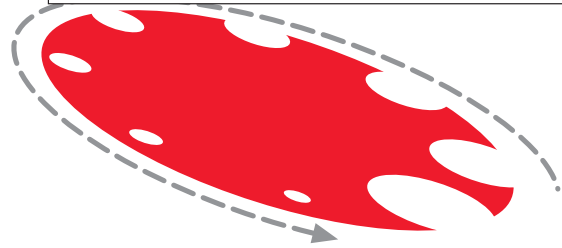




**CADRE**  
Center for Appropriate Dispute  
Resolution in Special Education



*Four Exemplary  
Dispute Resolution  
Systems in  
Special Education*

*Profiled in June 2010*

*Center for Appropriate Dispute Resolution  
in Special Education (CADRE)  
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**CADRE**

*Helping Parents and Educators*

*Create Solutions That Improve Results  
for Students with Disabilities*

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<http://www.directionservice.org/cadre/>

CADRE is a project of



Direction Service

P.O. Box 51360

Eugene, OR 97405-0906

541-686-5060 voice

541-686-5063 fax

[cadre@directionservice.org](mailto:cadre@directionservice.org)

[www.directionservice.org/cadre](http://www.directionservice.org/cadre)



Direction Service, Inc.

[www.directionservice.org](http://www.directionservice.org)



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[www.nasdse.org](http://www.nasdse.org)



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# *Dispute Resolution in Special Education*

## *Four Exemplary State Systems*



### **Introduction**

Between Fall 2008 and Summer 2010, CADRE, the National Center on Appropriate Dispute Resolution in Special Education, undertook a process to identify state special education dispute resolution systems that are particularly effective and to characterize those systems and their components in ways that will be useful to other states that are considering improvement activities. Four states — Iowa, Oklahoma, Pennsylvania and Wisconsin — were identified as exemplars using the process described below. Profiles were developed so that these states' dispute resolution systems could be viewed in their entirety and used as potential models. Additionally, CADRE is cataloguing items from each of these systems (policies, training materials, forms, brochures, evaluation instruments, etc.) so that they are available for states and others who wish to implement practices or utilize materials that are being successfully used elsewhere.

CADRE used a systematic approach to identify the characteristics of effective dispute resolution systems and the underlying practices and functions that contribute to their successful use by state education agencies. As a first step, fourteen states were identified through the application of the following criteria:

- compliance on State Performance Plan/Annual Performance Report (SPP/APR) Indicators Part B 16–17 and Part C 10–11 for Federal Fiscal Year 2006 (written state complaints investigated and due process hearings completed within timelines);
- levels for performance Indicators Part B 18–19 and Part C 12–13 for Federal Fiscal Year 2006 (resolution meeting written settlement agreement and mediation agreement rates);
- support and utilization of stakeholder involvement in the design, development, and management of their dispute resolution activities;
- investment in and support for innovative dispute resolution processes at the “early stages,” including capacity building/prevention, early disagreement assistance, and alternative conflict resolution methods;
- history of using a broad range of required and alternative dispute resolution processes;
- integration or coordination across dispute resolution options;
- evaluation of dispute resolution activities to inform system improvements;
- involvement with CADRE's Dispute Resolution Community of Practice activities (e.g., dispute resolution coordinator listservs, national symposia, other CADRE activities); and,
- characteristics of organization and demography that would provide some variation among exemplar states.

No four states fully met all these criteria. Therefore, the criteria were applied as preferences for the purpose of nominating states for OSEP approval. CADRE's Director met with staff from OSEP to review the criteria and scoring and consider other factors that might suggest worthiness of identification as an exemplar state. The final four “exemplar states” were selected jointly by the Office of Special Education Programs (OSEP) and CADRE. CADRE communicated with the State Director of Special Education in each of these states to advise them of their selection, gauge their interest in participating, and secure a commitment of the staff time needed to successfully conduct this project. Each state enthusiastically agreed to participate.

Dispute resolution practices exist within the context of a larger system, including the history and culture of the state with respect to dispute resolution. The four profiles that follow present an overview of each state's dispute resolution system, focusing on some common aspects of state system performance and emphasizing the organizational characteristics that seem to be critical for successful operation. While these four states represent how effective systems can be unique, it is worth noting that they share common attributes. Among these are high levels of stakeholder involvement, investment in early upstream dispute resolution processes, use of technical and content expertise, active participation in the CADRE Dispute Resolution Community of Practice, engagement in continuous quality improvement practices, and thorough documentation of systems.

In addition to the profiles, CADRE is now working with representatives from the exemplar states to identify and document elements and features of dispute resolution practices that are effective and contribute to those states' success. An online searchable repository that will catalogue and provide easy access to resources that inform state improvement efforts is also part of CADRE's activities related to exemplary dispute resolution systems.

While these descriptions were being completed the partner state systems adjusted their operations as a part of their improvement efforts: they rewrote awareness materials, modified evaluation systems, and adopted new procedures. The profiles are, then, merely "snapshots" of these state systems at a point in time. This work begins an effort to capture and communicate what works well and what will help states learn from one another rather than "reinventing the wheel." CADRE looks forward to participating in a continuing discussion about how states can design and implement dispute resolution systems that capably support parents and educators to design effective programs for students.

This document was developed by CADRE as a project for Direction Service, Inc., pursuant to Cooperative Agreement CFDA H326D080001 with the Office of Special Education Programs, United States Department of Education. These system profiles were compiled by CADRE staff members (Teresa Coppola, Anita Engiles, Philip Moses, Marshall Peter and Richard Zeller) in partnership with state representatives. Any inaccuracies contained herein are the sole responsibility of CADRE. Opinions expressed do not necessarily reflect the views of the U.S. Department of Education. CADRE gratefully acknowledges the significant contributions of the following people, whose insight and expertise were of great assistance:

Iowa: Dee Ann Wilson, Thomas Mayes and Eric Neessen

Oklahoma: Jo Anne Blades and Malissa Cook

Pennsylvania: Kerry V. Smith, Cindy Judy, Dixie Trinen and Suzanne McDougall

Wisconsin: Jack Marker, Patricia Williams, Patricia Bober, Jan Serak, Jane Burns and Nissan Bar-Lev

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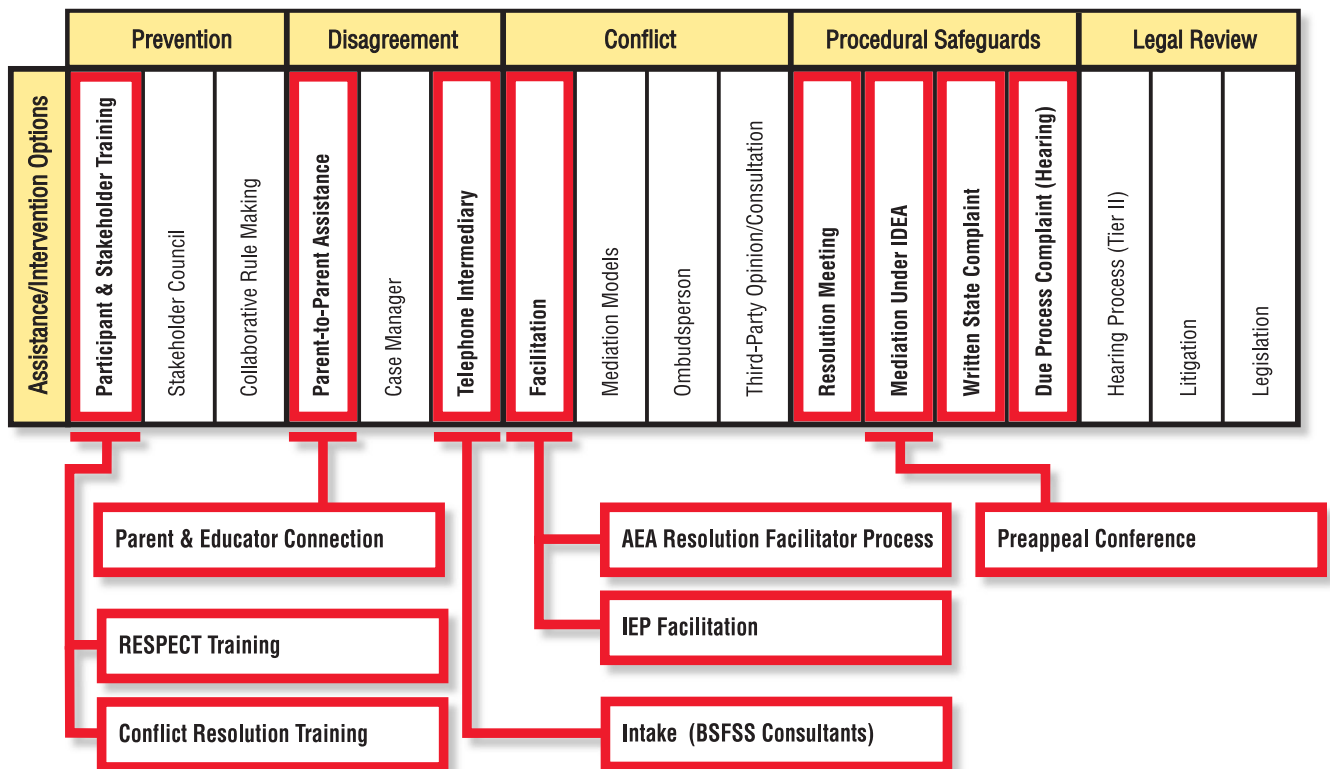
CADRE Consultants: Art Stewart, Tom Kelly and Donna Dickerson

# *Iowa ~ An Exemplary Dispute Resolution System in Special Education*

*Profiled June 2010*

## The CADRE Continuum of Processes and Practices

*Iowa's Dispute Resolution Options in Bold*

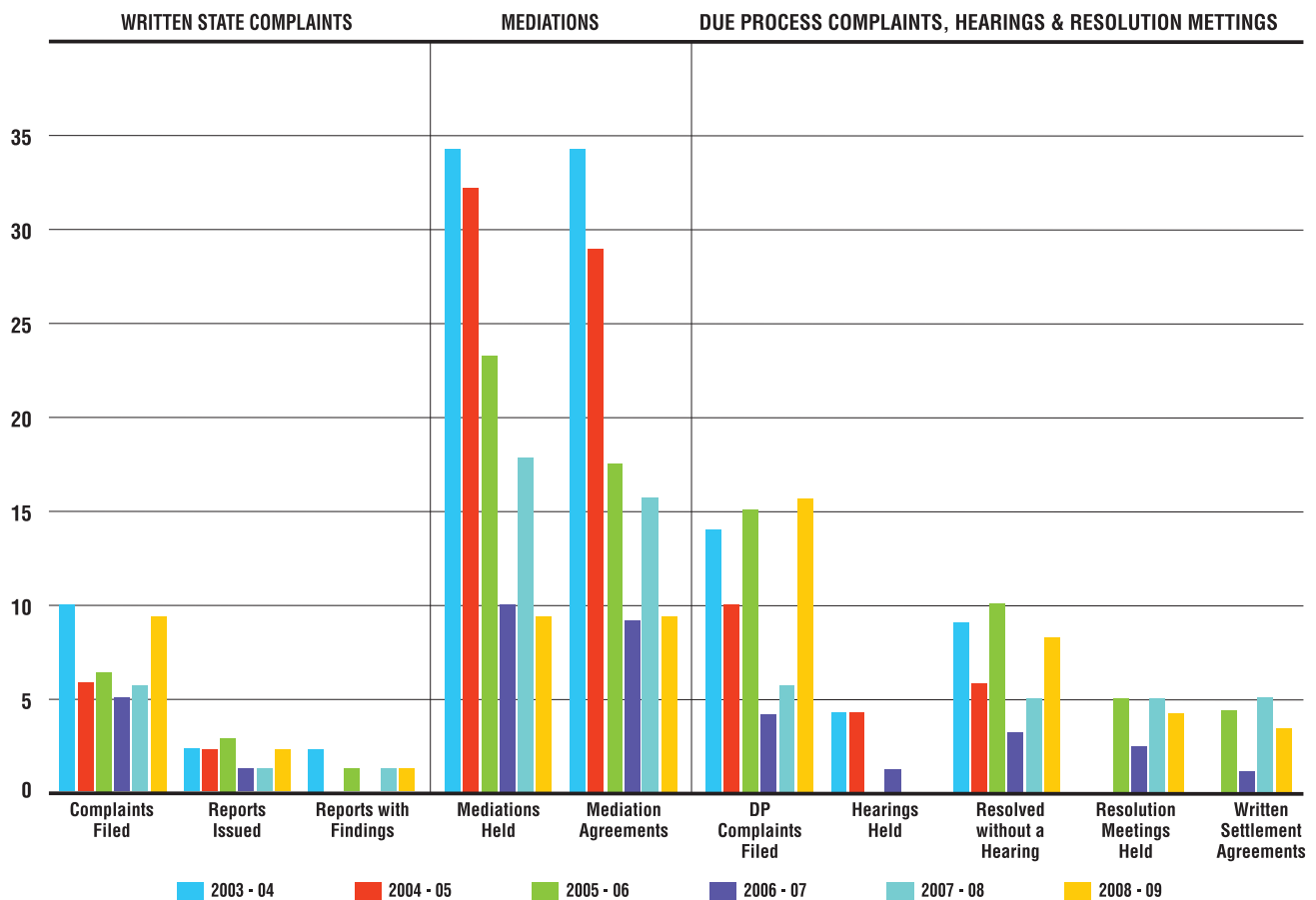


*For more information about the CADRE Continuum, see:*  
<http://www.directionservice.org/cadre/aboutcontinuum.cfm>

The Iowa Department of Education, through its Bureau of Student and Family Support Services (BSFSS), has provided leadership in developing early dispute resolution options in special education for several decades and serves as an excellent example of promoting local-level resolution of disputes. The state education agency (SEA), local education agencies (LEAs), and area education agencies (AEAs) have shown long-term commitment to sustainable system improvements. In 1976, Iowa became the third state in the nation to offer mediation to resolve special education disputes. In 1987, it piloted use of the “preappeal conference,” allowing parents, districts, and AEAs to request mediation without requesting a hearing. In 1988, as part of statewide educational reform, a design team composed of a cross section of stakeholders selected a problem-solving model with an emphasis on dispute prevention and resolution at the local level. To ensure long-term commitment to system transformation, a core committee of SEA staff collaborated with leaders from AEAs to identify and implement innovative practices.

In 1995, the SEA incorporated the preappeal conference process into state regulations and contracted with the Iowa Peace Institute to design and present conflict resolution training to staff participants from each of the AEAs. A more refined process grew out of these trainings, which later became the AEA resolution facilitator process. The Iowa Department of Education has chosen to allocate resources to skill development for parents, educators and other service providers at the LEA and AEA levels where most problems actually occur and where they can be solved if problem-solving capacity exists. In 2003, the Iowa Peace Institute designed a stakeholder training known as ‘RESPECT’. Over the past 15 years, more than 600 people have completed the various conflict resolution trainings, the majority of whom are still working in Iowa’s educational community. Iowa’s engagement of parents to serve as consultants at the SEA level, hiring of parents in each of the AEAs as Parent Coordinators with the Parent & Educator Connection (PEC), and training of large numbers of stakeholders in resolution facilitation have created a strong statewide culture of early dispute prevention and resolution. These investments have also resulted in historically low numbers of both written state complaints and requests for due process hearings. All aspects of Iowa’s dispute resolution system are available to those seeking to resolve disputes about services provided under IDEA Part B or Part C.

**Figure 1. Iowa — Dispute Resolution Events per Year**  
**Source: APR Table 7 and Section 618 Data**



*(Note: Figure 1 does not include Due Process Complaints pending each year at the end of the reporting period.)*

The terms used in the figures in this document are either drawn directly from or are shortened versions of data element terms from Table 7, the dispute resolution data reported by states in their APR. Instructions and definitions of all terms used for Table 7 reporting are available at: <https://www.ideadata.org/documents.asp#collection>

## ***Intake Process***

When the Bureau of Student and Family Support Services (BSFSS) receives a communication from a parent or AEA or LEA staff member with a concern regarding educational services, a consultant records the details about any child-specific situation that could lead to a complaint about a violation of IDEA. This information is maintained in a file called “Potential Complaints.” Following a request for information or a request for a more formal dispute resolution option, a BSFSS consultant responds by taking steps to comply with the legal requirements of IDEA, while also focusing on problem-solving and collaboration.

The consultant may send a “Parent Packet” at this time, which includes the most recent Procedural Safeguards Manual for Parents and other information about resources and dispute resolution processes required by IDEA, as well as alternative processes offered by the SEA such as the AEA resolution facilitator process. The consultant often initiates conversations with the parent(s) and representatives of the LEA or AEA to identify resources and explore opportunities for early resolution.

To comply with IDEA regarding timelines, a due process complaint is stamped with the date it is received by the SEA and a written state complaint is entered into the SEA complaint log. The complaint officer monitors the log for timeline compliance. The document is routed to the secretary who assists both the Special Education Consumer Relations Consultant and the Legal Consultant.

## ***Optional Processes***

### **Stakeholder Training**

One of Iowa’s major investments has been in conflict prevention through the offering of low cost or free conflict resolution and communication training for hundreds of stakeholders. There are six different types of trainings available for stakeholders in Iowa, with more people having taken the 32-hour Introduction to Mediation than any other program. The SEA responded to AEA requests for training with a specially developed curriculum known as ‘RESPECT’ (see below), as well as the Introduction to the AEA Resolution Facilitator Process. The SEA recently provided generous funding for the Parent Training and Information Center (part of the ASK Resource Center) to provide the four-day ‘RESPECT’ training in three different cities.

‘RESPECT’ (Recognizing Everyone’s Strengths by Peacebuilding, Empathizing, Communicating, and Trustbuilding) has been taught to special education administrators, educators, service providers, parents, and others throughout Iowa since 2003. This program addresses conflict in the context of relationships, which includes symbols, perceptions, identities, and meanings. It promotes the understanding of the way that identity is woven into conflict dynamics, explores perceptual differences arising from cultures and

### **Lesson Learned**

*“‘Win-Win’ makes it sound like we are playing a competitive game of some kind. When working to rebuild relationships and resolve disputes, people shouldn’t be thinking in terms of winning and losing. We need to change the paradigm; to focus on problem-solving, resolving differences and finding solutions that allow everyone to move forward.”*

*Dee Ann Wilson*

worldviews, and uses creative tools like metaphor and narrative dialogue. It “invites heart into the process” by developing and articulating an ethic of caring.

