when you hear those words, "peanut butter"? Some say "jelly," some say "bananas." Some say "Nutella." But the reason why you come up with the words and the associations you come up with -- and some said allergy, unfortunately, and I feel terrible for those folks -- but when you come up with that word, that is your implicit bias. You make an association, an implicit, unconscious association with one item to another. We have been bombarded with imagery over time, over decades even. When you see peanut butter you immediately think of either bananas or Nutella, or jelly. For me it was jelly. I've been bombarded with imagery of jelly, of peanut butter and jelly together, for so many years, that whenever I hear "peanut butter," I immediately think of jelly. That is an implicit association, an implicit bias, towards jelly, when I think of peanut butter.

Another example -- when you hear the term "cotton swab," a lot of folks think of "Q-tip," right? A Q-tip is not actually a cotton swab, however, a Q-tip is the name of a Johnson and Johnson product that they have advertise for decades. It's even to the point where they don't even need to have commercials on it anymore, because they've done so much work in showing you that imagery where they show you a cotton swab, and they use the term "Q-tip." And you put those two together over time and continued reinforcement, so that whenever you see one, you think of the other. That's an implicit association, also known as an implicit bias. So we talk about peanut butter and jelly, or Nutella, depending on where you're from. We talked about Q-tips and cotton swabs.

Another example is when we talked about MP3 players, or when we used to use those. MP3 players were called iPods, right? Apple created the iPod, and that was the MP3 player of choice. And Microsoft came up with their own MP3 player called Zune, if you can recall that, that was quite a few years ago. But the problem with the Zune was is that everybody called it an iPod. Microsoft was dead in the water, and Apple had achieved market share because they had spent so much time and so much money just on advertising to show you an MP3 player, and having you associate it with the name of "iPod," right? It created that implicit association, which essentially is a bias against Microsoft's product, the Zune, towards Apple and their product, the iPod. So those are benign examples.

But it also goes to pivotal examples as well. When I hear the word or the term or the title of "CEO," right, what's the first thing that comes to mind when you hear that? That goes back to the associations that we've been making and have been reinforced for us over decades, and I mean decades. When we think about the term "CEO" or the title Chief Executive Officer, a lot of times we think of older white men. That has been an implicit association that we've made over the years. And it goes from there. So when we think of the term "CEO" and we see somebody that looks different than the association that we usually have, or has been in our subconscious, we immediately question it. We immediately take a look and say, oh, are you sure about that? And that can have devastating consequences, especially when you're in the hiring process. So that's the CEO.

But what do you think of when you hear the word "criminal," right? That is, again, a pivotal application of implicit bias or implicit associations. One of the things you need to understand about implicit bias or implicit associations is that it doesn't necessarily align with our declared believes. And the reason why it doesn't necessarily align with our declared beliefs is because our declared beliefs are front of mind, they're right at the forefront, and we're able to speak into the masses -- hey, we want to treat everyone equally, we want to treat everyone and give everyone the same opportunities. But our implicit biases, our implicit associations, have been reinforced over so many generations, through a number of mediums whether it is through television, whether it's through radio, whether it is through observation, whether it is through child-rearing, right? We've been shown things from our parents and our guardians and our grandparents, and all of that. All of these things are passed down over generations. So because it's passed down so much, it goes all the way into the deep, back recesses of your mind, and that is where we make our unconscious decisions. We may say that we have a belief that everyone has the same and equal opportunity, and we may genuinely want to believe that. However, our implicit associations can provide blind spots that will enable us to miss certain things. We may come in with the best of intentions, but because of those blind spots that have been embedded over decades, it can result in us missing certain things, and thus, excluding certain people.

So those biases can manifest itself in various forms of discrimination, such as gender, sexual orientation, race, and it's particularly ability, and even in special education dispute resolution systems, sometimes it can be unintentional, of course. But it can leave out certain groups for any number of reasons. So again, these biases are subtle, and they're unconscious in nature. Again, they're not the forefront of our minds, but because they're so far back in the recesses, it can result in undetected actions or judgments that can result in favoritism towards some, and ultimately leaving others out of the process of being able to benefit from a given system.

So research shows that all of us -- all of us -- have particular implicit association when it comes to a race or gender, and-or their social group. Well, men and women hold implicit associations about gender. Both whites and people of color hold implicit associations about race. Now that's where the unity comes into play; we all have implicit biases, we all have implicit associations. I think I just illustrated that for you a little while ago. However, while they are huge, and while they can be very pivotal for us, and while they are backed up by years of reinforcement, they are malleable. They can be changed. And with work, with effort, you can become aware of those blind spots, those implicit associations, that implicit bias, and you can change them, ultimately. It takes effort, it takes time. But it can be done.

