



State Investments in Early Dispute Resolution

A CADRE Webinar

www.directionservice.org/cadre

Technical Stuff



- Phones have been muted.
- Questions will be answered at the end of the presentation – please submit by chat function.
- Please enter any technical difficulty questions by chat and we will attend to them as quickly as possible.



Participants



Kerry Smith, Director, Pennsylvania Office for Dispute Resolution, ksmith@pa-odr.org



Eric Neessen, Consultant for Dispute Resolution, Iowa Department of Education, Eric.Neessen@iowa.gov



Dixie Trinen, Dispute Resolution Coordinator, Pennsylvania Office for Dispute Resolution, dtrinen@pa-odr.org



Marshall Peter, Director, CADRE, mpeter@directionservice.org

Goal of the Exemplar Initiative



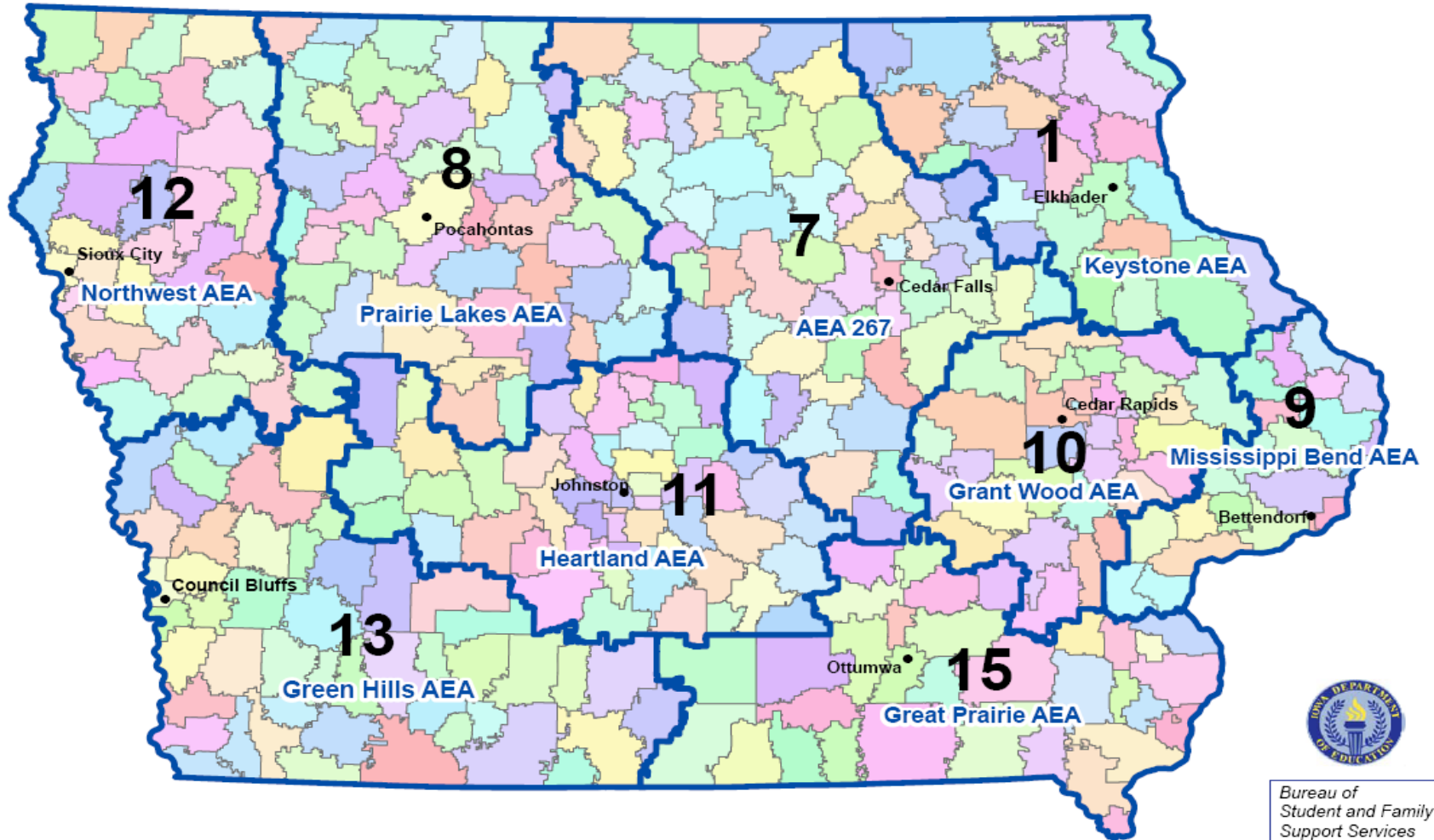
To identify high-performing special education dispute resolution systems, to catalog the features that contribute to their success, and to support their replication.