In the broadest sense, the primary goal of this training program is to build respectful and creative relationships between educators and family members on IEP teams in order to enhance learning for students who receive special education services. This goal is based on the theory that the power of an IEP team to produce results that will meet student, educator, and family needs is rooted in the quality of the relationship among team members and that the quality of those relationships is dependent to a large extent on the way team members work collaboratively to bridge differences. A second long-term goal is to help IEP team members resolve differences as early in the process as possible, with the added benefit that this will likely result in a reduction in complaints, preappeal conferences, mediations, and due process hearings.

### **IEP Facilitation**

Iowa offers facilitation of IEP meetings as another way to resolve disagreements early and at the most local level. The role of AEA resolution facilitators generally includes facilitating IEP meetings; however, AEAs and LEAs sometimes request that a state mediator serve as a facilitator in response to a parent or advocate filing a written state complaint. On occasion, parties to a preappeal conference or mediation request that the state mediator return to facilitate the revision of the IEP to reflect the written settlement agreement, prior to the parent signing the agreement.

### **AEA Resolution Facilitator Process**

In 2000, all AEAs statewide agreed to adopt the AEA resolution facilitator (RF) process, a locally available option to help parents and educators resolve differences at the earliest possible point in a disagreement. The process may be used when there is a conflict or a concern involving general education, special education (Part B), Early ACCESS (Part C), Section 504, or any issue involving a school setting. The assistance of an RF is also encouraged for resolution meetings that follow a hearing request. If the AEA resolution facilitator process is successful, the parties will devise and implement a written plan acceptable to all. If the parties do not agree on an appropriate course of action, all other dispute resolution options remain available.

AEAs provide these services at no cost to parents or educators and disseminate a brochure titled, “*Preparing for the AEA Resolution Facilitator Process.*” As an aid to understanding the process, Iowa provides a brochure, “*Easy Does It! Working Things Out with a Resolution Facilitator.*” It also hosts a website ([http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=612&Itemid=1580](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=612&Itemid=1580)), providing an overview of the process, facilitator contact information, the above-mentioned brochure, and a FAQ.



- **Staffing.** Each AEA has a designated AEA resolution facilitator coordinator (RFC) who assigns a resolution facilitator (RF) when a request for this process is received. The AEA RFC may also be part of the PEC, providing an important interface with school personnel and local service providers. The RF is usually an employee of an AEA who has received mediation training and is not involved with the child’s education, although a mediator from the state roster or another AEA may be requested.
- **Qualifications.** RFs must have completed, as a minimum, the 32-hour introductory mediation training and additional AEA-designated training activities.
- **Professional Development.** Trainings include quarterly in-services for the AEA RFCs. The AEA Resolution Facilitator Guide contains forms and guidance about this process to assist mediators and facilitators to engage in consistently competent practice.

**Required Processes**

**Mediation and Preappeal Conferences**

Mediation is distinguished from the more informal AEA resolution facilitator process in terms of the issues addressed, other process considerations, and the legal status of agreements. These are detailed in table 1.

**Lesson Learned**

*“I’ve always maintained that the foundation of the AEA resolution facilitator process is involving people who have received conflict resolution training so they have the skills to both prevent and address conflict. I believe Iowa’s lower number of requests for IDEA mandated processes reflects our investment in early resolution of conflict through skillful intervention at the AEA and LEA level.”*

*Dee Ann Wilson*

**Table 1. AEA Resolution Facilitator Process Compared to Preappeal Conference**

	<b>AEA Resolution Facilitator Process</b>	<b>Preappeal Conference</b>
<b>What issues are addressed?</b>	General education Section 504 Special education Early ACCESS (Part C)	Special education only
<b>Who manages the process?</b>	The AEA	The Iowa Department of Education
<b>Who assists with the process?</b>	A resolution facilitator appointed by the AEA. This person may or may not be employed by the AEA.	A mediator appointed by the Iowa Department of Education, selected on a rotational basis.
<b>Who decides the solutions?</b>	The parties, not the resolution facilitator	The parties, not the mediator
<b>Is an agreement “legally binding”?</b>	No, unless stipulated in the agreement	Yes

Since 1976, the Iowa SEA has provided mediation after a request for a due process hearing. In 1987, it piloted the preappeal conference to provide mediation without a request for a due process hearing. When mediation became a required process with the reauthorization of IDEA in 2004, Iowa continued the use of the term “preappeal conference” to denote a request for mediation without a request for a due process hearing, and it uses the term “mediation” when a party has requested a hearing. The two processes are conducted in essentially the same way. A parent, a district, or an AEA may request from the SEA, in writing, a mediation or preappeal conference on any decision relating to identification, evaluation, educational placement or the provision of Free Appropriate Public Education (FAPE). The request must identify the student, district, and AEA and describe the issues or concerns. Upon receipt of a request, the SEA assigns a mediator and sends information to the participants, including a brochure explaining the process, *“Working Things out When Things Go Wrong: The Special Education Preappeal Conference for Conflict Resolution,”* and a brochure titled, *“Preparing for the Preappeal Conference.”*

The mediator conducts a conference call with participants to explain the process, clarify issues, and schedule the meeting at a time and place convenient for all involved. During this call the mediator indicates that participation in the process is voluntary and provides information about assistance to parents and educators available through the PEC. The mediator explains the right of any party to have legal representation and that participation will not interfere with or delay a party’s right to a full due process hearing. During the conference call, the mediator offers to call any individual participant who will be attending the mediation or preappeal conference for the purpose of providing more detailed information about the process and to answer any questions. The issues and reasons for the dispute will not be discussed during either the conference call or the individual call. Mediators may refer to a guide, *“Mediator’s Guide to Special Education Preappeal Conference,”* created to help them manage all the details of the preappeal conference process from start to finish.

If an agreement is reached, the mediator completes the legally binding agreement form based on the language provided by the parties. Each written agreement is subjected to the “stranger test,” e.g., whether a reasonable person not in attendance can understand what the written agreement means. In order to improve compliance, one of the participants in the meeting is designated as a “shepherd” to foster constructive communication, address questions or concerns, and facilitate problem-solving when unexpected challenges arise during implementation of the agreement. If the process follows a due process complaint and all issues were resolved, the written agreement will contain language regarding dismissal of the hearing request. The mediator sends a form detailing the issues identified at the preappeal or mediation and a copy of the signed written agreement to the SEA. If agreement is not reached at the preappeal conference, the mediator encourages parties to brainstorm options for resolution, including using the AEA resolution facilitator process, attempting the preappeal process again after a designated period of time, or requesting a due process hearing. The mediator may attend the hearing and may be called on to continue the mediation if all parties agree to resume collaborative negotiations.

- **Staffing.** The State contracts annually with individuals who are not current employees of the SEA, AEA, or LEA to conduct mediations and preappeal conferences. Mediators are assigned on a rotational basis from a roster maintained by the State. The current roster lists six qualified mediators; each one typically conducts no more than six preappeals or mediations per year. A mediator may serve as facilitator for an AEA resolution facilitator process, an IEP meeting, a resolution meeting, or any other type of meeting where conflict is anticipated. Mediators may also serve in mentoring and coaching roles with the AEA resolution facilitator process.

- **Qualifications.** Minimum qualifications for a special education mediator in Iowa include: a Bachelor's Degree (Master's preferred); faculty membership at a college or university (tenured preferred) or recent employment in a leadership role with a district or an AEA (or other pertinent experience); two or more years of experience involving special education (either direct or indirect); knowledge of special education laws and regulations; experience in conflict resolution techniques; and, completion of basic mediator training (minimum 32 hours).

- **Professional Development.** The State requires mediators to follow written SEA guidance on mediation and attend quarterly day-long in-services. The State also covers expenses for mediators to attend state and regional special education law conferences. It provides access to LRP's website and additional training as continuing education needs are identified. Mediators commit to adherence to the Iowa State Model Standards of Conduct for Mediators. They also engage in ongoing peer discussions of practice issues and participate in initiatives for system improvements, including the creation of guides and checklists. The State provides results of evaluation and survey forms from these initiatives to the mediators in a cumulative year-end report. These results are highly valued by both the mediators and the SEA as longitudinal information to guide decisions about which practices to maintain and which ones to consider for improvement and revision. Every three years, stakeholders gather for a day-long meeting to examine ways to improve the preappeal/mediation process.

- **Evaluation.** The mediator provides an evaluation instrument to each participant on the day of the meeting. The instrument evaluates the experience of participants before and during the mediation or preappeal conference. A three-month survey is also sent to the parent(s) and the primary contact person from the LEA to determine whether the signed written agreement was or is being implemented. Evaluation results are accumulated throughout the year and shared in summary form with the mediators at their annual in-service day near the end of the school year. After June 30 each year, mediators receive the full-year report. Evaluation results provide guidance for ongoing mediator training and protocol adjustments. During 2008-09, the evaluation data collected from these instruments showed that more than 93% of respondents deemed the written materials and intake process helpful; all respondents agreed that the mediators adequately explained the process and treated them fairly; 97% agreed they had an opportunity to discuss the issues and have their views considered; and, more than 70% agreed they had a better understanding of all issues, that all issues were dealt with in the agreement, and that they were satisfied with the outcome.

Iowa's investments in mediation and in other early and local dispute resolution options have resulted in historically low levels of written state complaint and due process complaint filings as compared to national data,

## Lesson Learned

*A unique feature of Iowa's implementation of agreements, whether reached in a resolution meeting, mediation or a "preappeal conference," is the designation of a "shepherd." As part of each agreement, a person is identified as being responsible for coordinating the implementation of the agreement and for serving as a contact person for all participants. The shepherd is usually an LEA or AEA staff member who is present at the meeting and named shepherd by agreement of the others present. The shepherd can facilitate written modifications of an agreement and/or arrange a second meeting.*

which can be seen in figure 2. In fact, Iowa has consistently had the lowest combined rates of written state complaint and due process complaint filings among all states for these years. For more information about mediation and preappeal conferences in Iowa, see the websites:

[http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=608&Itemid=1587](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=608&Itemid=1587)

[http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=609&Itemid=1588](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=609&Itemid=1588).

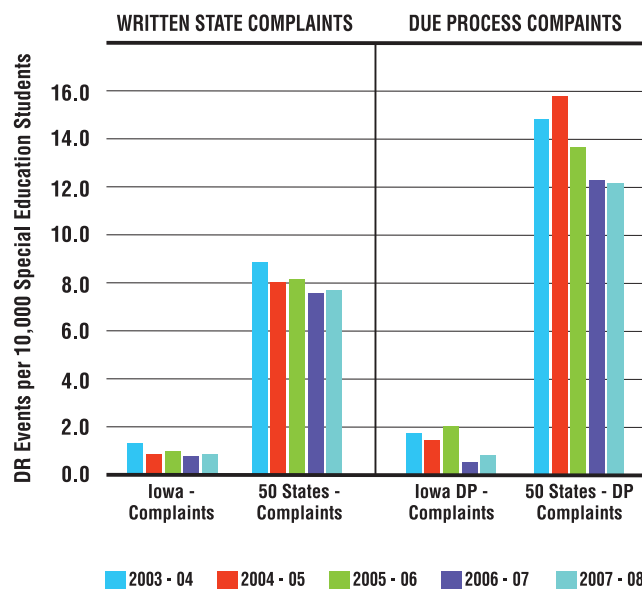
### Written State Complaints

Iowa strives to resolve written state complaints without the need for a formal investigation and this commitment to early local resolution is central to the SEA's response to the filing of a complaint. When the BSFSS receives a written complaint, the Consultant for Special Education Consumer Relations contacts the complainant to provide information about the complaint process and available alternatives to it and to explore whether another dispute resolution option would be appropriate and acceptable. The Consultant focuses on understanding the basis of the complaint and the goals of the complainant.

In keeping with the spirit of IDEA's requirements for written state complaint procedures (section 300.152 and the comment therein), the BSFSS not only “. . . provides the public agency with an opportunity to respond . . .,” it designates a period of time during which those involved may pursue resolution before the SEA begins its investigation. It sends a letter to the LEA and the AEA (with a copy to the complainant) allowing between 15 and 30 days to resolve the identified concerns. In addition, a phone call is typically placed by the Consultant to the AEA Special Education Director and to the LEA, depending on the size of the district, to discuss and explain available options.

**Figure 2. Comparison of Dispute Resolution Methods  
Iowa and National Rates**

**Source: APR Table 7 and Section 618 Data**



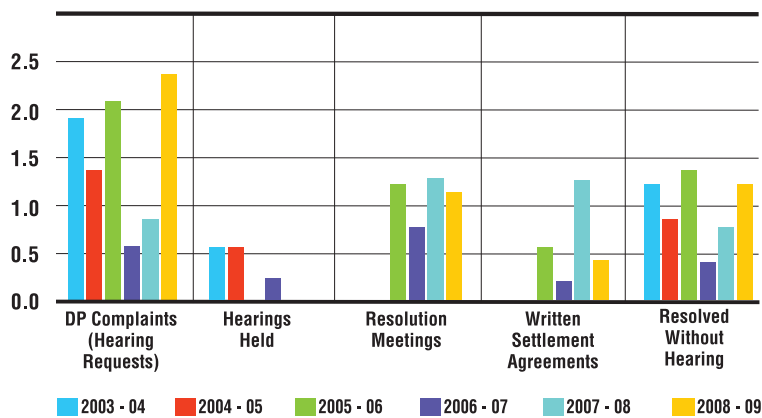
The SEA encourages local resolution through IEP facilitation, the AEA resolution facilitator process, or a preappeal conference and will provide a State-contracted mediator if the LEA/AEA makes that request and the complainant agrees. If either the complainant or the LEA/AEA does not agree to the use of an alternative dispute resolution process or if any proposal for resolution made by the LEA/AEA is not acceptable to the complainant, the BSFSS proceeds with the complaint investigation process. The issuance of a final report, including findings where necessary, is made by the SEA within 60 days of receipt of the initial request; there is no provision for a request

for reconsideration. The Iowa Administrative Procedures Act gives a party the right to seek judicial review of a final decision of a special education complaint by filing a petition in the Iowa District Court within 30 days after the issuance of the SEA's final decision in the contested case. For more information about written state complaints in Iowa, see the website: [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=606&Itemid=1585](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=606&Itemid=1585)

### ***Due Process Hearings and Resolution Meetings***

Iowa's investment in early and local dispute resolution options has resulted in very few due process complaints filed and hearings held, as can be seen in figure 3 below.

**Figure 3. Iowa Due Process Complaints Activity Events per 10,000 Special Education Students**  
Source: APR Table 7 and 618 Data



Following receipt of a request for a due process hearing, the BSFSS sends a letter to all parties providing information about the mandated requirements, including timelines and the requirement for a resolution meeting. The letter to the parents includes a chart comparing legally mandated and alternative dispute resolution processes and information about the availability of free or low cost legal assistance. The district and AEA receive an electronic document called “*Tips for LEA/AEA When Conducting a Resolution Meeting*,” which includes a checklist and a Q & A sheet.

Disinterested administrative law judges (ALJs) serve on a rotational basis, and the next available is appointed to the case. A mediator is also assigned at this time. ALJs may be asked to serve as mediators with reimbursement at mediator rates, but they cannot serve as “on call” mediators at hearings and cannot serve as AEA resolution facilitators or coach AEA facilitators. The ALJ includes the mediator in a conference call made to all parties to

### **Lesson Learned**

*“People don’t always know what they have asked for, so don’t assume what has been requested is what is wanted. Recently, the SEA received a due process complaint and a written state complaint from a parent; one was about her son and the other was about her daughter. When I called the parent, she was very surprised to learn that she was requesting two different formal legal processes. She thought she was required to complete these forms in order to have an opportunity to present her views in upcoming IEP meetings, since she predicted she was going to have a different stance from other IEP members.”*

*Dee Ann Wilson*

set the hearing date. Then the ALJ disconnects from the call and at that time, if all parties agree to participate, a date is set for the mediation. Once assigned to a case, a mediator may be on call at a due process hearing.

The Consultant for Consumer Relations follows up with personal phone calls to the AEA Special Education Director and, depending on its size, to the LEA and perhaps to the LEA's attorney to discuss the required resolution meeting and other options for resolving the problem. The LEA and AEA offer a resolution meeting to the parent(s) through a letter in the primary language of the parent(s), followed by a phone call to confirm that the letter was received and understood. A representative from the LEA or AEA may meet informally with the parent(s) prior to the formal resolution meeting. An AEA resolution facilitator may facilitate the meeting, or the State may assign a mediator to serve as a resolution facilitator.

- **Staffing.** Currently there are four ALJs with whom the SEA contracts annually. The attrition rate for ALJs in Iowa has been low, with the present four ALJs having served since 1986, 1988, 1989, and 1999.
- **Qualifications.** ALJs are chosen because of their knowledge of special education law; their listening, speaking, thinking, and writing skills; and their reputation for leadership. Historically, Iowa has chosen ALJs who are college or university professors with responsibility for preparing future administrators, specialized support staff (e.g., school psychologists), or teachers in the field of special education. Only one is a licensed attorney. The most recent opening was filled by an individual with experience in early childhood special education.
- **Professional Development.** ALJs are expected to participate in the quarterly and annual training opportunities offered by the state to individuals with whom it contracts to provide mediation services, and they are invited to attend related conferences, with expenses paid by the SEA. The SEA also provides internet access to LRP's website.

For more information about due process hearings and resolution meetings in Iowa, see the websites:

[http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=607&Itemid=1586](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=607&Itemid=1586)

[http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=792&Itemid=1584](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=792&Itemid=1584)

## ***Dispute Resolution System Administration***

### **Oversight**

The Bureau of Student and Family Support Services (BSFSS) under the SEA, the Iowa Department of Education, has the responsibility for administering Iowa's IDEA Part B special education dispute resolution system.

Early ACCESS, Iowa's Part C program, is managed by the Bureau of Early Childhood Services (BECS). Both bureaus are part of the Department of Education. There is extensive information about Early ACCESS on the Iowa Department of Education website and on the Early ACCESS website. The Iowa Special Education Advisory Panel (SEAP) serves as a resource to advise the SEA on behalf of children with special needs and their families. The membership of the panel consists of approximately 24 representatives from both public and private sectors who, by virtue of their position, interest, and training, can contribute in this advisory role.

### **Culturally Relevant Aspects of the DR System**

The Iowa Department of Education actively seeks to improve and expand cultural competency. ALJs and mediators receive in-service training on diversity issues. At district school improvement accreditation visits, the SEA interview team is required to reflect the diversity of the school population and includes student representatives.