So when we talk about implicit bias, I want to talk about it from a system design standpoint, which creates systemic bias. So these are some examples of how we can come in with the best of intentions, and yet, and still because of our blind spots, in the back of our minds, based on our implicit associations and based on our implicit bias, we can leave people out of the conversation or out of the benefits of a particular system. So we look at the gender pay gap in the United States -- that alone shows that there is a flaw, a fundamental flaw in the system based on an implicit bias, or an implicit association, right? How is it that two people can do the exact same work, have the exact same skillset, but be paid differently, right? Even working in the same company. That is an illustration of a broken system. So let's look at another one. For another of years, there were only male crash test dummies. So the purpose of creating crash test dummies was obviously noble, from the standpoint of wanting to make sure that people were safe. However, when they only made male-structured crash test dummies, what ended up happening was, when car makers created these vehicles, they didn't account for the overall and general measurements and logistics of the female body. So when car accidents were happening, while men were a little bit safer, women were suffering catastrophic injuries even using the exact same cars. Why? Because when they were coming up with the design, they didn't include women in that particular equation. And that may have just been a complete blind spot. So that is another example of a systemic bias.

The white first design -- and this is in reference to when we talk about makeup, when we talk about just different color palettes. When we talk about Band-Aids or bandages, when they talk about new coloring -- new coloring for what skin type? It usually is geared towards one particular ethnicity, one particular skin tone, when obviously we all have a number of different skin tones. So that white first design inadvertently left a number of people out of the equation. We're talking about the gender pay gap and how that has left women out as beneficiary of a particular system, you have crash test dummies that, until recently, left women out of being a beneficiary of that particular system design. We have color palettes that left people of color and other ethnicities out of a particular system design. Here's another one; smart watches that default to make you stand once an hour, right? The actual Apple watch did that in its first generations. However, if you're a person that is in a wheelchair and you're constantly getting a ding on your watch that says, "All right, make sure you stand up," what does that say? That makes the default setting cater towards a particular person that leaves out another community completely in the cold. So this smart watch that defaults to make you stand once an hour -- that is an example of ableism. Again, when we create these systems, when we create these products, when we create anything that is meant to serve a large mass of people, we have to be careful that we are including everyone in that design.

Then finally, forms that identify parents and guardians as only male and female. This covers a lot of areas, right? It covers sexual orientation, it covers the idea of people being able to marry each other, and other areas. But this system design left out a particular segment of the population, whether it's advertently or inadvertently, the impact is the same. So one of the things that I tell my students that intention is one thing. Impact is another. Intention is variable, but impact is absolute. When we talk about system design, understand that each of us may have the best of intentions to make the most comprehensive and perfect system that we can. However, people are flawed. We all are flawed. Again, we all have implicit biases, we all have implicit associations. We all have blind spots. So because we each have blind spots, we all are flawed when it comes to our creations. And when we try to create these systems, what ends up happening is, our blind spots may funnel right into those systems. When we do that, we can ultimately and unfortunately leave certain communities out in the cold, and not be able to benefit from a system that we have designed with the intention to serve everyone. So these are small examples of implicit bias, and how we can impact system design and the implications, the consequences of that.

So one of the things I always look for people to do is, to explore yourself. Measure yourself. Assess yourself. And one of the ways that you can do that, to start that journey towards cultural competence, which is very, very important -- again, it's not a singular event, it is a journey over time. But one of the steps to doing that is understanding yourself. And the Implicit Association Test by Harvard, created by Harvard, is a great tool to be able to detect the strength of a person's subconscious association between mental representations of objects or concepts in memory. So if you want to test what your implicit associations might be, your implicit biases, if you will, then this is a great tool to do so. One of the things, I have my students fill this out and do this test every semester, and I have them to do it in these specific categories, when it comes to Race, Arab-Muslim, Gender and Science, Skin tone, Ability -- but there are a number of other assessment categories that you can measure yourself in. And I absolutely implore you to do that, because as the people that are creating these systems -- we are the ones creating these systems. As the people creating these systems, it's important for us to know where our blind spots are. And while this particular IAT, the Harvard Implicit Association Test, while this may not be the end-all, be-all assessment and measurement of our implicit biases, our blind spots, it can serve as the conversation starter, or the start of that journey of self-reflection and how it can have an impact on the work that we do. So again, I highly recommend that you take the self-assessment, the Implicit Association Test from Harvard, in a number of different categories to start that journey of cultural competency.