Iowa:
*Current Investments in
Early Dispute Resolution*

Iowa AEA Map

Iowa Area Education Agencies 2011-12



Bureau of
Student and Family
Support Services
Map #3826
August 3, 2011

Iowa's Education Numbers 2009-2010

K-12 enrollment: 474,227

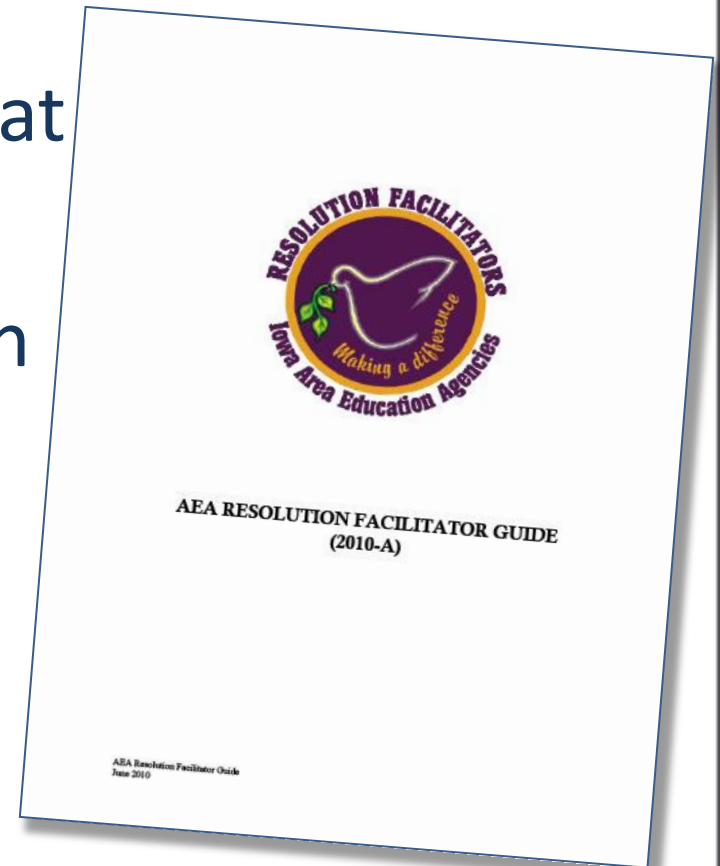
Special Ed enrollment: 59,967 (12.6%)



AEA Resolution Facilitator

The purpose:

- To help resolve differences at the earliest possible time
- To train people in resolution skills
- A minimum of four days of introductory mediation training



AEA Resolution Facilitator

- A statewide conflict resolution process
- Available through each of Iowa's AEA's
- Each AEA has an AEA Resolution Facilitator Coordinator.
- The RF Coordinator maintains the AEA's roster of qualified Resolution Facilitators.