The SEA implements its commitment to cultural competency within the BSFSS and in its relationship with the AEAs. During any meetings that involve non-English-speaking participants, an attorney, PEC representative, or parent advocate explains the materials and process in the native language of the participant. The Iowa Department of Education Speech-Language Services office produced the *English Language Learner Guidelines Manual* to provide guidance on the use of interpreters. The *Procedural Safeguards Manual for Parents* is available in seven languages. The State AEA website has a link that provides a literal translation of the information available in English into more than thirty other languages, from Arabic to Vietnamese.

### **Partner Organizations/Collaboration**

The Parent and Educator Connection (PEC) provides services and supports for families who have children with IEPs and the educators who work with them. The program has been in existence since 1984 and was designed and developed by parents and teachers working together with direction and fiscal support from the SEA. Every AEA has at least one PEC coordinator working in the schools, and larger AEAs may have a dozen or more. Their work is often invisible, but like the oil in a machine, their role is to make the connection between parents and educators smoother. They help parents and educators access resources, and they may attend IEP meetings or explain the complexities of the special education system. Each PEC coordinator has (or has had) a child receiving special education services. Their work is based on the belief that through families and teachers working together children will benefit and have opportunities to be successful. Through participants' learning and working together, partnerships can develop that have a powerful impact on the lives of children with disabilities.

### **Public Awareness/Outreach**

Iowa has a comprehensive array of web and electronic resources related to their dispute resolution options, and these are available through the SEA website

[http://www.iowa.gov/educate/index.php?option=com\\_content&view=article&id=574&Itemid=2126](http://www.iowa.gov/educate/index.php?option=com_content&view=article&id=574&Itemid=2126).

Iowa parents, educators, and mediators benefit from information and guidance provided in manuals and model forms — from an initial inquiry about a child-specific concern to a follow-up survey and evaluation of all dispute resolution processes offered to address that concern. A model form for filing a complaint is provided in the *Procedural Safeguards Manual for Parents*. The manual is available from the complaint officer or from the SEA website. The State, AEAs, and LEAs all provide information about legally required and alternative dispute resolution processes to parents; the Iowa Protection and Advocacy Services, Inc., (P&A) and other advocacy groups; the PEC; and the Parent Training and Information Center of Iowa (PTI).

*Key Iowa Leadership at the time this Profile was Developed*

Judy Jeffrey, *Director, Iowa Department of Education*

Lana Michelson, *Director, Bureau of Student and Family Support Services (BSFSS)*

Thomas Mayes, *Legal Consultant, BSFSS*

Dee Ann Wilson, *Consultant, Special Education Consumer Relations, BSFSS, and CADRE Exemplar Contact*

Iowa Department of Education  
Bureau of Student and Family Support Services  
Grimes State Office Building, 400 East 14<sup>th</sup> Street  
Des Moines, IA 50319-0146  
Phone: (515) 281-5294  
Website: <http://www.iowa.gov/educate>

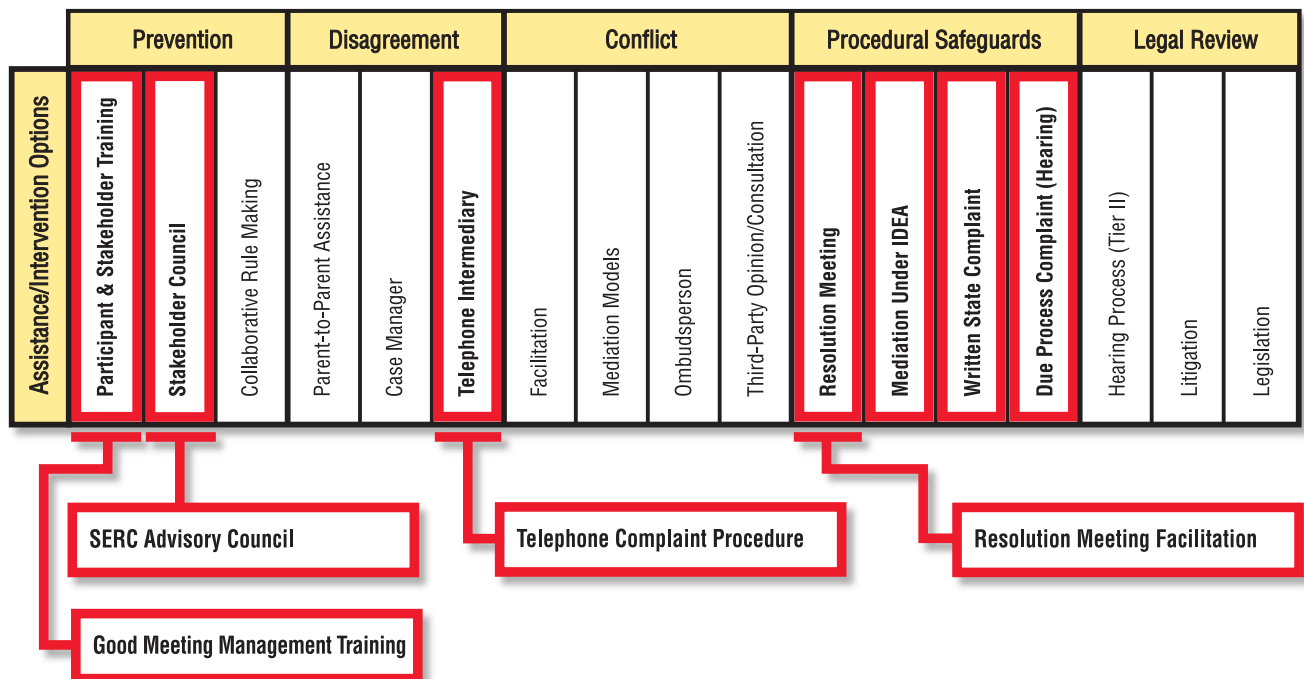


# *Oklahoma ~ An Exemplary Dispute Resolution System in Special Education*

*Profiled June 2010*

## The CADRE Continuum of Processes and Practices

*Oklahoma's Dispute Resolution Options in Bold*



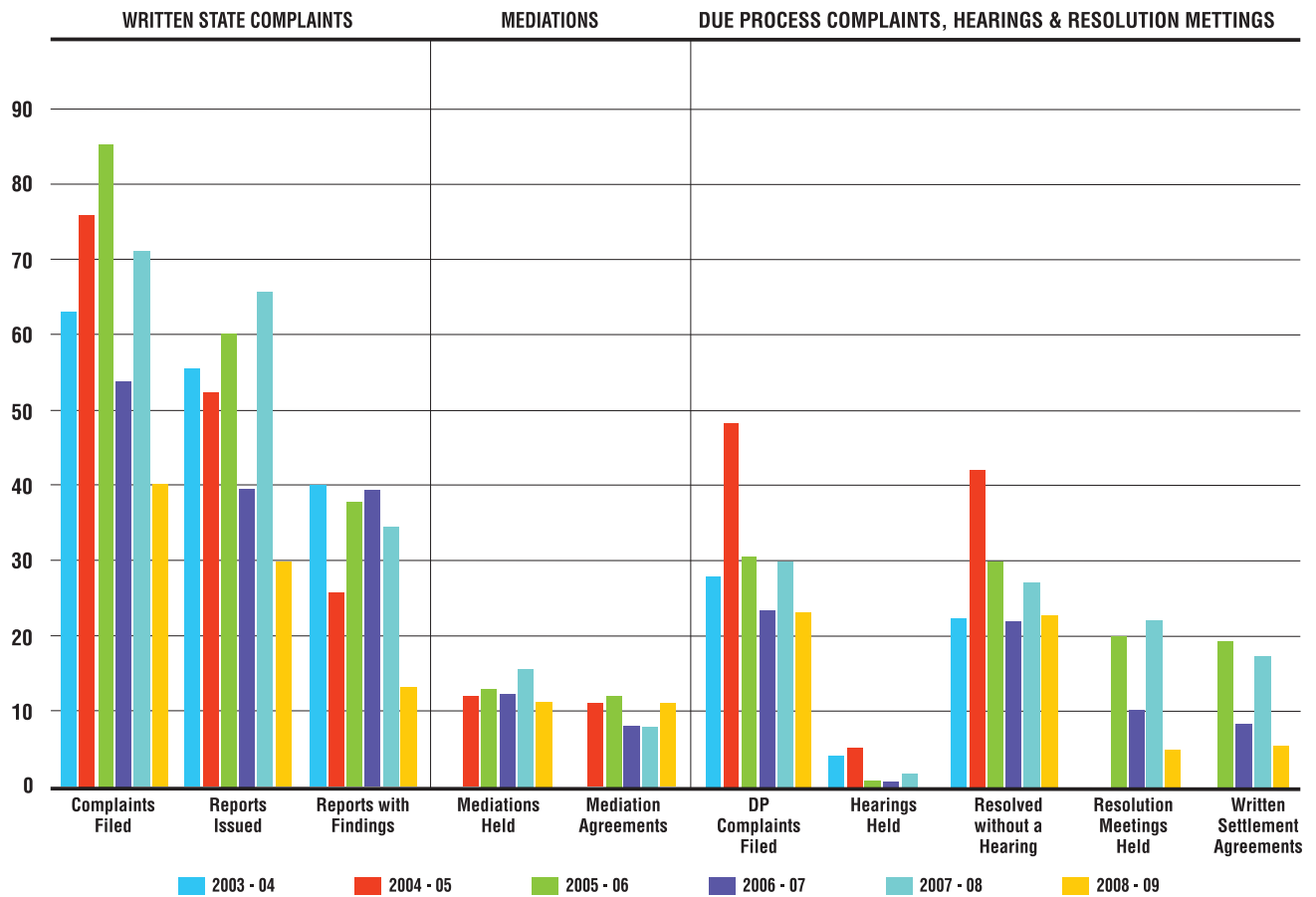
*For more information about the CADRE Continuum, see:*

<http://www.directionservice.org/cadre/aboutcontinuum.cfm>

The Oklahoma State Department of Education (OSDE) serves as an excellent example of a state education agency (SEA) contracting with an external entity to provide dispute resolution services for its IDEA 2004 Part B and Part C special education programs. While the SEA maintains ultimate responsibility for coordinating procedural safeguard activities found in IDEA and continues to directly coordinate investigations regarding formal state written complaints, mediation services, due process hearings and appeals, and resolution meetings, all are managed by a relatively new center housed at an institution of higher learning. On December 1, 2005, the Special Education Resolution Center (SERC) was established at Oklahoma State University for the purpose of managing the special education due process hearing system. Since then, SERC's duties have expanded to include innovative programs that assist parents and school districts to settle disputes at the earliest stage possible. SERC provides highly trained mediators to assist at

any time with disputes over special education issues. It also provides highly trained facilitators for resolution meetings held in conjunction with due process hearing requests. Additionally, SERC is increasingly involved with the development and delivery of stakeholder training.

**Figure 1. Oklahoma — Dispute Resolution Activity Events per Year**  
**Source: APR Table 7 and Section 618 Data**



The terms used in the figures in this document are either drawn directly from or are shortened versions of data element terms from Table 7, the dispute resolution data reported by states in their APR. Instructions and definitions of all terms used for Table 7 reporting are available at: <https://www.ideadata.org/documents.asp#collection>

## ***Intake Process***

### **Telephone Complaint Procedure**

If a person or parent calls the SEA with a particular issue or problem, the person is directed to a coordinator in the department. Typically, a coordinator receives calls related to the particular content area they are responsible for, but the department trains staff to work across areas so that if the primary coordinator is not available, the call is directed to another member of the team. The coordinator receiving the call speaks to the concerned party and

keeps a formal log of all calls. Following a call, with parental consent, the coordinator contacts the school and attempts to help the parties clarify issues and reach agreement. If coordinators are unable to resolve a problem, they then provide information to the parties about other possible options — including mediation, complaints, and due process hearings — and may refer them to the Special Education Resolution Center (SERC). Through SERC, the SEA provides annual training to its own coordinators on good communication techniques, interest-based negotiation, and other relevant skills.

## ***Optional Processes***

### **Stakeholder Training**

In response to the need for conflict prevention skills training, SERC developed a program called *Good Meeting Management* and began delivering it to the staff of local education agencies (LEAs) and family members of students receiving special education services in 2009. SERC staff trained special education directors of the LEAs and then offered the PowerPoint presentation for use within their local districts. SERC has also implemented yearly training for the OSDE staff on communication skills, including training for clerical staff who initially take the phone calls. Additionally, SERC sponsors an annual all-day “legal update” training conducted by a nationally recognized consultant and provided to mediators, facilitators, and hearing officers. This training is also open to educators, parent center staff, and family members. Typically about 130 people attend the training, which is subsidized by both Part B and Part C programs.

- ***Evaluation.*** Special education directors reported that material from the *Good Meeting Management* program was very useful and gave them some tools to begin developing skills with their staff. ODSE staff believe the communication trainings have given them better skills to handle calls from unhappy parties who contact the OSDE. The training has helped them gain a better understanding of the source of anger and that the anger is not directed at them personally. It has also helped clerical staff be more patient and compassionate while directing calls. Staff have developed better skills to act as intermediaries in conversations between parents and schools in conflict, supporting better informal complaint resolution.

### **Lesson Learned**

*“Early in our work on dispute resolution, we saw that the parties were already firmly entrenched in positions when they came to our center. Some cases were resolved, and some were not. We thought that earlier intervention with the parties might have prevented the deepening of conflict and hurt feelings and anger. We explored ways to build capacity at the local level to address conflicts at an earlier stage, which more likely would build relationships rather than break them down. We began to see that issues were resolved as soon as they could be addressed. We developed a training program called *Good Meeting Management*. At first we offered this training through our center, but learned that there is great cost involved and that we could not reach all 540 school districts in a timely manner. Now we are developing materials that local districts can use for training within their districts that will help staff become more aware of how to build better relationships with parents. We have said for a long time that outcomes are better for children when parents and schools work together, but we haven’t given schools the tools to know how to do that until now.”*

*Jo Anne Blades*

## Stakeholder Involvement

An advisory council of stakeholders has been established pursuant to the terms of the contract between Oklahoma State University and OSDE for the management of the special education mediation, due process hearing, and appeal systems. SERC formulates policies and procedures with the advice of this advisory council and presents them to the OSDE as a recommendation for positive change. It is the mission of the advisory council to provide recommendations to SERC on: (a) the policies and procedures of the special education mediation, due process hearing, and appeal systems developed by SERC; (b) the recruitment, training, and evaluation of mediators and hearings and appeal officers; and, (c) the process of gathering viewpoints from a variety of stakeholders, with the intention to foster good relations between the stakeholder groups. One example of stakeholder involvement was the advisory council making a recommendation to develop a system of payments to hearing officers which was deemed more fair and reasonable. Another example was its guidance to more effectively create capacity, especially for administrators, to resolve disputes at the local level. This led both to implementation of training programs at the annual administrators' conference and to schools applying for more customized training.

The advisory council is composed of 11 to 13 members who are recruited to: (a) ensure a broad range of backgrounds and experience to reflect the diversity of the state with respect to race, ethnicity, and types of disabilities across the school-age span; (b) to constitute a majority of not less than 51% membership composed of parents of children with disabilities across the school-age ranges defined by the IDEA; and, (c) to represent the OSDE with one member, school districts with four members (including a superintendent, a special education director, a regular education teacher, and a special education teacher), mediators with one member, and community interests with one member.

Members of the council come from locations throughout Oklahoma with about half having personal experience with the dispute resolution system. School membership reflects small, medium, large, rural, and urban districts. Representatives are encouraged to work with their own district as a team to represent school district views on the advisory council. Membership is generally for a two-year term. Members are selected by a nominating committee consisting of one school district representative, one parent representative, and the director and program manager of SERC.

## Lesson Learned

*“ In approaching stakeholders for training, we reached out to existing infrastructures within the state. For example, to provide conflict skills training for school district administrators, we approached an organization that was already trusted and accepted by school district administrators. We could have provided our own training, but by providing it through an accepted and trusted entity we were able to reach more districts in a direct and timely manner. We are extending the same training to other stakeholders through their existing infrastructures. In doing so, we are able to network the training to all existing entities.”*

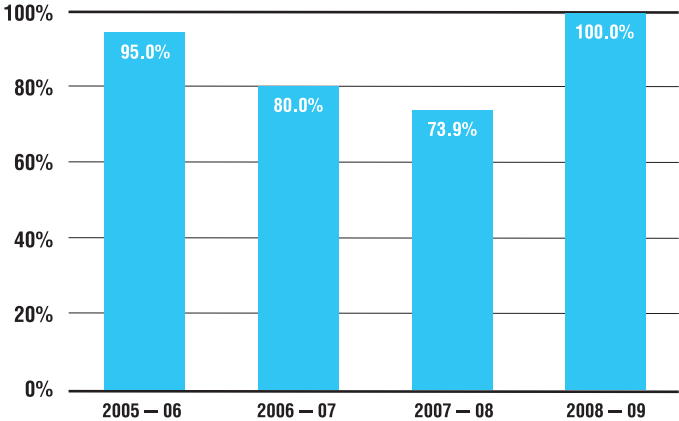
*Jo Anne Blades*

**Resolution Meeting Facilitation**

SERC has also made their special education mediators available to serve as facilitators for resolution meetings, with a goal of at least half the meetings to be facilitated. These facilitators are available when both the parents and school district request participation of a neutral third-party. Because the facilitators are independent contractors and not directly employed by SERC, parents are required to sign a consent form to allow the center and the school district to release information to the third-party neutral. The facilitators may contact the parties for a brief interview to establish rapport, better understand the issues in dispute, and discover any underlying matters that may also be driving the conflict. The facilitator’s role is to ensure that the parties have an opportunity to participate equally in a structured setting, while adequately addressing the facts and issues raised by the due process complaint. The facilitator will assist the parties in discussions about the due process complaint and attempt to reach a mutually acceptable resolution. The facilitator does not provide legal advice and does not render a decision for the parties. Resolution meetings may be confidential by agreement of both parties. Each party is responsible for understanding and adhering to applicable timelines and deadlines for hearings and appeals in due process. In the past, the facilitator contacted the parties to arrange a time and location for the meeting, but now SERC does this. Very few resolution meetings are not facilitated. See figure 1 above for number of resolution meetings held. The success of OSDE and SERC with this facilitation option is evidenced by a very high agreement rate as shown in figure 2.

- **Staffing.** SERC’s program manager supervises a panel of five facilitators, all of whom are independent contractors.
- **Qualifications.** SERC does not require resolution meeting facilitators to have a law degree, although presently all of the facilitators do hold a degree in law.
- **Professional Development.** Meeting facilitators are invited to attend national mediation and facilitation conferences. SERC also provides ongoing training each year to sharpen their skills for overcoming roadblocks to settlement.