So when we talk about cultural competence, one of the things that I think is very important is that we understand that there's a number of areas that we need to be aware of when it comes to that journey. Again, cultural competence is not a singular event, it is a journey over time, and we gain more knowledge as we apply ourselves, and as we remain curious about others. So the four components of cultural competence are as follows: The first is that there's a self-awareness that our own cultures and life experiences can be a roadblock to understanding others. What does that mean? That means we need to get out of our own minds, get out of our own heads, so to speak, and get into the other person's mind, and be curious and ask those questions so that we can have a better chance of understanding others. One of the things that we tend to do is engage in what I call "subjective thinking," where you hear about another person, and you hear about another person's -- whether they're communication patterns, whether they're cultural experiences and the like, and we immediately compare it to our own communication patterns, our own ways of being, our own values, if you will. And it just so happens that when we compare the two, the other person's ways come up a little bit short in the comparison. So one of the thing that we needed to do is be self-aware when we engage in that subjective thinking and turn that part of the brain off, and really remain curious on its own face, with another person's experiences. Another thing to be aware of, another component of cultural competence is having capacity for attentiveness to cultural characteristics of others -- again, remaining curious. Not from a standpoint of comparison, but from a standpoint of understand, from a standpoint of awareness. So it's about building the capacity for attentiveness to cultural characteristics of others.

The third component is building cultural knowledge and understanding differences, owing to cultural characteristics. So when you build cultural knowledge and the understanding the differences, that is where we are starting to do the work; that's where we're starting to really engage with multiple people and people from different grooves and different backgrounds, and understanding their given experiences, and being able to compare and contrast. These are critical thinking skills that we want to apply when it comes to that diversity, when it comes to the communities that we are here to serve, particularly in the dispute resolution realm.

Then finally, we want to enhance our cultural competence skills and apply them to better-serve our respective communities. When we think about special education in the United States, obviously there's federal guidelines that go along with it, right? It's the IDEA, Individuals with Disabilities Education Act. And within that act, there are dispute resolution platforms and interventions that are embedded within it. And when we create these systems, understand that we're here to serve the community. And that community is going to look different, depending on where we are. But as state education agencies, as people that are putting together these dispute resolution systems, it is absolutely imperative that we learn from the people that we're trying to serve in order to serve them as well as we can. These are people that can represent a vulnerable part of the population, these are people that represent the protection for those vulnerable parts to the population, right? When we talk about students, when we talk about families, these people need to be able to access the dispute resolution systems that you're going to create. And in order for them to access it, they need to feel as though it is accessible. And there are a number of ways that we can do that, and unfortunately there are a number of ways that we can make people feel that it is not accessible. Intention can be variable, but impact is absolute. So we have to be mindful of the impact of the systems that we design.

So with that in mind, I want to take this time to discuss actual systems, and building better systems. One of the things that the fine folks at CADRE are doing is, they're putting together a cultural and linguistic competence assessment for state education agencies that are building their dispute resolution systems. And one of the things that's extremely important is understanding when you're putting your teams together, when you're putting your groups together, your committees, if you will, that are tasked with bringing these systems on and creating these systems, we want to make sure that they serve the communities within your area -- all of them. And as different as they may be, sometimes we can see that as a challenge, but other times we should see that as an opportunity, an opportunity to really show that we are here to create those systems that serve everyone. So when we talk about the areas of focus for that system design -- when we talk about those areas of focus for that system design, it goes in five different areas. Values, infrastructure and organization -- that is the foundation for building those dispute resolution systems, right? Then it goes into access and delivery; how are people able to actually apply and really access and really use these particular strategies, these particular systems, these particular programs? The third is practitioner standards and professional development -- the people that you have carrying out this particular system or these particular interventions, what type of standards do you have for those folks, and how are you ensuring that they are getting better? It's one thing to build a system, but it's another thing to build a system and then leave it alone. Then it becomes antiquated very, very quickly.

So another area is public awareness and outreach -- how do people know about this particular program that is going to be amazing, and is going to serve and allow people to feel as though they are a bigger part of this particular community, of this particular state education agency and system? How are you getting people to understand that they have the ability to access it and that it is something that is there for them? Then finally, evaluation and quality improvement -- it's absolutely important to understand that while we do create things, we need to understand how it's actually being utilized, how people are accessing it, what people thing, what the community thinks of it, and how can we make it better over time? So when we talk about the areas of focus in cultural and linguistic competence, particularly when it comes to system design and especially dispute resolution system design, these are the five areas of focus that you absolutely should be on the lookout for, and have a particular focus on.

So with that, I'm going to break down even further these five areas of focus. So obviously, we have to start at the foundation, which is the values, the infrastructure and organization. So what I want to do is, I want to ask you all a series of questions, that one could see this as a Socratic method, but it's not necessarily all that highfalutin, it's really just about questions that help you, that should help spur your mind as to things to consider when creating these systems. So the first question that is asked is, does the team, does your committee, does the people that are tasked with creating this dispute resolution system, does the team understand the importance of diversity? Do they understand that importance? Do they understand why it's necessary, or does everyone have the same values and the same idea that this is important and this is why it's important? Does the team include individuals in leadership roles, from racially, ethnically and culturally-diverse groups that reflect the target population or target populations? So when we have people of different backgrounds in leadership roles, that allows and creates the space for more people to be considered. So we want to make sure that the people we have at the forefront of the system design adequately reflect the communities that are being served. Then finally, the third question that I would ask when it comes to values, infrastructure and organization is, does the team have policies that address culturally-appropriate language and inclusive practices? Again, this is the foundation before we even start the system design. Does the team have these policies? Does the team have leadership that reflects the communities that you're intending to serve? And does the team understand the importance of diversity? We can't go any further -- and there are a number of other things to consider when we talk about values, infrastructure, organization. You can't get started until you have these particular questions answered. So with that in mind, we then move on to the next stage.

That is access and delivery. So the questions that you want to ask yourself when you're creating these systems is, has the system assessed the institutional barriers that prevent individuals, populations and communities from accessing and using services? Now when we talk about institutional barriers, I mean, it could go in a number of different directions. One of those directions, and I'll just share one example because I want to make the best use of our time, is what are the hours that people can be reached to access these services? That in and of itself can be seen as an institutional barrier. One of the things we have to be mindful of is, how are people able to access these services? What is the delivery model? Does the system have policies and practices to engage and develop partnerships with underserved communities? That is a huge question that you need to ask yourself when you are creating these dispute resolution systems. Are you actively engaging in developing partnerships with the underserved communities? Because I'll tell you this -- and this is in my experiences and my travels as an ADR consultant and as a mediator over a number of different states, when people are in an underserved community, the trust level is very, very low when it comes to state education agencies, for a number of reasons, right? They're underserved, and they feel underserved. What makes it worse is, they see other communities being served adequately and appropriately. So that presents a huge trust deficit, as I like to call it. So when you as a system, you as a state education agency, when you can create a system design that tries to partner with those underserved communities, that can serve to change the perception, to change the lens, to change the way that underserved communities are viewing the state education agency. When that happens, then you're on the right path to building back those communities and building back that relationship, because the state education agencies is only as good as the communities that believe in it and that are utilizing the services.

Then the last question for access and delivery is, is the intake process responsive to the culture of clients, their languages and their accessibility needs? When we talk about the intake process, when we're trying to bring people in and understand where they're coming from and what the issue is, and all of these things, are we doing it in a way that makes people feel as though, hey, this person understands me, this person sees me, and this person is able to give me a solution, or at the very least, tell me the right direction to go in. And that, again, builds that trust in the system and in the people behind the system. So that refers to access and delivery. Again, that's the second area of focus when we talked about cultural and linguistic competence within the dispute resolution system design.

The third is practitioner standards and professional development. So the questions that you want to ask yourself, when you're creating your special education dispute resolution system, is, does the system have a recruitment and selection process that adheres to your state's practices of diversity and inclusion? Are you looking for the people that are representative of your communities? When we talk about the practices of diversity and inclusion, one, again -- and that goes back to the very foundation of the values, right? What does diversity and inclusion mean to your group? What does it mean to the designers of the system? Do you have a recruitment process and a selection process that adheres to those ideas and those ideals? That's a very important thing that you need to understand and be mindful of.

The next question -- does the system have staff that are representative of the communities served by race, languages, or any other cultural identities? We talked earlier in the foundation piece about leadership. But leadership is one thing, but also having the staff, the people that have their boots on the ground, are they representative of those communities? It's important to have both. You want to have the people at the system design level to be able to speak to those communities, but you also want to have people that are in front of the masses, that are in front of the families that can speak to those families, that are representative of those communities.

The next question -- does the system conduct professional development activities that are evaluated for relevance, applicability and quality? Relevance is absolutely important, and this goes with the constant re-evaluation; evaluation and re-evaluation. We'll get to that in a little while. But relevance is important, because communities may change over time. So is the information that you're using, is the way that you're connecting with people still relevant? Is it still applicable in a given situation? And is it actually serving with fidelity, is it serving from a quality standpoint? And the final question for practitioner standards and professional development -- does the system ensure that staff have a foundational understanding of the historical implications and lived experiences of racially, ethnically, culturally and linguistically diverse students with disabilities, when it relates to discrimination, ableism, racism, et cetera? One of the things that we have to be very mindful of is when we go back and we talk about the different ways and the different patterns that people were excluded by over the years, even when we, and again, it's all in the forefront of our minds when we talk about implicit bias -- we may have our declared beliefs that we want to give everyone an equal and equitable opportunity to apply and access these services. But for groups that have been systematically, historically not included, ignored, disregarded -- in those situations, there's a lot of work that needs to be done. But in order to do that work, you need to have the context. You need to have the historical implications, and how things that were done 20, 30 years ago still have ripples, those things still ripple today, those things still have effects today. And not just historical, but also the lived experiences. It's important not just to focus on what's happened in years past and generations past and how it still has remnants today, but it's also important to actually sit down and talk with the people that are experience it right now, because while we do have that historical context and it is important, we also want to understand and see people where they are right now, and meet them where they are right now, and talk with them about their experiences in the present day. So that is extremely important, particularly when it comes to practitioner standards and professional development. So the people that are using, the people that are going to be the ones that are providing these interventions, they need to understand these things so that they can more adequately and accurately speak to these different communities.