**Figure 2. Oklahoma Indicator B18  
Written Resolution Agreement Rate  
Source: APR Table 7 and Section 618 Data**



- **Evaluation.** Meetings conclude with an evaluation, and in the pilot year, SERC provided a statistical report to document progress of the program. SERC now provides a final written report containing a summary of the evaluations to OSDE within the contract period; evaluation data is used to identify areas of concern. All attorneys for school districts have reported that they find facilitated resolution meetings helpful to their clients and would like to see the program expanded so that it can be offered for all due process requests. They also commented that this type of facilitation was far superior to mediation programs offered in the past.

## ***Required Processes***

### **Mediation**

Until 2009, OSDE contracted with the Administrative Office of the Supreme Court of Oklahoma as the sole provider of special education mediation services through its Alternative Dispute Resolution Early Settlement Mediation System. Following SERC's success with managing other aspects of the special education dispute resolution system, especially the facilitation of resolution meetings (see above), SERC was awarded a contract by OSDE to provide mediation services under IDEA. Now, parties interested in mediation may download either a parent or school district request for mediation form. SERC notifies the other party of the request for mediation. After both parties have voluntarily agreed to mediation, a mediator is assigned. The parent must also sign a consent form releasing information to the mediator. Mediation sessions can take up to a full day, although typically sessions are completed in three to four hours, depending upon the complexity of the issue(s). It is recommended that participants set aside a full day even though the session is likely to conclude in a shorter period of time. For more information about mediation in Oklahoma, see the website:

[www.ok.gov/abletech/Special\\_Education\\_Resolution\\_Center/Mediation/index.html](http://www.ok.gov/abletech/Special_Education_Resolution_Center/Mediation/index.html)

- ***Staffing.*** SERC's program manager supervises a panel of five mediators, all of whom are independent contractors.
- ***Qualifications.*** SERC requires all of the special education mediators to have experience as a mediator or to be a hearing officer. A law degree is not required; however, at this time all mediators happen to hold a degree in law.
- ***Professional Development.*** SERC provides training each year to sharpen mediators' skills for overcoming roadblocks to settlement. Mediators are invited to attend national mediation and facilitation conferences related to their duties.

### **Written State Complaints**

As required, the OSDE has a formal complaint management system for filing and resolving specific complaints under IDEA Part B and Part C. Local educational agencies (LEAs) must also have procedures for filing and resolving complaints. Complainants who file with the LEA have the right to request an OSDE review of the LEA's decision. Parents and other interested individuals must be informed by the OSDE and LEAs about the

### **Lesson Learned**

*Initially, SERC sent only written information describing programs that were available, particularly about resolution meetings and mediation. Parties did not respond well to written materials as a sole means of communication.*

*Now, along with written information, SERC staff make personal contact to ensure that the parties have a meaningful opportunity to make informed decisions in their selection of available programs.*

*The SERC program manager instituted the practice of making personal phone calls to the parties to give an overview of what would happen in the first 30 days of due process. In that call, she offers the use of a neutral third-party facilitator at the resolution meeting. The majority elect to use the facilitation process.*

complaint procedures, due process hearings, mediation, and other forms of assistance to ensure compliance and to resolve disputes. If it is found through a complaint that the LEA failed to provide appropriate services to a child with a disability, the resolution addresses both how to remediate the denial of services and how to provide the appropriate services for the child. If a state written complaint and a due process request are filed at the same time, any part of the state written complaint that is also the subject of the due process request (or that has previously been decided in a due process hearing) is held in abeyance until the due process hearing resolves the issue. The due process hearing decision will take precedence. OSDE staff has also been trained in the area of mediation and can help members of the public resolve issues prior to filing a formal state written complaint. With parental consent, the OSDE will make telephone calls to LEAs to assist in resolving issues between parents and the LEA. This has led to a downward trend in the number of filed written state complaints. Additionally, the OSDE complaint tracking system has led to more timely resolution of complaints. See figure 3 for data on the effect of OSDE intervention and the complaint tracking system.

- **Staffing.** Complaint investigations are assigned to two full-time coordinators in the Special Education Services division (OSDE-SES). These positions also include other duties.

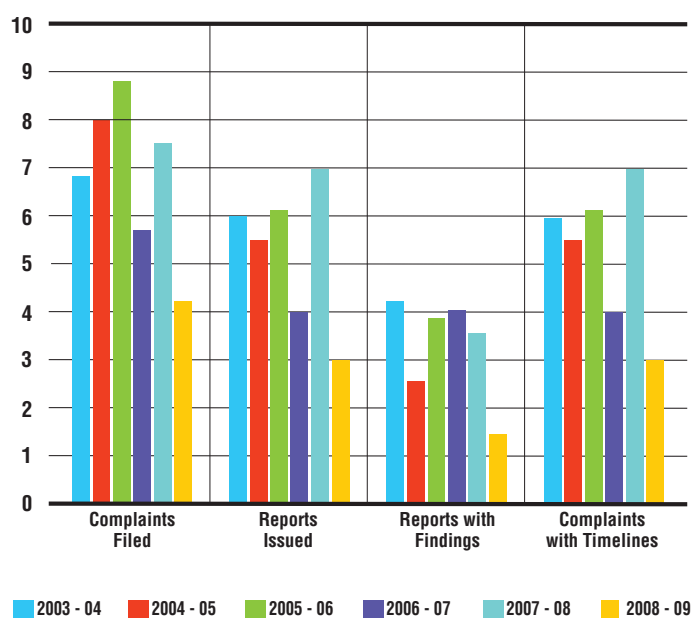
- **Qualifications.** The positions require graduation from an accredited college or university with a Bachelors degree in special education, school psychology, communication disorders, or other closely related field. They also require (a) a valid special education certificate, or a valid psychometry, school psychologist, or speech-language pathology certificate; (b) experience as a teacher, related services therapist, school counselor, psychometrist, school psychologist, vocational counselor, transition employment specialist, or program administrator (all with experience working directly with children and youth with disabilities); and, (c) willingness and ability to perform necessary job-related statewide travel.

- **Professional Development.** OSDE-SES provides professional development regarding the handling of complaints. This includes both internal guidance as well as training conducted by leading national experts on special education law. The focus is on procedures for investigating a formal state written complaint, tracking the timeliness of the complaint investigation, and information regarding IDEA requirements that often lead to formal written state complaints.

### Due Process Hearings and Resolution Meetings

Since 2005, SERC has managed OSDE’s Due Process Hearing system. Upon receipt of a due process hearing request,

**Figure 3. Oklahoma  
Written State Complaint Activity  
Events per 10,000 Special Education Students  
Source: APR Table 7 and Section 618 Data**



SERC provides general technical assistance to all parties to help them understand the requirements of the due process hearing system. SERC assigns hearing officers at the time of filing for a hearing and takes steps to assist the parties in meeting their responsibilities during the 30-day settlement period. A unique component of this system is the provision of facilitators for resolution meetings to help the parties resolve their dispute (see above). The hearing officer schedules a pre-hearing conference to ensure that the process moves along according to statutory requirements. During the conference, the hearing officer leads a discussion about: (a) whether or not any party intends to object to the sufficiency of the due process complaint; (b) whether the parties have been able to schedule the resolution meeting or whether there is a joint written agreement to waive the meeting; (c) the time frame for a response to the complainant’s filing; (d) whether any party anticipates the filing of any pre-hearing motions; (e) any concerns regarding jurisdiction over the controversy, proper parties to the matter, or authority of the hearing officer to grant requested relief; and, (f) whether the parties know how to make proper contact with the hearing officer.

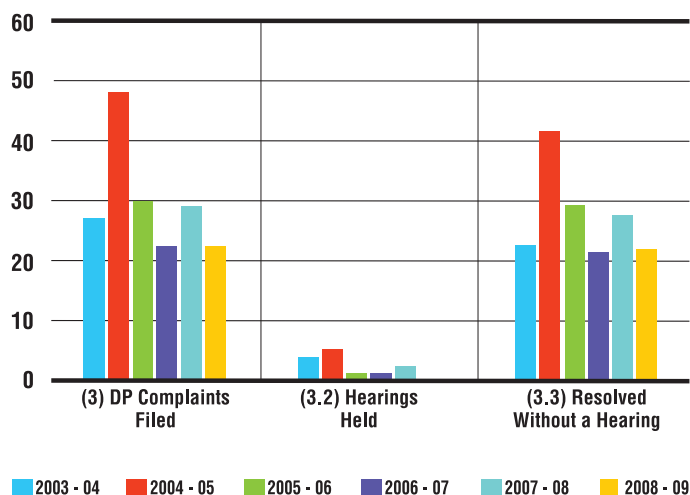
During the initial conference, the hearing officer will also set a time for a second pre-hearing conference in the event the matter does not settle during the 30-day resolution period. The second pre-hearing conference will address issues directly related to the actual hearing, including but not limited to further clarification of the issues and issuance of subpoenas. Settlement of the matter is encouraged, if possible, at every stage. If the entire dispute cannot be resolved, then the unresolved issues move forward to a hearing. This approach, along with other available dispute resolution options, has enabled OSDE to resolve the vast majority of due process complaints without a hearing (see figure 4). For more information about due process in Oklahoma, see the website:

[www.ok.gov/abletech/Special\\_Education\\_Resolution\\_Center/Due\\_Process\\_Hearings/index.html](http://www.ok.gov/abletech/Special_Education_Resolution_Center/Due_Process_Hearings/index.html)

- **Staffing.** SERC’s program manager supervises a panel of approximately ten due process hearing officers and three appeal officers, all of whom are independent contractors. An attorney who currently represents parents or school districts or who, within recent years, has represented parents or school districts, may not be assigned as a hearing officer. Officers must attend state-mandated training to maintain eligibility to hear cases.

- **Qualifications.** Hearing and appeal officers are recruited from around Oklahoma and must hold a Master’s degree or above in a field related to special education or be an attorney. Preference is given to attorneys based on their basic knowledge of the law and expertise in conducting hearings. All appeal officers must meet the minimum training standards required of hearing officers and have served in that capacity in Oklahoma for at least two years.

**Figure 4. Oklahoma Due Process Complaint and Hearing Events per Year**  
Source: APR Table 7 and Section 618 Data





- **Professional Development.** State-mandated training is provided on an ongoing basis and includes sessions on administrative process, special education, and related issues. Training is also provided regarding Part C of the IDEA, known in Oklahoma as Sooner Start. SERC brings in national experts on special education and special education law to present on the latest developments in special education. Hearing officers are invited to attend national special education conferences related to their duties. Participation in at least two formal group training sessions conducted or approved by the OSDE is mandatory for all hearing and appeal officers and trainees. The OSDE reserves the right to require any hearing or appeal officer or hearing officer trainee to attend any additional training sessions it deems necessary. All formal mandatory training sessions conducted by the OSDE are presented by impartial consultants. All hearing and appeal officers and trainees receive personalized training from the OSDE consistent with their academic and professional backgrounds. Ad hoc group training sessions and information updates are disseminated to all hearing and appeal officers and trainees as necessary.

- **Evaluation.** Hearing officers are evaluated by both parties to the hearing process, as well as by SERC.

## ***Dispute Resolution Administration***

### **Oversight**

Overall responsibility for administering Oklahoma’s dispute resolution system is conducted by the Oklahoma State Department of Education, Division of Special Education Services (OSDE-SES). OSDE-SES contracts with SERC at Oklahoma State University. SERC is staffed by a program director, program manager, and administrative assistant. An Excel-based log system allows OSDE to follow a student across required - mediation, due process hearings, written state complaints — processes for dispute resolution.

### **Relationship to General Supervision**

Concerns are addressed weekly at meetings of OSDE staff in which the discussion is focused around current technical assistance being provided. This gives staff an opportunity to hear some of the issues surfacing throughout the state and serves as a way to narrow down which LEAs are struggling with compliance issues so that the Compliance Monitoring Team may address concerns accordingly.

### **Culturally Relevant Aspects of the DR System**

The advisory council includes parents with children having various disabilities across the school-age span and is ethnically and racially diverse.

### **Lesson Learned**

*Listen to the concerns of your stakeholder groups and work on shared goals as a basis for making decisions and developing program guidelines. By listening, you can take their needs and respond to each with separate ideas on how to best assist parties resolve disputes. This method worked within due process guidelines, as well as mediation. It is important for stakeholder groups to know that they have a voice and that their needs are being met. When this is the case, stakeholders are more responsive to developing guidelines that are also fair to other groups.*

### Partner Organizations/Collaboration

OSDE-SES collaborates with the federally funded Oklahoma Parent Training and Information Center, Oklahoma Parents Center, in offering *Creating Agreement* presentations, organizing state and regional conferences, and promoting other activities to involve parents. The SEA has invited Oklahoma Parents Center to present trainings at the meetings of Oklahoma Directors of Special Services (ODSS). Additionally, there are efforts to integrate conflict management into leadership training.

### Public Awareness/Outreach

Oklahoma makes available an array of informational resources related to their dispute resolution options:

- **Print materials and web/electronic resources**

[http://sde.state.ok.us/Curriculum/SpecEd/pdf/Docs\\_Forms/ComplaintBrochure.pdf](http://sde.state.ok.us/Curriculum/SpecEd/pdf/Docs_Forms/ComplaintBrochure.pdf)  
[http://sde.state.ok.us/Curriculum/SpecEd/pdf/Docs\\_Forms/Mediation\\_Brochure.pdf](http://sde.state.ok.us/Curriculum/SpecEd/pdf/Docs_Forms/Mediation_Brochure.pdf)  
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[http://sde.state.ok.us/Curriculum/SpecEd/Compliance\\_SES.html](http://sde.state.ok.us/Curriculum/SpecEd/Compliance_SES.html)  
[http://www.ok.gov/abletech/Special\\_Education\\_Resolution\\_Center/](http://www.ok.gov/abletech/Special_Education_Resolution_Center/)

The SEA created a parent-friendly handbook that explains principles of special education and contains worksheets to assist parents in collecting information about their child. It is available at the website <http://www.ok.gov/abletech/documents/mediationmanual2nd.pdf>.

- **Presentations.** The OSDE-SES provides technical assistance on due process guidelines, resolution meetings, and mediations through breakout sessions at the State Superintendent's Special Education Conference for Teachers and Directors. The sessions focus on IDEA requirements for the provision of procedural safeguards to parents, as well as the obligations of LEAs after a due process hearing request has been filed.

### Improvement Priorities

As part of the Oklahoma State Performance Plan, the SEA must demonstrate that it maintains or increases the number of agreements coming out of resolution meetings. The OSDE-SES recently hired an additional complaint investigator to assist in the investigation of formal written state complaints and in other activities.

### Lesson Learned

*“In approaching conflict resolution skills training, we did not seek to train exclusively about conflict within special education. Recognizing that conflict arises in many areas of education, we offered school districts training in conflict resolution skills targeted to school leaders. We realized that if school leaders had effective skills to resolve conflicts and engage in difficult conversations in general, special education conflicts would also be addressed. The training provided dealt with conflict in any area, and special education conflict was used as just one example of how to deal effectively with conflicts that may arise.”*

*Jo Anne Blades*

**Key Oklahoma Leadership at the time this Profile was Developed**

Sandy Garrett, *State Superintendent of Public Instruction, Oklahoma State Department of Education*