We also have awareness and outreach. Awareness and outreach are especially important, because a system is only as good as the people that know about it, right? So the questions that we want to ask ourselves when we're creating these systems is, simply put, does the system ensure that the services are offered in languages other than English? Are they offered in plain language? And are they accessible to people with disabilities? Those are three characteristics, those are three areas that are extremely important. Is it in languages other than English? Because again, we serve diverse populations, and English is not the only language out there. Is it written in plain language? We want to make them as lay friendly as possible, because we want as many people as possible to be able to access it. And it is accessible to people with disabilities? So I want you to take a real look at the people that you are serving, and how are the ways -- are there different modalities that can be used? Are there different ways that people can access and be able to see and hear and understand what is being offered?

The next question -- does the system partner with community leaders to reach the intended audiences? Now those are those community partnerships that I was talking about earlier with those underserved communities. When you can create and partner with those different community leaders, those community leaders are able to go back to the constituents and say, hey, what these folks are doing, it actually is good. I recommend that you give it a try. And that increases the use, that increases the usage of the system and the interventions, it creates better communities. It creates that connection that we so richly need.

Another question Does the system use multiple modalities to provide information in venues and formats tailored for culturally and linguistically diverse communities? How are we getting the message out there? How are we getting the word out there? Is it just through flyers? That's not enough. Is it through different messaging? Is it through in-person? Appearances and announcements -- that is not enough. Are you making podcasts? Are you putting it in a newspaper? Are you putting it in newsletters? All of these are different ways and different modalities that you can present the information and present the opportunity for people to be able to access these different resources, this specific dispute resolution system. So if you can do that, then you're on the right path.

Then the last question for awareness and outreach is, does the system ensure that all materials use images of people that accurately reflect the diverse populations in the state? This is extremely important, mainly because people will want to see themselves. When people see themselves, they feel as though they can access what is being put out. How many times have we seen different brochures or different messages where they see the people are accessing those services, but none of them look like you -- that feels disregarding. That makes people feel excluded. So when that happens, we want to be aware of that, and we want to make those changes. We want to be able to present that, hey, everyone can use these services, everyone can use these interventions. I want you to be able to see yourself within this process.

Then the final area of focus is on evaluation and quality improvement. So the questions that you need to ask yourself when you're creating the system design is, does the system continually review and assess the extent to which the policies and procedures create barriers? Again, this goes back to the intentions may be variable, but the impact is absolute. So when it comes to our systems, do we need to continually review and assess them so we're not inadvertently creating more barriers for people to be able to access it, right? That's why we need to continually review.

The next question -- does the system analyze data to identify demographic trends? Again, communities change for a number of reasons, and they change over time. So we need to be able to track that so we can really make sure that the interventions that we're providing and the way that we're providing them are still relevant, because systems can get antiquated and obsolete very quickly if you let it -- so don't let it. Also, does the system collaborate with stakeholders to analyze data and identify the system's strengths, the challenges and the areas of improvement? That's when those community partnerships come into play. You can connect with the community members and those community leaders and have them or people within those communities be a part of that evaluation process. Having them help identify the strengths, having them help identify the challenges and the areas of improvement, you're already getting people that will give you the answer to the test, if you will, they will give you the answers to, here's how you can serve us. Here's how you can make us feel more included. It makes all the sense in the world to use that to your advantage when it comes to system design.

And finally, does the system use multiple modalities to collect the user experience? When we talk about evaluation, when we talk about access, when we talk about outreach, when we talked about the values and just the foundation -- all of these things, the main goal is we want to use our systems to serve as many people as we possibly can, to serve every community. And because everyone is different, that speaks to the beauty of the diversity of our populations. We have to be able to share that and disseminate that information in different ways, so that everyone not only can hear, but they can also be heard.

So when we talk about these different areas of focus, five areas of focus, this is why it's important when we come up with a system design, these are the questions we need to ask ourselves so that we can do the work that we were meant to do, and that is, serving the population as best as we can -- everyone in that population. With that in mind, I want to thank you all for your time. This is my contact information if you have any further questions. And at this point, I'd like to open it up for any questions and answers. Dr. Reese?

>> There are a couple of questions. One, beyond addressing language barriers, what do you think are critical elements for state agencies to consider in mitigating inequitable access?

>> Well, we talked about language, but we also need to talk about just the way that people are, again, the way that people are able to access the different services. When we talk about the hours of operation, when we talk about just the people that actually had their boots on the ground that are providing the services. There are spoken and unspoken ways that people feel excluded from an institutional standpoint. And when we can address both of those, then we're creating the opportunities for everyone to be able to access the systems that we're creating.

>> Can you speak a little bit to stakeholder engagement, and at what point in the process of analyzing the system do we engage stakeholders? Do we focus on the system itself first? Maybe just speak to your thoughts on stakeholder engagement.

Well, okay, just so I'm clear -- that was a mouthful. Let me just make sure I'm clear on this. So elaborate on stakeholder engagement and what that looks like? Or --

>> Well, your system, and you're evaluating your system for cultural and linguistic competency, one of the recommendations would be to engage stakeholders to give feedback and input on your system. At what point do you think we should engage in stakeholder engagement? Is it at the first step do we make a committee to come in? Or is it something that -- just speak to stakeholder engagement overall.

>> Stakeholder engagement is a continual practice. It needs to be at the beginning, the middle -- at the beginning when we're talking about system design, it's important to get their ideas and their ideals as well. When the system is designed and it's being utilized, having interaction with stakeholders and having stakeholders involved is important, because then it allows you to be able to see in real-time how it's being used, and how it's being utilized. And you're getting that real-time feedback. Then when we're evaluating, it's important to have the stakeholders there, because they're the ones that are utilizing the system, they're the ones that you have been partnering with, so they should have some type of say in what's working, what isn't working, what could be improved upon, and how we can further entrench the system and the interventions, and making people feel as though this is something that I can use.

>> I want to remind everyone that you can certainly raise your hand if you have a question, so we're watching that as well. Could you expand a little bit on professional development for providers, in terms of what is most effective in making change?

>> Yeah. So when we talk about professional development for providers, one of the things that is important are obviously having an understanding of the different values, of diversity, of inclusion, of how to speak to particular groups. And that's another area where you have the stakeholders come in, where you have people teaching you on, here's how we like to operate. Here's how we communicate. Here is how you can be more mindful of us. So that is, in and of itself, is professional development. So when we talk about that, there's a number of areas and places to get professional development, particularly one being CADRE, of course, where CADRE presents a number of PDs on a number of different topics, that will equip you with being able to create those dispute resolution systems.

>> Can you speak a little bit to how we can develop trust with folks that we have perhaps underserved in the past?

>> Yeah, so when we talk about just -- and this goes in a number of different directions -- when you have communities that have been historically excluded, when you have communities that have been historically ignored, and not just ignored, but disadvantaged, right? There's a big difference between those two things, right? So in those situations, first off, you have to understand that when there is mistrust, you have to understand where it's coming from and not be offended by it. That's first. That's the first step. Then, from there, not just being -- or refraining from being offended by it, but also, ask the questions. Be the person to be able to seek out those folks and be able to talk them through, hey, talk to them about your experience so that when I create the system that it doesn't leave you out, right? Because that's where we build back the trust. There's been decades of reinforcement of a lack of trust or a mistrust, and that mistrust has been earned over time. But the way that we build that, the way that we kind of walk all of that back and try to build that trust, we have to go back and talk about the harms that were done first. Then we can talk through what the solutions are, moving forward.

>> Question in the Chat -- how would you address competing interests? For example, more accessibility to due process by increased number of hearings, which some may want to avoid?

>> Well, I think that there is power in knowledge, and then there's trust in knowledge as well. One of the things that I've noticed is, there can be a kind of a self-fulfillment prophesy when it comes to competing interests, right? Letting people know that due process is available. You're afraid to do that because you're afraid that more people will want to file, right? But what happens when a family finds out about due process, and they say, well, wait a minute, I didn't know about this. They didn't want me to know about this. And now you have more people filing, because they felt as though you were hiding the ball, so to speak. So I think that the best course of action is always to provide the most information as you can in the moment, so that people not only feel confident in their decisions and their options, but confident in you in the fact that you are providing all of these. It shows that you are operating in good faith perception-wise, and literally. So I think that's extremely important.