Misty Kimbrough, *Assistant State Superintendent, Special Education Services*

Malissa Cook, *Associate State Director, Special Education Services*

Linda Jaco, *Program Director, SERC*

Jo Anne Blades, *Program Manager, SERC and CADRE Exemplar Contact*

**Oklahoma**

State Department of Education

Special Education Services

Oliver Hodge Building, 2500 North Lincoln

Oklahoma City, OK 73105-4599

Phone: (405) 522-1464

Website: <http://sde.state.ok.us/Curriculum/SpecEd/Default.html>

Oklahoma Special Education Resolution Center

Oklahoma ABLE Tech

4825 South Peoria, Suite 2

Oklahoma State University

Tulsa, OK 74105

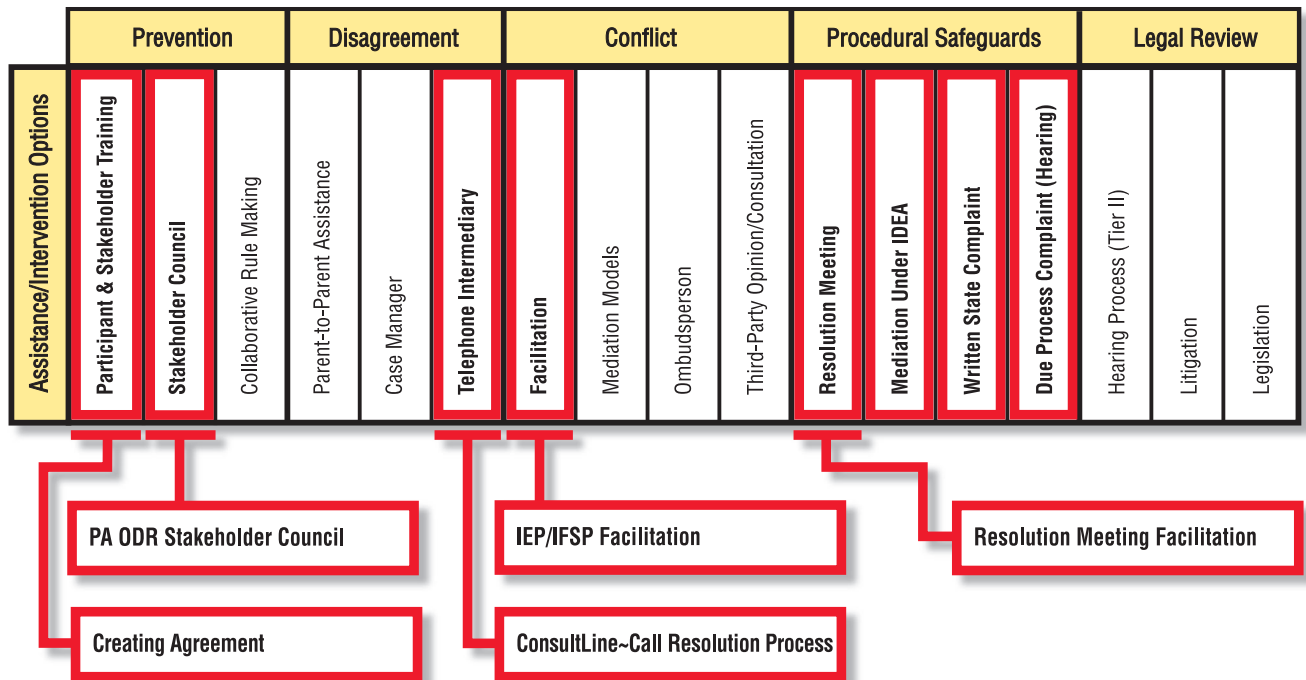
Phone: (888) 267-0028

Website: <http://serc.okstate.edu>

***Pennsylvania ~ An Exemplary Dispute Resolution System  
in Special Education  
Profiled June 2010***

**The CADRE Continuum of Processes and Practices**

*Pennsylvania's Dispute Resolution Options in Bold*

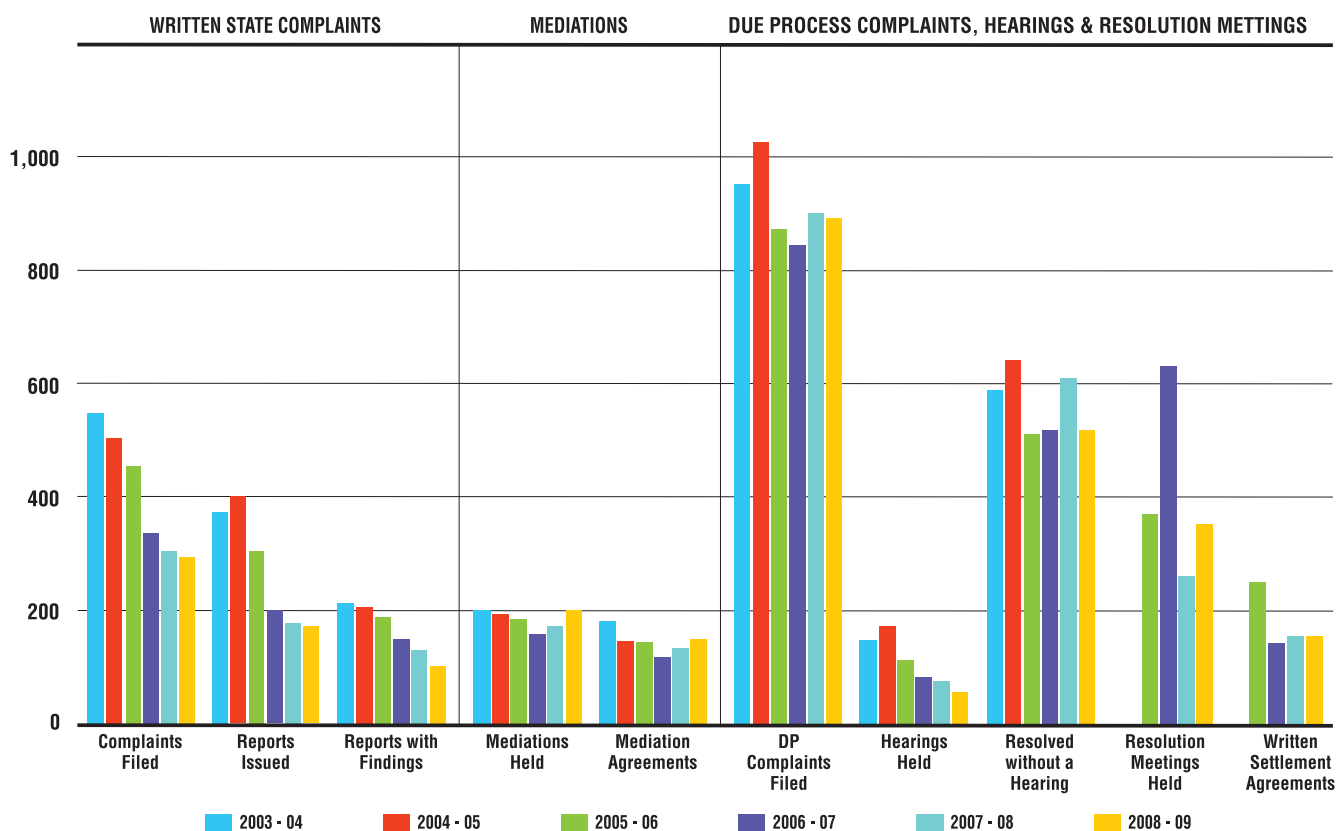


*For more information about the CADRE Continuum, see:*  
<http://www.directionservice.org/cadre/aboutcontinuum.cfm>

The Pennsylvania Department of Education (PDE), through its Office for Dispute Resolution (ODR), exemplifies the many qualities that in combination produce a high performance system of dispute prevention and resolution. The State's dispute resolution system, which is staffed by a nationally recognized team of leaders, is well articulated with a long history of outstanding programs. The system is very much a reflection of a long-standing commitment on the part of the PDE to support high quality collaborative relationships between families and schools. Disagreements about education programs for students with disabilities, students who are gifted, and young children with disabilities who are served by the early intervention system, are not only resolved through federally mandated activities of mediation and due process hearings, but primarily through less formal processes. Among these processes are facilitated resolution meetings, facilitated IEP/IFSP meetings, and the Call Resolution Process (CRP) implemented

through ConsultLine, ODR’s parent help line. It is not surprising, given this commitment, that over the last few years Pennsylvania has shown significant declines in due process hearing and complaint activity (see figure 1). One of ODR’s newer initiatives has been a collaborative effort with federal organizations to introduce Creating Agreement in Special Education, a conflict resolution training for parents and educators throughout the state. Pennsylvania serves as the lead state nationally in this innovative approach to special education dispute prevention. ODR actively solicits stakeholder involvement in system design and evaluation activities through its Stakeholder Council. ODR has benefited from a strong commitment to ongoing evaluation and continuous improvement at the practitioner, process, and system level. It regularly provides high quality professional development opportunities to staff. Reflecting a strong commitment to capacity-building, the ODR director and ConsultLine supervisor are currently pursuing Master’s degrees in Conflict Analysis and Engagement from Antioch University.

**Figure 1. Pennsylvania — Dispute Resolution Activity Events per Year**  
**Source: APR Table 7 and Section 618 Data**



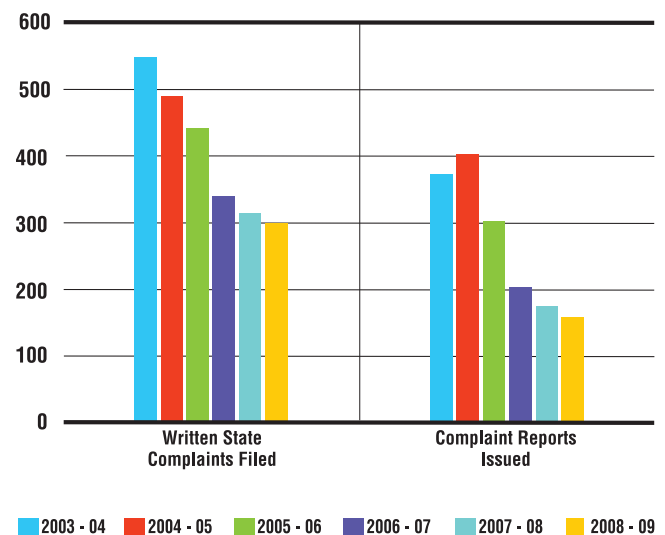
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## Intake Process

### ConsultLine

ODR's ConsultLine is a toll-free information helpline for parents and advocates. Because ConsultLine serves as the primary system access point for dissatisfied parents, a significant ongoing investment has been made in building the capacity of ConsultLine service coordinators to capably respond to parent concerns. When responding to a message, they make three attempts over the course of three business days to return the call. These specialists: (a) describe the processes of having a student evaluated, identified, and provided with special education and related services, and classroom accommodations; (b) explain procedural safeguards; (c) provide information about access to and assistance with the formal dispute resolution processes within PDE's Bureau of Special Education (BSE); (d) discuss other opportunities to address concerns or disagreements about the student's education; (e) refer callers to other resources; and, (f) provide literature as needed. If, during the course of a call, the parent relays information suggestive of a compliance violation, the specialist will offer to contact the school district's special education director via email, on behalf of the parent, to alert the district to the concern. A copy of the email is also sent to the BSE compliance advisor. This Call Resolution Process (CRP) is voluntary and instituted only upon express agreement by the parent. The ConsultLine specialist acts as a conduit of information between the caller and the school, but the specialist does not act as an advocate, decision-maker, mediator, or compliance advisor. PDE attributes the significant drop in complaints, as shown in figure 2, to ConsultLine's Call Resolution Process. In this process, concerns are identified early, and the LEA is given an opportunity to resolve disputes before they move towards a due process request, mediation request, or complaint filing. For more information about ConsultLine, see the website <http://odr.pattan.net/consultline/default.aspx>.

**Figure 2. Pennsylvania  
Written State Complaint Activity Events per Year  
Source: APR Table 7 and Section 618 Data**



- **Staffing.** The helpline is staffed by four ODR ConsultLine specialists, one of whom is bilingual, who answer questions and provide information about special education programs and the laws governing them.
- **Case Load.** In 2008-09, ConsultLine received 4,228 incoming calls. During 2008-09, ConsultLine used CRP on 133 occasions.
- **Qualifications.** ConsultLine service coordinators are required to have a Bachelor's degree, with a Master's degree and special education experience preferred. Three to five years experience working within special education programs and services or experience with students with disabilities or diverse learners is required. Knowledge of federal and state special education laws, regulations, and policies is required. Excellent verbal communication and written skills (bilingual competency preferred), public speaking skills, and organizational skills; the ability to interpret, analyze and solve problems; and, the ability to work with a broad range of people from diverse backgrounds are

all required. Ability to establish and maintain effective working relationships with all constituencies is critically important.

- **Professional Development.** ConsultLine service coordinators are required to remain current on special education standards and procedures and to attend pertinent seminars related to job responsibilities.
- **Evaluation.** As part of the program's continuous improvement goals, ConsultLine specialists mail out evaluation cards to parents and advocates after they initiate a call. A total of 168 responses were returned to ConsultLine between July 1, 2008, and June 30, 2009. When asked "Were you satisfied with your recent experience with the Special Education ConsultLine?" 97 percent of respondents answered "Yes."

## **Optional Processes**

### **Stakeholder Training**

Building Partnerships, Creating Agreement: Collaborative Problem Solving in Early Intervention and Special Education, also referred to as Creating Agreement in Special Education, is an OSEP-funded, innovative training program on conflict resolution, jointly developed by CADRE and the IDEA Partnership at NASDSE (National Association of State Directors of Special Education), with input from various constituency groups. The vision behind the creation of *Creating Agreement* was the belief, supported by research, that educational outcomes are improved when families, schools, and service providers work together effectively. Training and support for diverse groups of stakeholders help them learn together and solve problems in ways that are more responsive to individual students' needs.

This one-day training uses interactive activities involving relevant special education scenarios to help parents and educational agencies enhance their communication and problem solving skills. The participants will:

- demonstrate the use of communication and conflict management skills to promote positive outcomes,
- learn strategies to solve disputes at the local level,
- identify successful ways to respond to conflict,
- identify different methods of conflict management, and
- examine a six-step process designed to respond constructively to conflict.

For more information on conflict resolution training, see the website <http://odr.pattan.net/earlydisputeresolution/ConflictResolutionTraining.aspx>.

In November 2008, the inaugural summit on *Creating Agreement in Special Education* took place. ODR extended invitations to stakeholders in the area, including parents, parent advocates and advocacy groups, parent training information centers, educators, superintendents, school board members and association representatives, PDE intermediate unit representatives, and others to learn about this problem-solving model. Following an overwhelmingly positive response, ODR proceeded with regional summits throughout the state, and in the process invited superintendents from across the Commonwealth to send a parent-educator-administrator team to a summit to learn more about the training.

In addition to *Creating Agreement*, ODR provides the *ODR Overview* training to groups upon request. This overview is designed to educate the audience on the broad array of the office's dispute resolution activities. During the most

recent fiscal year, participants in this program included Elwyn (a non-profit provider of services for people with special needs), EA representatives, early intervention staff for ages birth to 3 years, the Deaf-Blind Leadership Network, graduate students at Millersville University, and Competence and Confidence Partners in Policymaking staff at Temple University.

**ODR Stakeholder Council**

The Stakeholder Council is intended to give all stakeholders functional input on ODR’s activities at a juncture in the process when that involvement can realistically have the maximum effect, while also taking advantage of council members’ aggregate expertise. The group meets on a periodic basis, with conference calls in the interim as needed and reasonable expenses reimbursed for its members. In order to be a stakeholder-driven council, a diverse number of constituency groups were asked to submit candidates’ names for Stakeholder Council membership. Not all groups were able to do this, so the Bureau of Special Education director made appointments in those cases. The fully operational Stakeholder Council now has operating procedures in place to address future replacement of members, thus truly rendering it a stakeholder-driven body.

The council is composed of Counsel to ODR; one parent attorney; one school district attorney; one school district staff representative (designated by the Pennsylvania Association of School Administrators); one Intermediate Unit (IU) staff representative (designated by the IU Directors’ Group); two parent advocate representatives (designated by the Disability Rights Network and/or Value Coalition); one Parent Training Information Center or Community Parent Resource Center representative (to be designated by that organization); one representative of the community of students with autism (to be designated by the appropriate organization); and, one representative of the community of students who are gifted (to be designated by the appropriate organization). Operating procedures and minutes from the meetings are posted on the ODR website.

The Stakeholder Council offers an excellent barometer of how ODR is doing beyond evaluations distributed after each service is rendered. The council recently considered the issue of allowing attorneys to attend mediation, a significant departure from established practice. The council decided to gather statistics from other states for comparison to PDE’s experience, make available a Survey Monkey to gather input from constituents, and have members take this issue back to their respective constituency groups for input.

**IEP Facilitation**

IEP facilitation is a voluntary process that can be utilized when all parties to an IEP meeting agree that the presence of a neutral third party would facilitate communication and the successful drafting of a student’s IEP.

**Lesson Learned**

*“The conversion of a traditional Advisory Panel into a more progressive Stakeholder Council results in a more engaged, vibrant exchange of information and ideas. The process of garnering disparate viewpoints on polarizing issues helps us to monitor and improve the quality of our programs.”*

*Kerry Voss Smith,  
ODR Director*



This process is not necessary for most IEP meetings; it is most often utilized when there is a sense from any of the participants that the issues at the meeting are creating an impasse or acrimonious climate. Since the initial pilot in October 2004, ODR has been providing IEP facilitation services, using some of the state's mediators, at no cost to interested constituents. IEP facilitators are not decision makers or IEP team members; they are third-party neutrals who do not advocate for or provide technical assistance to either party. They assist the team members to focus on the issues at hand during the IEP meeting, while the facilitator attends to the dynamics of the meeting to ensure that the participants interact respectfully, communicate their perspectives, and focus on the issues and future plans. For more information about IEP facilitation, see the website <http://odr.pattan.net/earlydisputeresolution/IEPFacilitation.aspx>.

### **Resolution Meeting Facilitation**

ODR offers resolution meeting facilitation at no cost to parents or LEAs. Facilitators are individuals who are also under contract with ODR to provide IEP facilitation and mediation services. While the service is still in its infancy, ODR is seeing a slow but steady increase in its use. A significant percentage of the facilitations that have occurred to date have resulted in an agreement and withdrawal of the hearing request. Analysis of participant feedback is ongoing to determine any needed changes or expansion.

## ***Required Processes***

### **Mediation**

As evidenced in figure 3, Pennsylvania consistently achieves mediation agreement rates in the desired range of 75%-85%. For more information about mediation, see the website.

- **Staffing.** ODR contracts with 27 independent mediators to provide mediation services to its constituents. Seven of the mediators are professional mediators outside of their contractual relationship with ODR. The balance of the mediators are either social service professionals, professors, educational consultants, attorneys, or nonprofit administrators.
- **Qualifications.** Prospective mediators must already possess training and experience in both mediation and special education law and procedures. To qualify and work as a mediator, a person cannot be associated with advocacy agencies or with local or state education associations.

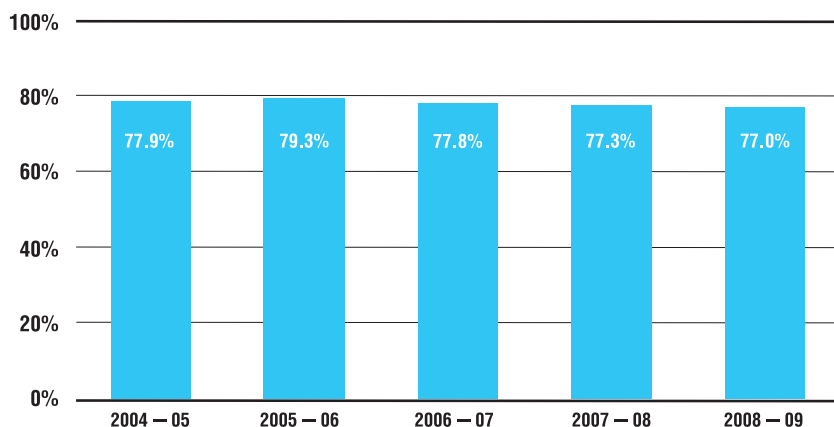
### **Lesson Learned**

*There are many different philosophies regarding IEP facilitation. Initially IEP facilitators in Pennsylvania provided expertise, technical assistance, and a directive style in the meetings. Participant feedback indicated that both parents and LEAs were dissatisfied with this approach. A course correction was made, and the role has since been productively redefined as purely facilitative.*

- **Professional Development.** ODR does not provide initial training to mediators but has very consciously ramped up the quality of ongoing training, bringing in nationally recognized trainers. The ODR director hosts informal receptions for the mediators during the evening between the two days of training, not only to meet and greet them, but to give them an opportunity to discuss issues among themselves.

- **Evaluation.** Post-mediation evaluations indicate that an overwhelming number of participants completing the evaluation were satisfied with the services of the mediator. Mediators were consistently ranked high on explaining the mediation process, listening to participants, and fostering productive environments for mediation to be successful. Constituents reported willingness to use ODR’s mediation service again and felt that, as a result of the process, they were able to establish better communication with the other party, a better understanding of their concerns, and the ability to discuss issues more openly and constructively in the future. The ODR director has begun observing the mediators and providing critiques on their demeanor, handling of the mediation, knowledge of special education, and other observations.

**Figure 3. Pennsylvania Indicator 19  
Mediation Agreement Rate  
Source: APR Table 7 and Section 618 Data**



### Written State Complaints

The Bureau of Special Education’s (BSE’s) Division of Monitoring and Improvement coordinates the formal written state complaint procedure. After BSE receives a consumer request intake form or a written signed

### Lesson Learned

*“Do not underestimate the need for your constituents to have a full understanding of any new service your office provides before it will be utilized and make sure you have a system in place that provides this critical information. Whenever possible, personal contact with constituents through a phone call, rather than an email, may be the most effective method of communication. When we introduced resolution session facilitation as a new service of our office, we conveyed this information via email and got little response; however, when we started placing calls to due process participants to advise them of this service, interest in trying facilitation improved exponentially.”*

*Kerry Voss Smith,  
ODR Director*

complaint, a determination is made whether the allegations meet the requirements. If so, an initial telephone interview with the complainant is held to confirm the information provided by the complainant, identify alleged violations, obtain additional information from the complainant, schedule a meeting if the complainant has requested one, and explain the procedure for the LEA's response to the complaint, as well as the complaint management system. When the written state complaint does not meet the requirements, BSE provides pertinent technical assistance and informs the complainant that an official written response will be issued. If an issue that is part of the complaint becomes part of a due process hearing, an abeyance letter is issued to postpone the complaint investigation until the hearing issues have been decided.

- **Staffing.** BSE employs four complaint specialists.
- **Qualifications.** The minimum requirements for a complaints specialist is four years of professional experience in special education, including one year in the development and implementation of special education curricula or programs at the local or intermediate unit level, or an equivalent combination of experience and training.
- **Professional Development.** The BSE maintains standardized practices for written state complaint management, and staff is trained and updated regularly.
- **Case Tracking.** BSE maintains a closely monitored database that tracks days elapsed from the date a written state complaint is received through issuance of a complaint investigation report (CIR) and closure of all required corrective action. Division chiefs monitor complaint timelines and reassign staff as needed to comply with timelines.

### **Due Process Hearings and Resolution Meetings**

Pennsylvania's due process hearing system became one-tier in 2008-09. When ODR receives a due process hearing request, it is assigned to a case manager, who opens a case file and assigns a hearing officer (HO) on an ad hoc basis. The HO sets a hearing date and advises the parties that they must report progress or activity to the HO relating to a resolution meeting. The HO forwards information to the case manager, who enters the data into the ODR database.

In those cases when a hearing is held, ODR's independent counsel reviews the HO's decisions and provides input not on the outcome as determined by the hearing officer, but rather on how the decision could have been written in a more legally sound and concise fashion. At least twice a year, this same reviewer examines two entire cases from each HO, including the transcripts and exhibits, and provides a comprehensive post-decision (or after the case has otherwise been resolved) analysis of the cases. The ODR director observes the HO's each year and provides input from her perspective as a long-time litigator on HO demeanor, handling of objections and evidence, and other hearing procedures.

- **Staffing.** ODR employs six full-time and three independent contractors as hearing officers who are responsible for presiding over special education due process hearings.
- **Qualification.** Attorney HO's must maintain current licensure with the Supreme Court of Pennsylvania. HO's must possess knowledge of, and the ability to understand, the provisions of IDEA, federal and state regulations

pertaining to IDEA, and legal interpretations of IDEA by state and federal courts. They must possess the knowledge and ability to conduct hearings, as well as to render and write decisions based upon the record developed during those hearings, all in accordance with appropriate, standard legal practice. HOs must have the necessary computer knowledge to communicate with litigants and ODR via email, to conduct relevant research, as well as to prepare decisions in electronic form.

- **Professional development.** HOs must remain current with federal and state regulations and standards. Timely resolution of due process hearings, barriers to accomplishing this, and strategies to overcome the barriers are regularly discussed at mandatory annual HO training sessions, as are other related topics. Specifically, HOs have been trained to more closely examine the basis for timeline extension requests to ensure that extensions are granted only for appropriate reasons. Reflecting the breadth of training that is provided, a recent training session included information on response to intervention and on special education for gifted students.

- **Evaluation.** ODR has engaged in a systematic, concerted effort to ensure timeliness. Beginning in 2002, the following procedures have been implemented:

- Nonrenewal of HOs for reasons of nonperformance.
- Communication of clear expectations of HO performance, with individual and group performance statistics provided to HOs on an annual basis.
- Training for ODR case managers on providing rigorous oversight of the due process hearing proceedings.

Toward the close of FY2006-2007, ODR initiated a new project to gain feedback on the due process experience from parents, administrators, and attorneys. Overall, respondents indicated that they were satisfied with the services provided by ODR, that hearing officers appeared to be neutral and did not favor either party, and that hearing officers were very knowledgeable about relevant laws and regulations and the disability at issue.

As shown in figure 4, Pennsylvania has experienced a meaningful decline in the level of due process hearing activity, the likely result of investments in early resolution activities. Efforts are ongoing to educate constituents about the resolution meeting requirement and to increase the rate of agreement. Staff from ODR, two of Pennsylvania's Parent Training Information Centers, the Parent Education Network (PEN), the Parent Education and Advocacy Leadership Center (PEAL), and educational consultants from Pennsylvania Training and Technical

### **Lesson Learned**

*A professionally developed database, and staff with the ability to extrapolate and analyze numerous statistics from it, can help to discern trends and guide action.*

*An effective database will also provide the tools to monitor timelines more effectively, minimizing the possibility of human error. The financial investment in purchasing such a database will pay dividends to the program.*

Assistance Network (PaTTAN) worked collaboratively to design training on resolution meetings that is applicable to both parents and LEAs. This training has been replicated and is available through the Internet and other means. In conjunction with this training, ODR produced a document on resolution meetings and has widely distributed it. ODR's case managers are continuing to distribute the document whenever due process is requested. For more information about due process hearings and resolution meetings, see the website <http://odr.pattan.net/dueprocess/default.aspx>.

***Dispute Resolution System Administration Oversight***

When the Pennsylvania Board of Education exercised its discretion, under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), to change from a local- and state-level due process hearing system to a one-tier state-level system, it vested statutory responsibility for establishing, maintaining, and administering that system with the Pennsylvania Department of Education (PDE). PDE implements the day-to-day operational aspects of that system through the completely independent Office for Dispute Resolution (ODR).

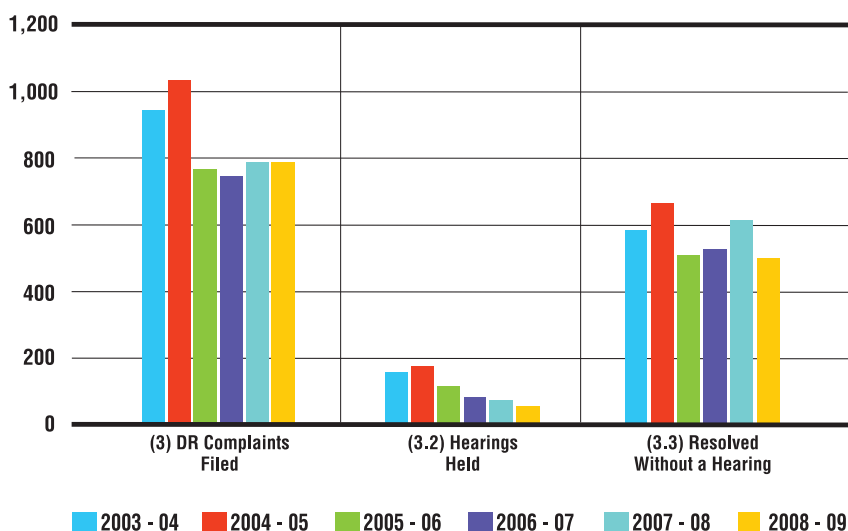
The Central Susquehanna Intermediate

Unit (CSIU) serves as fiscal administrator. To maximize its independence, integrity, and autonomy, ODR is statutorily free from interference or influence on any substantive matters from any entity or individual, including without limitation parents, advocacy groups, school districts, intermediate units (including CSIU), or PDE. Its hearing officers are impartial and are not subject in individual cases to substantive direction from or control by ODR, or by any other agency or group that would affect the outcome of a particular hearing.

**Relationship to General Supervision**

The Pennsylvania Department of Education has established an effective system for general supervision of LEAs through planning, monitoring, complaint management, dispute resolution mechanisms, professional development, and technical assistance. Its BSE staff is assigned based on a “single point of contact” (SPOC) structure, with one professional special education advisor serving a designated geographical area. This individual reviews the local performance plan for that area’s intermediate unit and member school districts, serves as the chairperson for monitoring teams in that same area, and also reviews complaints filed against those LEAs. This structure promotes development of a strong knowledge base and expertise in regional issues and needs, which in turn leads to systemic identification by the BSE of issues and concerns as well as targeting of resources to improve local results.

**Figure 4. Pennsylvania Due Process Complaint and Hearing Events per Year**  
**Source: APR Table 7 and Section 618 Data**



## **Culturally Relevant Aspects of the DR System**

In order to meet the needs of Pennsylvania's diverse population, ODR contracted with an interpreting service, Language Line, to further develop the capability of providing service to non-English-speaking constituents.

Language Line can provide translation into 71 different languages.

In March 2007, ODR hired a bilingual staff member (English/Spanish) to improve the office's responsiveness to Spanish-speaking constituents.

Since then, ConsultLine has received very few calls in other languages that have necessitated the use of Language Line. ODR also produced a brochure in Spanish about ConsultLine

(<http://odr.pattan.net/files/ConsultLine/Consultline-SP.pdf>).

ODR has engaged in active outreach to organizations that serve Spanish-speaking families and has worked through those contacts to disseminate information about dispute resolution and special education to parents and advocates.

## **Partner Organizations/Collaboration**

ODR's collaboration with Pennsylvania's Parent Training and Information Centers has been productive. Parent Education and Advocacy Leadership Center (PEAL) staff have received the Creating Agreement training through ODR and participated in an ODR train-the-trainer workshop. The Parent Education Network (PEN) plans to co-sponsor the Creating Agreement training in collaboration with other stakeholders, such as local task forces and intermediate units. Creating Agreement training has been provided throughout the state to more than 1,000 interested attendees. Representative recipients of the training include the National Autism Conference at Penn State University, early intervention staff, school district staff, staff of intermediate units, Network of Autism Training and Technical Assistance Program (NATTAP), Elwyn, Autism Alliance of Chester County, Lehigh University graduate students at West Chester University, and Jones Center for Special Education Excellence. Creating Agreement training is offered at no cost and provides continuing educational credits to educators. Efforts are ongoing to get the training approved for purposes of awarding continuing educational credits to administrators as well.

ODR has pursued strategic alliances with Pennsylvania's higher education system. It facilitated dialogue among Pennsylvania law schools about the possibilities of providing pro bono representation and/or assistance to eligible parents pursuing due process. The Dickinson School of Law at Penn State University has already committed to accepting referrals for parent representation in Cumberland County. It is the hope of the project participants that additional law schools will commit to providing similar

## **Lesson Learned**

*High quality, professional level training for hearing officers, mediators, and facilitators is one of the best investments a state can make to optimize the services these groups provide. There are many excellent trainers and training organizations available to states, but be certain that the training these organizations provide is consistent with your vision and your philosophy. For example, there are different philosophies about how IEP facilitation should be handled. Be absolutely certain before signing a contract with your trainer that you are in agreement on both theory and practice.*

working with teacher preparation programs to incorporate pre-service training on collaborative problem-solving into required coursework. Representatives from the higher education community have been recruited to serve as faculty members for the school administrator training.

### **Public Awareness/Outreach**

ODR maintains a robust website (<http://odr.pattan.net>) and also provides updates on Twitter. Included on the site is information on dispute resolution processes, regulations, dispute resolution system performance, request forms, frequently asked questions and training materials. Brochures and materials are also disseminated at exhibit booths at conferences that ODR staff attend. Among the publications that ODR has developed are:

- “Complaint Information Packet and Form” (<http://odr.pattan.net/consuliline/ComplaintInformationPacketandForm.aspx>)
- “IEP Facilitation” (<http://odr.pattan.net/earlydisputeresolution/IEPFacilitation.aspx>)
- “Mediation Guide” (<http://odr.pattan.net/mediation/MediationGuide.aspx>)
- “Due Process Fact Sheet” (<http://odr.pattan.net/dueprocess/DueProcessFactSheet.aspx>)
- “A Tale of Two Conversations” (<http://www.directionservice.org/cadre/PAvideo.cfm>). This is a video resource that ODR developed to demonstrate the difference between unproductive and productive communications between a parent and a school administrator. The video is being widely distributed, and CADRE is developing an online training unit centered on these dramatizations.

ODR is preparing a due process manual for parents who elect to pursue a due process hearing without legal representation (i.e., proceeding pro se). It has been sent to representatives from the advocacy community for review and input. ODR has created videotapes on due process and resolution meeting preparation and is planning videos on mediation, IEP facilitation, and the ConsultLine.

ODR has also cultivated strong working relationships with a number of organizations representing parents (PEAL, PEN, Hispanos Unidos para Ninos Exceptionales) and educators (Pennsylvania Council of Administrators of Special Education, School Board Associations, Association of School Administrators). These relationships contribute to increased stakeholder confidence in the system and facilitate the easy dissemination of information and products.

**Key Pennsylvania Leadership at the time this Profile was Developed**

Gerald Zahorchak, *Secretary, Pennsylvania Department of Education (PDE)*

John Tommasini, *Director, Bureau of Special Education (BSE)*

Kerry Voss Smith, *Office of Dispute Resolution (ODR) Director and CADRE Exemplar Contact*

Cindy Judy, *Legal Assistant to Director*

Suzanne McDougall, *ConsultLine Supervisor*

Dixie Rider, *Dispute Resolution Coordinator*

**Pennsylvania Department of Education**

Bureau of Special Education

333 Market Street, Seventh Floor

Harrisburg, PA 17126-0333

Phone: (717) 783-2311

Website: [http://www.portal.state.pa.us/portal/server.pt/community/special\\_education/7465](http://www.portal.state.pa.us/portal/server.pt/community/special_education/7465)