I will say that information, generally -- having that information is the best way to go, because -- and I know that we're running up on time, but there's an illustration that I like to use when we talk about information -- I like to tell people to think of information like it's oxygen, right? So what happens when the body goes without oxygen? The first thing that happens is, well, you get a tingling sensation, right? You know when you're arm falls asleep and you're trying to shake it awake, and it feels like pins and needles? That's oxygen coming back to the body, because it was going without it for quite some time. If you go longer without oxygen, you'll start to hallucinate, right? You'll start to see things that aren't quite there. Then obviously if you go too long without oxygen, you pass away, you can't live without it. Information is the exact same way when it comes to families. When a family goes without information for a little bit, they still get that tingling sensation, much like oxygen, but that's called anxiety. So think about it that way. Then if they go even longer without information, they'll start to hallucinate much like when you go without oxygen, but what ends up happening is, they'll perseverate on the worst case scenario and attach emotions to it. We do that as people, we do that. And it's not just parents, we do that as people. And we perseverate on the worst case scenario and then it just evolves from there. Then from there, if you go too long without information, that means the trust in the relationship passes away. And we want to prevent that at all costs. So providing information gives people more confidence, it gives people more faith in the system, it gives people more faith in the process, and it gives people more faith in yourselves.

>> Question about, how can systems, dispute resolution systems, further identify and reach those who are underserved?

>> How can dispute resolutions identify and --

>> Dispute resolution systems, like state departments of education, dispute resolution systems themselves. What steps can they take to reach underserved populations?

>> Well, one of the things that is important is, one, identifying the underserved populations, and there's a number of ways that we can do that. We can look at disproportionality numbers, we can look at free and reduced lunch. There's a number of different areas to measure whether a community is underserved. But when that happens, come out and let them see you. That's one way to let people know that, hey, we're here and this is something that is available. Making yourself known, making yourself seen -- that is extremely important when it comes to underserved communities, because as a person that has worked within underserved communities and underserved LEAs and districts and the like, one of the things that they mention is, nobody comes out to talk to us. Nobody comes out to see us. Nobody comes out to actually hear what we have to say, which then kind of perpetuates the underserved title or mantle. So the easiest thing you can do is, as a system -- and there are always people behind the system, the systems are created by people -- so the people behind those systems need to come out and be visible to those underserved communities. That's the first and the best way, in my view.

>> If anyone who is in the group who is listening has some suggestions for how they've engaged in identifying underserved populations or engaging stakeholders, or some successes in developing and building trust, please feel free to unmute and join the conversation.

There's another question. When is it that we continue to maintain systems that sometimes seem to make disputes worse, and helping them -- [INAUDIBLE] the question -- why is it that we continue to maintain systems, like CRP and due process hearings, that sometimes seem to make disputes worse, than helping them resolve their issue and move on? So the system itself actually prohibits or discourages resolution.

>> Right, yeah, I mean I guess we continue to -- we continue to maintain systems because by nature, and especially in the line of work that we're in, people tend to -- are very slow to make changes. We find a way that may have worked at a particular time, and then for whatever reason, we just stay with it because, for a number of reasons, people don't want to completely dissect it and then try to improve it, because the moment you try to make some new changes, people are afraid you'll leave yourself vulnerable to something else that comes into play, right? So that's why a lot of people, particularly in law, are very, very stuck in their ways when it comes to system design, or just systems in general, because we created something that is actually working, or it has worked, and because of that, well, why would we deviate from it? It's actually proven to work. But not understanding that demographic shift. People change, people's thought processes change. Conflicts change over time. So with that, that answers your question as to why we're so hesitant to make changes, or why we're so bent on keeping systems the way that they are. It's because at some point they worked, and people, particularly in the law field, are conservative by nature. And when that happens, you're much less likely to really pop the hood and really look through what's going on and be able to change for the times.

>> Just to speak to the full continuum of dispute resolution options, having sat in the seat of a Dispute Resolution Coordinator at a state agency, there are times a due process hearing is an appropriate means to resolve dispute. Not everything can resolve in informal ways or through mediation, or through facilitated IEP. And there are very good reasons to file complaints, or to bring about systemic change or to cause awareness of possible problems in the system. I think that having those systems in place is important, and thinking about ways to improve communications and build trust and build connections with communities you serve is also important.

>> Okay.

>> Can you speak to other systems, not just dispute resolution in state agencies, special education, that are good examples of addressing biases for cultural linguistic competency?

>> Outside of dispute resolution? That's a good one. That's a good one. And I open the floor, if anybody has any ideas or any examples of systems in general that are culturally and linguistically competent, I know that there's a few in certain areas, but again, I open it up to anybody that has any examples. Because this is the stuff that I love to hear. I love to hear where the victories are. So please, by all means, let's hear about it.

Well, I will say --

>> Okay, go ahead.

>> One system that I have seen, and it's not necessarily from a state agency, but -- and this is kind of near and dear to my heart, when I talk -- pure mediation is one area where they've managed to do a really great job with being culturally and linguistically competent. And it's really about the effort. It's really about the effort and the desire to make sure that they stay on top of who it is that they're serving, and why they're doing what they're doing, and how they could serve better. There's a number of peer mediation programs in the State of California that are doing amazing work in staying culturally and linguistically competent. That's just one example. But again, I always like to hear other victories from other folks, and any other system that you all have seen in your travels as well.

>> How do you bring systems, or maybe even at the individual level, how do you bring above a movement toward competency with folks who are predisposed to devalue this as important? You mentioned earlier that diversity is important; does your team think diversity is important, you know. What about those systems and teams, or individuals that are, you know, "Why are we focusing on this? Let us just do our job."

>> Well, I guess to the folks that say, "Why are we focusing on this, let's just do our job," the question is, how are you doing your job? And how is your job being made accessible? How are you and your job accessible to the people that you're meant to serve? And we can't know that unless we speak out and reach out to those communities. I think the first thing is always awareness, right? For folks that view implicit bias or micro-aggressions, or diversity or inclusion, they've seen it as a buzzword over the last number of years. And there can be some fatigue in just hearing those particular terms over and over, and they just may have an aversion to that. I've definitely seen that. But when you actually talk about what it means -- a lot of people read their headlines but don't actually read the article. And sometimes people just get stuck in the headline of "Implicit Bias," "Micro-aggressions," "Blind spots" -- all of those things. But when they actually take the time to hear out what it actually mean and how it can affect us -- I've noticed in my travels and when I have talked with people about implicit bias, I've had people come in that were super-fatigued about the entire concept. But after hearing about what it actually is, how it affects us, what the implications are, what the consequence is of those things can be, particularly whether it's interpersonal or in system design -- the lightbulb turns on and they say, "Oh my goodness, I didn't realize how deep the rabbit hole goes, for one, and for two, I'm now curious as to where mine are." Then it turns people. I think the first point is just starting the awareness, beyond the terms of themselves. Then that is to kind of turn people's thoughts and opinions towards the idea of inclusion, towards the idea of diversity, and being able to look beyond just the ways that things used to be, and into the way that things should be, or could be.

So that's the first step, building that awareness. Then from there, it's about being intentional about the people that you choose to help with those particular objectives and creating those systems. You have to be intentional about that.

>> How do you prioritize resources when many communities that have been underserved experience barriers to access, especially when states are facing constraints of staff shortages and funding? For example, there's a need for material to be translated, and there are 60 different languages to translate them in, or we only have a 60-day timeline in order to do a complaint. Considering the boundaries, considering the constraints on budgets and staff and capacity, how do we prioritize where to put our energies?

>> Well, I think the prioritization depends on where you are in your community, and that's why it's incumbent upon you understanding what your community needs. If you listen to your community, they'll tell you what the priorities should be. So if you can do that, that's the first and the second step. They'll give you -- like I said before, if you can reach out to your stakeholders, if you can reach out to the communities that you're serving, they'll give you the answers to the test, right? They'll tell you whether explicitly or in between the lines what the priorities can and probably should be in your given community.

>> Like I said, there's space and time if anybody has anything to bring up, please feel free to raise your hand, any other questions. That looks like we are at a place where we've got all the questions in. So anything you want to finish with, Jason?

>> Oh, again, I think everything starts with awareness, and then awareness leads to desire, which then leads to change. So again, you want to really engage with your stakeholders, engage with those communities. Again, like I said before, I'll say it again -- they'll give you the answers to the test. You just have to listen.

>> Great. Thank you, Jason, so much for generously sharing your work on this critically important topic. Fantastic. And thank you, everybody, for joining us today. We hope that you found the information valuable and meaningful to your work. We'd also like to remind you that CADRE has compiled resources geared towards assisting states and others who are interested in equity initiatives and developing or improving cultural competency. There's a link in the Chat, we can put it in there again, for equity and cultural linguistic competency resources. Also, if you're interested in the five function areas that Jason talked about, we have those available on the website as well in more detail, and CADRE has been working on specifically putting an eye toward equity issues as we look at those function areas, so that's an area of focus. And we appreciate, Jason, your helping further that work along.

We also want to remind you that CADRE offers technical assistance on improving your dispute resolution systems, and has an informed team and staff available, and senior consultants to support your work. So please don't hesitate to contact us if you have questions, or want a sounding board on your own initiatives.

Finally, your feedback's really important to us, so please do fill out the survey that's in the link. We very much value your feedback.

And from all of us at CADRE, we wish you a safe and restful and fun-filled holiday. So, peace, everybody. Thank you, Jason.

>> Thanks, everyone.