Office for Dispute Resolution

6340 Flank Drive, Harrisburg, PA 17112-2764

Phone: (800) 222-3353

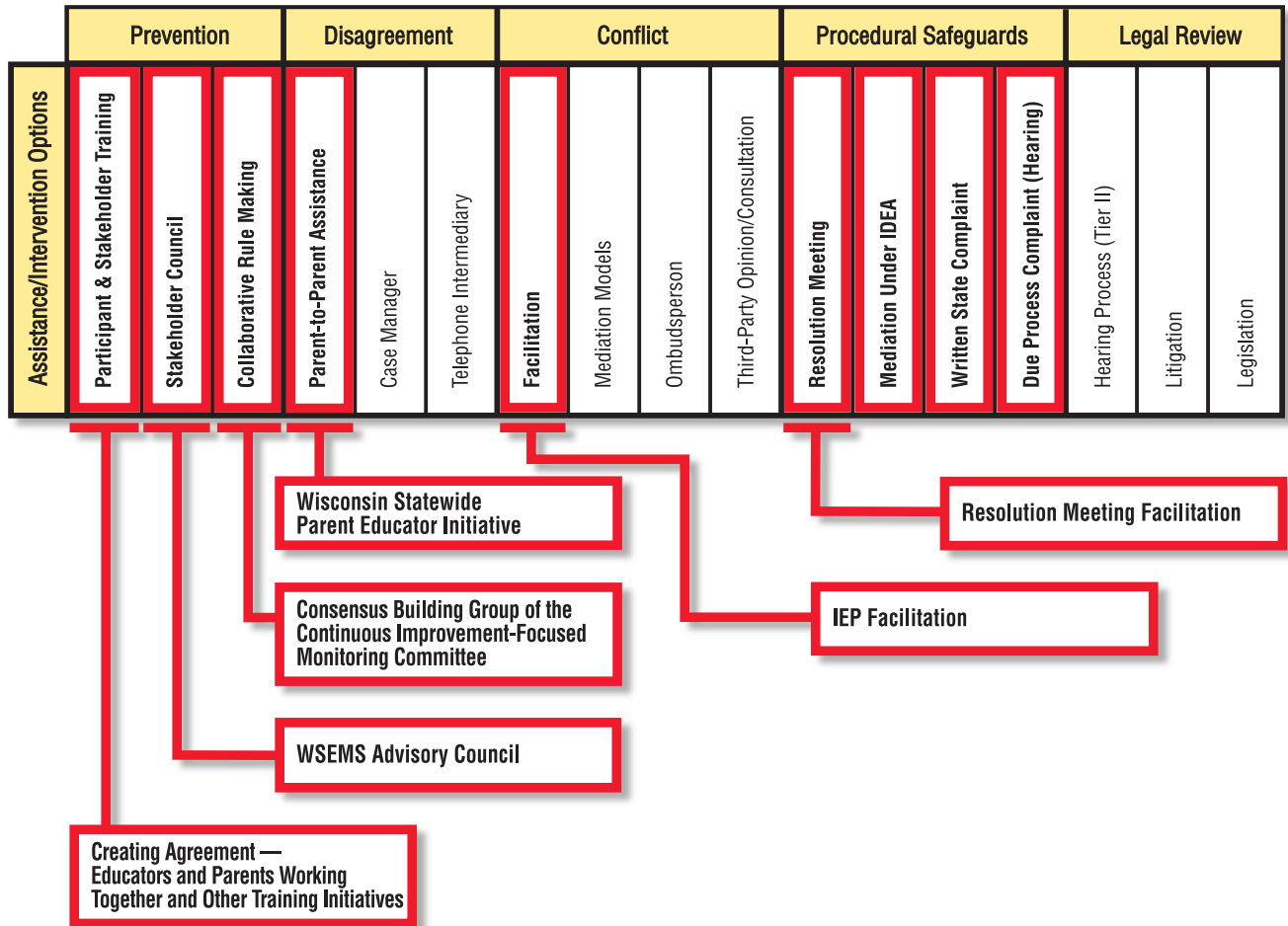
Website: <http://odr-pa.org>



***Wisconsin ~ An Exemplary Dispute Resolution System  
in Special Education  
Profiled June 2010***

**The CADRE Continuum of Processes and Practices**

*Wisconsin's Dispute Resolution Options in Bold*

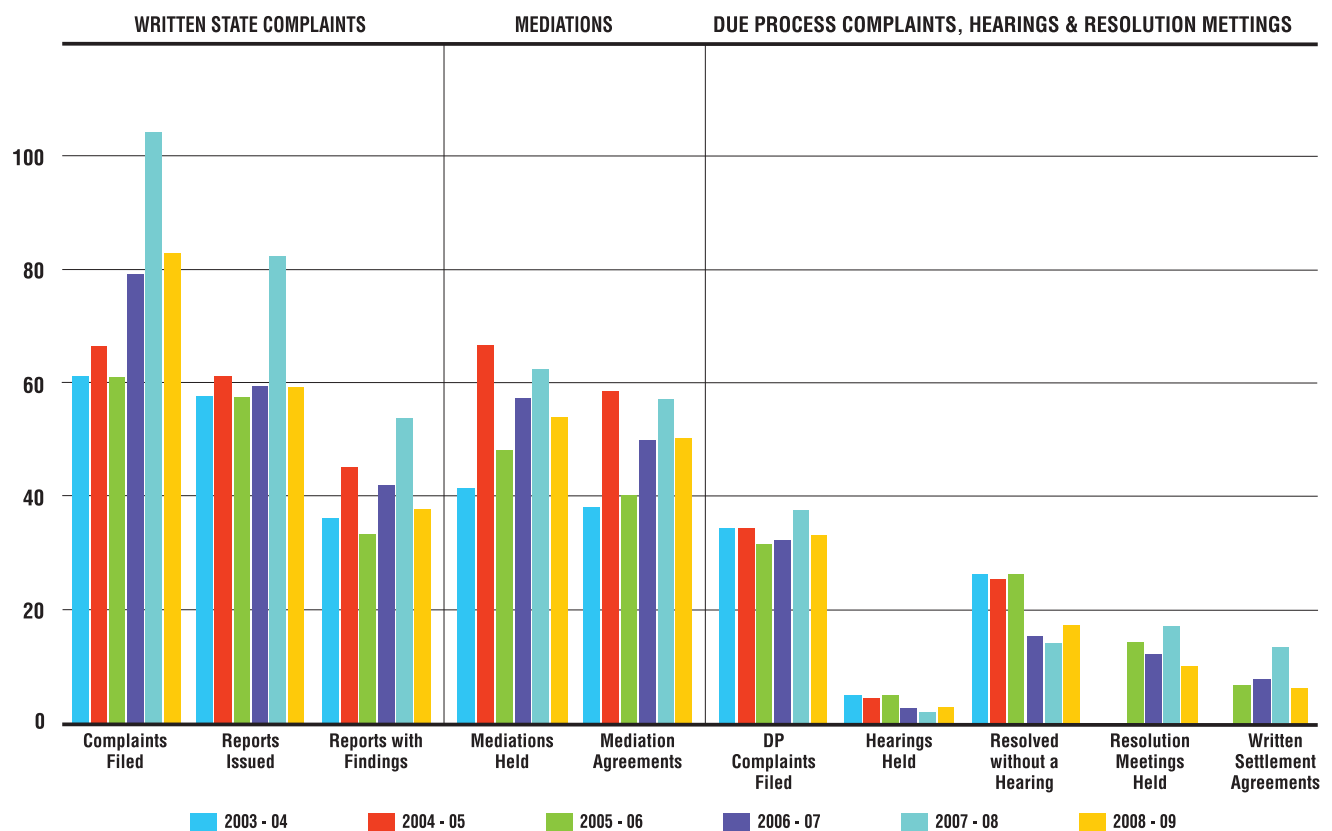


*For more information about the CADRE Continuum, see:  
<http://www.directionservice.org/cadre/aboutcontinuum.cfm>*

The Wisconsin Department of Public Instruction (WDPI) serves as an excellent example of a state education agency that has historically engaged stakeholders in the planning, design, and management of its dispute resolution system, especially of mediation and facilitation services. Additionally, this SEA has, since 1996, had a grant with an external entity to provide mediation and facilitation services for its special education program. While it maintains ultimate responsibility for the coordination of procedural safeguard activities found in IDEA, a collective established by statute in 1997, the Wisconsin Special Education Mediation System (WSEMS) manages three components of the

state special education dispute resolution system: mediation, IEP facilitation, and resolution meeting facilitation. WDPI continues to directly manage both the state written complaint and due process hearing components of the dispute resolution system. In this role, WDPI has also used a dispute prevention process, collaborative rulemaking, to reach consensus on state special education laws prior to public hearings on them. Through WDPI's arrangement with WSEMS, Wisconsin became one of the first states to implement a statewide IEP facilitation program. WSEMS has made highly trained facilitators available to LEAs during the resolution meetings required after requests for a due process hearing. Both WDPI and the WSEMS assisted the Wisconsin Department of Health Services (DHS) in developing the Birth to 3 Mediation System. Through DHS, mediation became available on July 1, 1998.

**Figure 1. Wisconsin — Dispute Resolution Events per Year**  
**Source: APR Table 7 and Section 618 Data**



The terms used in the figures in this document are either drawn directly from or are shortened versions of data element terms from Table 7, the dispute resolution data reported by states in their APR. Instructions and definitions of all terms used for Table 7 reporting are available at: <https://www.ideadata.org/documents.asp#collection>

## ***Intake Process***

When family members, educators, service providers, or others have a question, concern, or specific difficulty with a child's educational services, they can contact the WDPI through either a general or toll-free telephone number. A WDPI office operations associate will refer them to someone on the special education team. Additionally, the team receives referrals from the Wisconsin Family Assistance Center for Education, Training, and Support (FACETS). The member of the special education team informs the caller about dispute resolution options and, depending upon the circumstances, may contact the school district and inform them that WDPI has been contacted by a parent. The special education team member often attempts to resolve the matter directly through the use of "shuttle diplomacy." The team's stated mission is "to promote collaboration among parents, educators, students, communities, and other agencies to ensure that all children with disabilities have available to them a free appropriate public education."

## ***Optional Processes***

### **Stakeholder Training**

WDPI invested in several different stakeholder training initiatives. WSEMS developed the training manual *The Resolution Meeting: A Guide for Parents and Educators*. The manual's purpose was to help parents and schools resolve their disagreements during a resolution meeting to forestall the necessity of a due process hearing. Another objective was to help establish a good partnership between parents and schools and to help children get needed services. A website with a link to the manual can be found at <http://www.wsems.us/resmeeting/index.html>.

WDPI has also made available a new web-based resource, *Creating Agreement: Educators and Parents Working Together*, which was designed to train IEP team members in methods to enhance communication, conflict management, and meeting effectiveness. For information about this resource, see the website <http://dpi.wi.gov/sped/agreement.html>. These and other resources have been provided to help educators and parents prevent or reduce the likelihood that miscommunication or conflict will escalate into disputes. They can be used to help IEP teams evaluate their own interactions and improve team functioning.

### **Stakeholder Involvement**

WSEMS was formally established in July 1996 but traces its origins to two founding partners, a parent and a special education director, who had seen the special education system from their own perspectives. They were only too familiar with traditional methods used to resolve issues — complaints, due process hearings, and civil trials. They found these to be expensive, time-consuming, polarizing, adversarial, and often without satisfactory results for either side. The partners' aspirations for a non-adversarial system, where parents and schools would be able to work out solutions together, led to their writing a discretionary grant proposal to plan a mediation system in Wisconsin. In 1996, WSEMS convened an advisory council, facilitated by an experienced mediator from the Marquette University Center for Dispute Resolution Education. The Advisory Council was comprised of representatives from key stakeholder groups, including parents, schools, legislators, advocates and attorneys. The council helped develop legislative language for special education mediation in Wisconsin and continues to advise the system today. Wisconsin Act 164, Chapter 115.797, unanimously passed by both the assembly and senate and signed into law by then Governor Tommy Thompson in 1997, established the Wisconsin Special Education Mediation System.

## Collaborative Rulemaking

In November 2004, the WDPI convened a diverse group of special education stakeholders, known as the Consensus-Building Group of the Continuous Improvement Focused Monitoring Committee, for the purpose of reviewing and establishing priorities for the WDPI's proposed focused-monitoring plan and establishing goals and targets for the state's performance report. In February 2005, the WDPI assigned a new objective to the group, specifically to establish a broad-based consensus on further legislation realigning state special education law with IDEA 2004 before it moved forward to a public hearing. With the help of a mediator, a subgroup of the committee reached consensus on the realignment in February 2006. Parents started with a "position" on about 33 items on the table, and the school group had a "position" of complete *federalization* or alignment with IDEA. The mediation process resulted in compromise from both sides. The group reached consensus on nine items and crafted language that all participants could accept. Consensus was reached on issues such as transition, timelines, and the IEP process. As a result of this collaborative process, all testimony at the public hearing held later that month reflected unanimous support by all stakeholders. The bill passed unanimously with a vote of 33-0 in the senate and 99-0 by the assembly and was signed by the governor on April 5, 2006.

- **Group Composition.** A mediator from the Wisconsin Employment Relations Commission staffed the group. Members included the co-director of FACETS; the president of the Wisconsin Council of Administrators of Special Services; an attorney from Wisconsin Coalition for Advocacy, the protection and advocacy center; the coordinator of the Wisconsin Statewide Parent-Educator Initiative (WSPEI); the special education director of the Milwaukee Public Schools; a Wisconsin School Board Association representative; and an attorney from the state teachers' union.
- **Evaluation.** One participant described participation in the small stakeholder mediation as "an awesome experience — frustrating, invigorating, anger-filled, surprise-filled." Another described it as "intense, eye-opening, and ultimately very satisfying."

## Parent-to-Parent Assistance

The Wisconsin Statewide Parent-Educator Initiative (WSPEI) is a WDPI statewide discretionary project that serves parents, educators, and others interested in parent-educator partnerships for children with disabilities. One of the goals of WSPEI is to help parents and school districts find or create the resources that will help them build positive working relationships, share decision-making, and improve children's learning. It supports increased sharing of information among parents, schools, projects, organizations, and agencies through networking in the form of

### Lesson Learned

*The members of Wisconsin's Stakeholder Council are a cross section of interested participants, including advocates and attorneys who represent both parents and schools, and have meaningfully contributed to the quality of the dispute resolution system and the confidence that potential consumers have in its fairness.*

meetings, conferences, person-to-person contact, and media. Wisconsin schools and families use the resources of WSPEI and the parent training and information center FACETS to reach out to each other and make use of information about special education in the various ways that they require. WSPEI and FACETS work together closely, holding bimonthly collaboration meetings that include a special education administrator. Regional service agencies and district parent liaisons from WSPEI also collaborate regionally and locally with FACETS staff and parent leaders. WSPEI's unique contribution to this collaborative structure is that the parent liaisons are parents of children with disabilities, selected and hired by LEAs and regional service agencies to work within LEAs to promote parent involvement. The unique contribution of FACETS is the focus on minority and underserved families, providing outreach and training to Wisconsin's communities of Native American, African American, Latino, and Hmong families. Both projects provide parent leadership on advisory committees and workgroups for WDPI's other major technical assistance initiatives. Because of this participation, WDPI is able to make available parent-focused training and materials that are consistent with those targeted to school staff. In addition, WDPI's technical assistance initiatives model family-school partnerships through the format of co-presentation at meetings by an educator and a parent to combined audiences. For more information about parent-to-parent assistance, see the website <http://dpi.wi.gov/sped/parent.html>.

- **Staffing.** One statewide coordinator and 21 regional service area parent liaisons collaborate with LEA staff, with more than 150 LEA-based parent liaisons, and with staff from FACETS to promote positive relationships between LEA staff and parents of children with disabilities.
- **Qualifications.** Parent liaisons either have their own children with disabilities or have experience working with other children with disabilities and their families. Regional and LEA parent liaisons are selected by their agency administration with assistance from WSPEI. Positive communication and conflict resolution skills are key qualifications.
- **Professional Development.** Parent liaisons receive ongoing training and mentoring through WSPEI and other WDPI initiatives.

## Lesson Learned

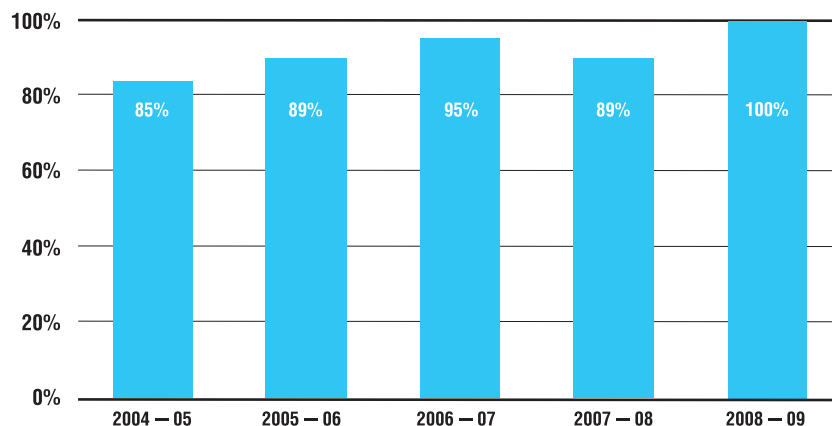
*Data was collected from the SPP Indicator 8 survey, which asked parents whether schools facilitated parent involvement. Four years of data indicated a perception among parents statewide that schools did not inform parents of their options when they disagreed with a school decision. Parent-to-parent assistance through the statewide parent-educator initiative often yielded very early conflict resolution, but it fell short of helping schools inform parents in advance that, when disagreements occur, the school is willing to give parents information and help them to communicate with educators to reach agreement. Goals of the initiative now focus on assisting LEAs to use the indicator data to improve communication and facilitate parent involvement in decision-making. Web-based resources from the SEA build on the IDEA Partnerships' Creating Agreement National Community of Practice to help schools and parents identify and improve specific areas of communication.*

## IEP Facilitation

After WSEMS gathered advice from a large group of stakeholders in the special education community, WSEMS began an IEP facilitation program in 2004. Since then, it has offered facilitation at no cost for any IEP team meeting, including initial, annual, and re-evaluation meetings. WSEMS pays the facilitator with grant funds from the WDPI. Parents, school administrators, or both may request facilitation. If only one party requests facilitation, WSEMS staff will contact the other party to ask for consent to the facilitation and explain the benefits of facilitation and how the process works. This process is voluntary; if either the parents or school say “no,” an IEP meeting will not be facilitated. In some cases, when parties have become very positioned on a certain issue, WSEMS may attempt to persuade that mediation is a more appropriate way to try to resolve the issue. As evidenced in figure 2, the program has achieved a very high rate of success in developing IEPs with the assistance of a facilitator. For more information about IEP facilitation, see the website <http://www.wsems.us/training/iepfacilitation.htm>.

- **Staffing.** The facilitation program housed at WSEMS is coordinated similarly to Wisconsin’s mediation system. WSEMS has a roster of approximately 20 trained professionals, most of whom serve both as mediators and facilitators. WSEMS assigns a facilitator to an IEP case after both parents and school administrators have agreed to facilitation.
- **Caseload.** Since its inception, the program has received over 200 requests for a facilitator.

**Figure 2. Wisconsin Facilitated IEP Agreement Rate**  
Source: APR Table 7 and Section 618 Data



## Lesson Learned

*The school where my son was attending the early childhood program believed he would benefit from staying in it. They also told me that it was the decision of our school board whether to allow him into his home school kindergarten class. I, on the other hand, believed differently. Soon anger arose on both sides. The little things became big things. I soon learned to hate the system, and I'm sure feelings were mutual. After feeling alone and angry with nowhere to turn, I made phone calls to the Department of Public Instruction and the parent liaison. The parent liaison not only gave me the strength to succeed with what I believed in, but also taught our neighborhood school how to work with us for the sake of the children. The parent liaison provided me with the tools and training to advocate for my son in a collaborative way.*

*Parent of a child with autism*

- **Evaluation.** All participants, including the facilitator, are asked to complete surveys after the facilitated IEP meeting. A research methodologist analyzes the data to give WSEMS feedback needed to keep improving the system. Information collected from 329 participant surveys since April 2004 indicated that: (a) 84% believed IEP facilitation provided a satisfactory IEP; (b) 86% were satisfied with the facilitation process used at the IEP meeting; and, (c) 88% would use the process again.

## **Required Processes**

### **Mediation**

Since 1996, WSEMS has been managed by a unique collaborative partnership; a special education director, a parent, and a mediator. The WSEMS team conducts outreach activities to promote the importance of resolving conflict at the earliest possible stage. The team also assists with development of system materials and models for collaboration that are used statewide. Each member brings unique expertise to the system. WSEMS also contracts with the mediator, a private consultant, to provide technical assistance to the program. For more information about the services provided by WSEMS, see the website <http://www.wsems.us/index.htm>.

Once mediation has been requested and parties agree to participate, they can nominate their own mediator or request that WSEMS work with them to nominate a mediator. If either (or both) parties object to the mediator, then WSEMS can suggest a different mediator.

A mediator who is not on the list may be used, but at the parties' expense. The WSEMS intake coordinator/administrator asks both parties screening questions about the case to match the individual case to a mediator on the roster with appropriate training, education, and experience, and compatible personality. The mediation program has consistently attained a very high agreement rate, as can be seen in figure 3. For more information about WSEMS's work on mediation, see the website <http://www.wsems.us/mediation.htm>.

- **Staffing.** Along with the management team comprised of a special education director, a parent leader, and a mediator, WSEMS's day-to-day operations are carried out by an intake coordinator/administrator and outreach coordinator. The intake coordinator/administrator supervises a panel of approximately 20 mediators, all of whom are independent contractors and come from a wide range of professional backgrounds, including law, psychology, social work, business, and education. A consultant with the WDPI special education team at its

### **Lesson Learned**

*Much of the work of outreach, training, and materials development is done by a parent-special education director — ADR practitioner team.*

*The partners have learned much from each other, as well as from the bilingual outreach staff, and have carried important lessons to their respective constituents. Stakeholders have worked hard to build trust in the system, to deliver messages on the importance of neutrality and collaboration, and for resolving issues early.*

*Jan Serak, WI FACETS*

Division for Learning Support: Equity and Advocacy serves as the liaison between the SEA and WSEMS.

- **Qualifications.** Each mediator has completed a five-day training on special education mediation.
- **Professional Development.** Each mediator is required to complete one day of training each year in order to remain active on the mediator roster.

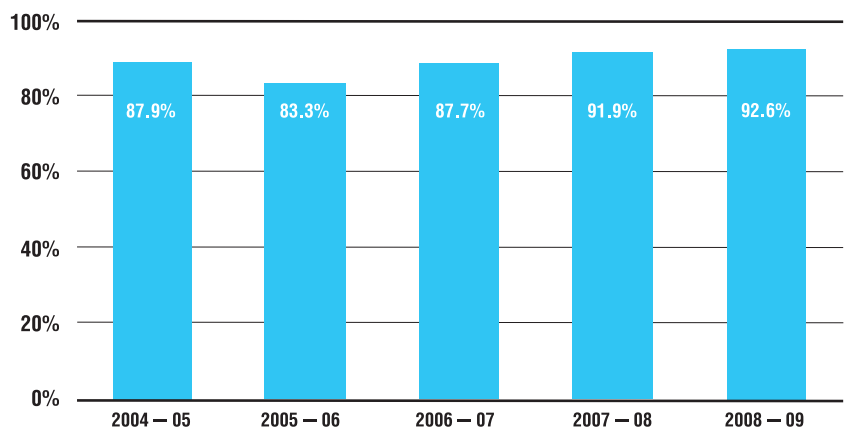
- **Hours per case.** WSEMS does not limit the length of the session or how many times the parties can meet. The parties work with the mediator to set the length of the first session.

- **Evaluation.** All participants, including the mediator, are invited to complete surveys after the mediation session. The information is given anonymously and remains confidential. A research methodologist analyzes the data, which measure participant satisfaction and issue trends, to give WSEMS feedback for

improving the system. Continual evaluation of the mediation system ensures that the WSEMS will remain effective and continue to meet its targets. Since 2000, information collected from 991 participant surveys indicated:

(a) 83% of participants believed that mediation provided a satisfactory outcome; (b) 89% were satisfied with mediation; (c) 90% said that they would use mediation again; and, (d) 89.5% would use the same mediator again.

**Figure 3. Wisconsin Indicator B19  
Mediation Agreement Rate**  
Source: APR Table 7 and Section 618 Data



### Written State Complaints

As required, the WDPI has a formal management system for filing and resolving specific complaints under Part B of the IDEA or under Wisconsin special education statutes. A complaint alleging an agency's failure to implement a due process decision will also be resolved through the complaint procedures. WDPI sets aside an issue when that same issue is covered by a due process hearing request under Wisconsin's statute. Complaint issues that are different from hearing issues will be investigated without delay. If the issue set aside is not decided in the due process proceedings, the department will complete an investigation of the issue within 60 days of a final decision in the due process proceedings. If the issue set aside is resolved in the due process proceedings, the complaint consultant will prepare a letter for the state director's signature, to be sent to both parties, informing them that the issue has been decided and that the decision in the due process proceedings is binding. The department will not set aside the complaint if mediation is requested, unless the parties agree to extend the 60-day time limit to engage in mediation. For more information about written state complaints, see the website <http://dpi.wi.gov/sped/complain.html>.



- **Staffing.** The complaint coordinator oversees the progress of all complaints to ensure that timelines are followed and that reviews of such complaints are expedited. First, the complaint coordinator reviews the first draft of the decision from the investigator. Then, one of two department attorneys reviews the revised draft decision, and a draft with further revision goes to the director of the special education team. A final version is prepared for review and signature by the assistant state superintendent.

- **Case Tracking.** The complaint workgroup meets on a weekly basis to assign complaints to investigators, to review due dates for complaint decisions and for LEA correction of noncompliance, and to discuss investigations in progress. Each complaint investigator receives a calendar indicating when decisions are due. The calendar covers a two-month period and is shared monthly. The calendar tracks the availability of key people in the decision process to enable timely review while staff are in the office. Also, the complaint office operations associate sends an electronic prompt to the investigator noting when materials are due and the date when the decision is due. The investigator must reply to the prompt with the date the materials were received. The office operations associate follows up if the reply is late. The investigator replies to the prompt once the decision is final. If the decision requires the district to develop corrective action, another reminder is sent noting the date when the proposed corrective action is due. Finally, the office operations associate sends a reminder to the investigator to ensure that all corrective actions will be completed within one-year of the finding of noncompliance. The vast majority of investigations are closed substantially sooner, usually within 3 to 4 months of the decision. WDPI's implementation of program improvements and attention to case tracking have assisted in improving the rate of "complaints within timelines" over the last five years, as can be seen in figure 4.

- **Qualifications.** Anyone on the special education team can be assigned to the complaint workgroup, although the director chooses people based on a variety of factors, including familiarity with special education law, analytical skills, and writing ability. Current workgroup membership is fairly stable, with the most senior person having investigated complaints for 14 years, the most junior for two years, with the other four staff for over four years. Initial training is done by the complaint workgroup coordinator, with formal training continuing

## Lesson Learned

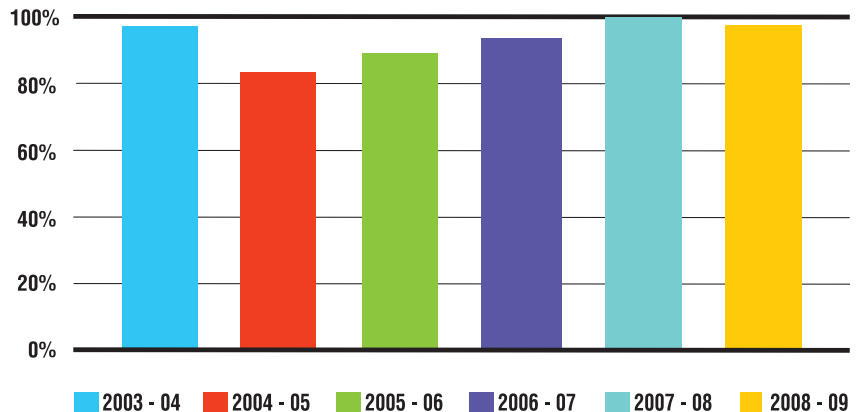
*After administering our system for almost 13 years, I have realized the importance of an impartial system administrator and mediator roster. Having a person trained in dispute resolution, best practices, and ethics who is also an independent contractor (not an employee of the SEA) has improved all parts of the system, including effective education of potential users and participants; perception of a balanced and impartial system by stakeholders and users; and the development of an administrative process, including language. This has led to a very high rate of requests for mediation. By always putting an emphasis on impartiality, we have earned the trust of all potential users of the system.*

*Jane Burns, WSEMS*

- **Professional Development.** Though not required, the complaint investigators often attend trainings provided to the hearing officers.

- **Related Activities.** Complaint investigators provide technical assistance to LEAs to ensure that corrective action is completed and noncompliance corrected within one year of identification. Established in January 2008, a notification system alerts complaint investigators two months prior to the one-year anniversary of the finding of noncompliance.

**Figure 4. Wisconsin Indicator B16  
Written Complaints Within Timelines**  
Source: APR Table 7 and Section 618 Data



**Due Process Hearings and Resolution Meetings**

Since 1996, WDPI has had an interagency agreement with the Department of Administration Division of Hearings and Appeals (DHA) to conduct due process hearings under IDEA. Also since 1996, WDPI has used a single-tier hearing system, with the LEA paying the cost of the hearing as required by state statute. When a hearing is requested, WDPI, by contract with DHA, appoints an impartial hearing officer to conduct the hearing and sends the parent a notice of the procedural safeguards and a list of free or low-cost legal and other relevant services available in their area. The department, after deleting any personally identifiable information, sends a copy of the hearing officer’s decision to the State Superintendent’s Council on Special Education. Many cases are settled informally or by settlement agreements rather than by hearing officer’s decisions. WSEMS can also provide a neutral person to facilitate a resolution meeting if requested by the parents and the school. For more information about due process hearings, see the website <http://dpi.wi.gov/sped/dueproc.html>.

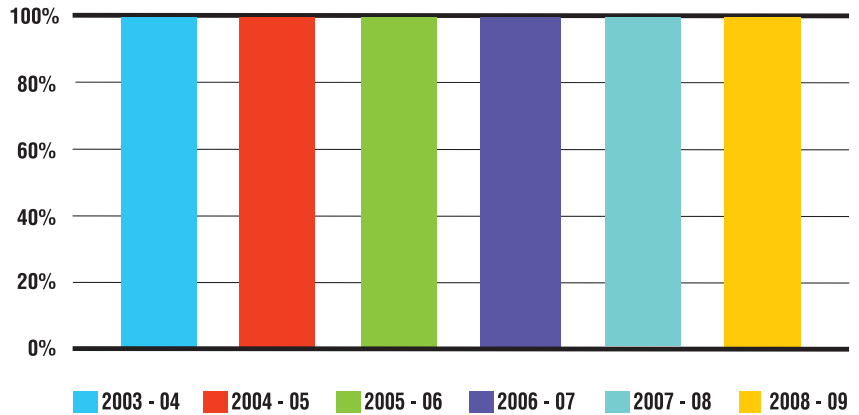
- **Staffing.** There are two administrators at DHA who are involved in WDPI’s due process hearing system. There are currently four administrative law judges (ALJs) serving as due process hearing officers.

- **Case Tracking.** DHA maintains an electronic tracking system that monitors decision due dates. Staff enter the case number assigned by WDPI, the student name, the district name, the attorney representing the district, the date WDPI received the complaint, and the date DHA received it. The data entry form also notes who the hearing officer is and the date that person was assigned to the case, and the system automatically enters the decision due date on the hearing officer’s electronic calendar. The system tracks extensions of the initial 45-day time limit and the dates when the hearing is to occur and the decision is due. If the original due date must be modified, the system requires entry of who made the request for a delay and for what reason, such as pursuit of mediation. Once changed, the new date appears on the hearing officer’s calendar and administrator’s tracking page. For many years, WDPI has maintained an electronic log of critical information related to receipt of due process hearing requests. The information includes such elements as the names of the parties, filing date, initial 45-day time limit, dates of extensions, and date of the decision. WSPi’s attention to case tracking has supported the attainment of a perfect ‘hearings within timelines’ rate over the last 6 years, as can be seen in figure 5.

- **Qualifications.** Hearing officers are required to be attorneys licensed to practice law in Wisconsin.

- **Training.** Hearing officers must have completed the hearing officer training approved by the DHA and attend an approved annual refresher course.

**Figure 5. Wisconsin Indicator B17  
Due Process Hearings Held Within Timelines**  
Source: APR Table 7 and Section 618 Data



**Dispute Resolution  
System Administration  
Oversight**

WDPI worked in collaboration with the National Center for Special Education Accountability Monitoring (NCSEAM) to develop a general supervision system focused on effective response to IDEA written state complaints and management of due process hearings and mediation. These components have been considered in designing self-assessment of procedural requirements required of all LEAs. Complaint and due process hearing decisions are posted to the WDPI website and can result in two types of responses from WDPI beyond the dispute resolution processes themselves. WDPI staff review decisions to determine whether patterns of noncompliance are emerging or whether particular decisions should be brought to the attention of LEA staff. When decisions do warrant attention, several options are available. The state director sends weekly e-mails to LEA administration and WDPI staff to notify them about important developments in special education and related areas. Brief descriptions of patterns in complaint decisions or recent due process hearing decisions can be included in these messages. WDPI staff can use the information during training events or during phone conversations with affected constituents. WDPI written materials can also be modified to incorporate pertinent information from dispute resolution decisions. Finally, WDPI staff consider recent complaint decisions when determining which LEAs to include in yearly procedural compliance self-assessments and which LEAs to include during validation phases of self-assessments.

**Culturally Relevant Aspects of the DR System**

The WSEMS Advisory Council includes parents of children having various disabilities across the school age span and is ethnically and racially diverse. WDPI has developed forms and outreach materials in Spanish and Hmong for complainants to use if they wish; however, they are not required to use them. WSEMS recruits experienced mediators who are bilingual. Additionally, WSEMS has developed the *Interpreter Manual for Special Education Mediation* to provide a broad overview of the WSEMS system. It includes a list of common terms in the fields of education and dispute resolution and their corresponding definitions, as well as a description of mediation and facilitation processes and an overview of the administrative portion of the process. The manual is available at [http://www.wsems.us/pdf/Interpreter\\_Manual.pdf](http://www.wsems.us/pdf/Interpreter_Manual.pdf).

The WSEMS has made available, through a Spanish-language section of its website, a roster of mediators/facilitators with their biographies, which can be reviewed by Spanish-speaking individuals, as well as Spanish versions of the

forms “Agreement to Mediate,” “Request for a Facilitated IEP,” and “Agreement to Use WSEMS Facilitated IEP Process.” See also the activities of WSPEI above under “Parent-to-Parent Assistance” and the website <http://dpi.wi.gov/sped/parent.html>.

### **Public Awareness/Outreach**

WDPI and WSEMS make available an array of resources to inform the public of special education dispute resolution options:

- **Print Materials.** Current versions of WDPI publications — *Procedural Safeguards Notice*, *Special Education in Plain Language*, *Introduction to Special Education*, and *Involving Families in Meeting Student Needs: A Guide for School Staff* — are disseminated to LEAs, families, and parent information organizations in print and electronic forms. During 2008–09, the *Procedural Safeguards Notice* document in English-, Spanish-, and Hmong-language versions received 15,593 hits on the WDPI website. *Special Education in Plain Language* received 27,421 website visits and 791,368 hits for various pages. *Introduction to Special Education* in three languages received 19,079 hits on the WDPI website. WSPEI printed 14,000 copies of these major publications for dissemination.

- **Presentations/Conferences.** WSEMS staff presents the training, *Creating Agreement*, developed by the National Community of Practice on Creating Agreement, at the annual Circles of Life Conference for families of children with disabilities. Also, as of September 2009, WSEMS staff had presented the training to 13 sites through videoconferences that WSPEI held quarterly for parent liaisons and FACETS personnel. For this venue, the training materials were provided electronically to participants for later use with parents and school staff, and they were also posted on both organizations’ websites. WSEMS offers a menu of training workshops, whose training modules can be customized to accommodate expected time available and audience composition. These workshops include:

- *The Wisconsin Special Education Mediation System;*
- *Federal and State Laws about Special Education Mediation;*
- *Understanding the Dynamics of Conflict and the Dispute Resolution Spectrum;*
- *Negotiation and the Principles of Problem-Solving Negotiation;*
- *Applying the Principles of Problem-Solving to Special Education;*
- *Preparing Participants for Mediation;*
- *A Comparison Between Two Dispute Resolution Options: Due-Process and Mediation;*
- *From the Mediator’s Perspective: How to Effectively Participate in the Mediation Process;*
- *“Fish Bowl” Special Education Mediation Session;* and,
- *Debrief and Panel Discussion on Mediation.*

The Circles of Life Conference is a WDPI co-sponsored event that has been in existence for 24 years. It is for families who have children of any age with disabilities or special health care needs and for the professionals who support and provide services for them. Circles of Life is a unique opportunity for participants to develop new skills, garner the latest information, and form lasting friendships. It includes nationally known keynote speakers, topical sections, parent listening sessions, family fun night, and roundtable discussions on such topics as individualized service plans and serving adolescents with Asperger’s Syndrome through social-communication intervention.

- **Web/Electronic Resources.** WSPEI and FACETS make parent training available through diverse media — including print, CD/DVD, online web casts, telephone, and videoconferencing — and in person. A new WDPI

webpage assists IEP team members to recognize circumstances that enhance communication, conflict management, and meeting effectiveness. See it at <http://www.dpi.wi.gov/sped/agreement.html>. The training Creating Agreement provides resources for educators and parents to prevent or reduce the likelihood of miscommunication or conflict escalating into disputes. The resources can be used to help IEP teams evaluate their own interactions and improve team functioning. As part of the improvement planning for meeting SPP Indicator 8 targets, training resources will continue to be developed and posted online over the next year. WDPI posted a video for parents, *Introduction to Special Education*, on YouTube.com. Within 6 months the video logged 6,101 hits. WDPI recently posted on SchoolTube.com another video depicting examples of improved communication and collaboration between schools and parents entitled IEP The Movie. FACETS conducted telephone conferences for parents on dispute resolution options and communication strategies.

### **Improvement Priorities**

Communication and conflict prevention are key areas in need of improvement for Wisconsin to meet targets for SPP Indicator 8 “Schools Facilitate Parent Involvement.” WSPEI grant goals and parent liaison work plans have been realigned to address these areas, including development of parent resources and use of CADRE resources in structured training.

WDPI will provide training to those involved in resolution meetings and develop awareness of the option. WDPI will work with the WI-FACETS and through WSPEI to develop awareness among parents. WDPI will present information on resolution meetings to LEAs at the statewide leadership conference, on the WDPI website, and in WDPI publications. Surveys are used and analyzed to collect data about the work of WSEMS. These surveys, which measure participant satisfaction and issue trends, will continue to be reviewed, with procedures revised as necessary. Continual evaluation of the mediation system will ensure that the WSEMS will remain effective and continue to meet its targets, as well as other measures of a successful system.

### **Key Wisconsin Leadership at the time this Profile was Developed**

Tony Evers, *Superintendent, WDPI*

Stephanie Petska, *Director of Special Education*

Jack Marker, *Former Complaints Coordinator and CADRE Exemplar Contact, WDPI*

Patricia Williams, *Complaints Coordinator and CADRE Exemplar Contact, WDPI*

Marge Resan, *Mediation Coordinator, WDPI*

Patricia Bober, *WSPEI Coordinator, WDPI*

Jane Burns, *Wisconsin Special Education Mediation System (WSEMS) Intake Coordinator/Administrator*

Nissan Bar-Lev, *WSEMS and Special Education Director, Cooperative Educational Service Agency No. 7*

Nina Meierding, *WSEMS Technical Assistance Consultant*

Nelsinia Ramos, *WSEMS Outreach Coordinator and Latino Coordinator, FACETS*

Jan Serak, *WSEMS and FACETS, Co-Director*

### **Wisconsin**

Wisconsin Department of Public Instruction  
Division for Learning Support: Equity and Advocacy

125 South Webster Street

Madison, WI 53707

Phone: (888) 267-0028

Website: <http://dpi.wi.gov/sped/index.html>

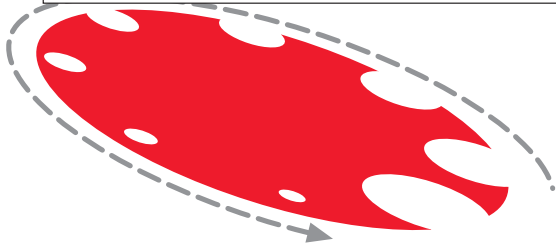
Wisconsin Special Education Mediation System

Hartland, WI 53029-0107

Phone: (888) 298-3857

Website: <http://www.wsems.us/index.htm>





The Center for Appropriate Dispute Resolution in Special Education (CADRE) works to increase the nation's capacity to effectively resolve special education disputes, reducing the use of expensive adversarial processes.

CADRE works with state and local education and early intervention systems, parent centers, families and educators to improve programs and results for children with disabilities.

CADRE is funded by the Office of Special Education Programs at the US Department of Education to serve as the National Center on Dispute Resolution in Special Education.

### **CADRE's Priorities**

- *Identify effective, cost-beneficial dispute resolution practices and support their implementation*
- *Enhance collaboration between education/early intervention agencies and parent organizations*
- *Promote improved problem-solving skills across stakeholder groups*
- *Assist states to implement the dispute resolution provisions of IDEA'04*
- *Support integration of dispute resolution management and improved state system performance*
- *Compile State Performance Plan data and information on the characteristics of state systems*