AEA Resolution Facilitators	
	
2011-2012	
Keystone AEA 1	
Brooke Gassman.....	563-556-3310 x2742 brassman@aea1.k12.ia.us
Art Miller.....	563-922-2299 x6113 amiller@aea1.k12.ia.us
AEA 267	
Dennis Sinclair.....	319-273-8250 dsinclair@aea267.k12.ia.us
Prairie Lakes AEA 8	
Pam Fritz.....	515-574-5500 x2148 pfritz@aea8.k12.ia.us
Mississippi Bend AEA 9	
Nancy McGill.....	563-263-8476 nmcgill@aea9.k12.ia.us
Jabari Woods.....	563- 528-5683 jwoods@aea9.k12.ia.us
Grant Wood AEA 10	
Paul Kiburz.....	319-399-6765 pkiburz@gwaea.org
Heartland AEA 11	
Steve Iverson.....	515-270-0405 x18111 siverson@aea11.k12.ia.us
Northwest AEA	
Molly Twohig.....	712-222-6345 mtwohig@nwaea.k12.ia.us
Green Hills AEA	
Angie Hance.....	641-342-2398 ahance@ghaea.org
Michele Harrison.....	712-322-7354 mharrison@ghaea.org
Great Prairie AEA	
Matt Mitchell.....	319-753-6561 x1103 matt.mitchell@ppaea.k12.ia.us

RF Info 2010-2011

Resolution facilitation meetings held statewide for the year:

29 total for the state

Average = 3.2 / AEA

Range of responses = 0 - 9

Number of trained RFs on staff:

25 total for the state

Average = 2.6 / AEA

Range of responses = 0 - 6

FTE built in for RF work:

Only 1 AEA RF coordinator has FTE (0.1) for that role



Pennsylvania: *Current Investments in Early Dispute Resolution*

Pennsylvania: *Who Are We?*

- Active due process state
- Member of the 7- Pak Consortium of Large States
- 294,958 child count for 2008-09
- 26.5 rates of due process for 10,000 in 2008-09
- However, in fiscal year 2010-2011, ODR received the smallest number of due process requests compared to the previous 8 years and before
- Mediations increasing annually



Office for
Dispute
Resolution

The Office for Dispute Resolution (ODR)

- **Early Dispute Resolution Components of ODR:**
 - ConsultLine (Parent Helpline)
 - Creating Agreement Training
 - Facilitation Services (IEP and Resolution Meeting)
 - Stakeholder Education





ODR Early Dispute Resolution Components

■ ConsultLine

- Toll-free telephone line for parents/advocates
- Specialists provide information on Procedural Safeguards and dispute resolution options

■ Creating Agreement Training

- Partnership with CADRE, NASDSE, OSEP
- Available to parent groups and LEAs

■ Facilitation (IEP & Resolution Meeting)

- LEA and parent schedule the free, voluntary meeting; ODR arranges for the facilitator
- Facilitative model works in PA



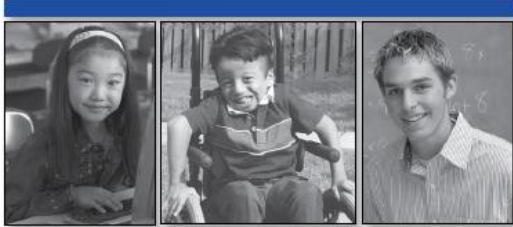
ODR Early Dispute Resolution Components

Stakeholder Education - All resources available on-line, most resources available in Spanish (ongoing project)


- Video Resources
- Publications
- Online request submission and activity evaluation
- Links to state and federal resources
- Link to CADRE
- Bilingual Specialist to assist callers
- Hearing Officer Decisions available on-line

Educación Especial

Información Para Familias y Defensores
de Niños con Necesidades Especiales



1-800-879-2301
(Usuarios de TTY: Servicio de relevo de PA 711)


Bureau of Special Education
Pennsylvania Training and Technical Assistance Network



ODR Early Dispute Resolution Components

Stakeholder Education

Video Resources:

- The Mediation Process
- IEP Facilitation
- Resolution Meeting
- Mock Due Process Hearing
- Introduction to Special Education Law
- Motions Practice in a Due Process Hearing
- Procedural Safeguards Notice (*coming soon*)
- Procedural Safeguards Notice – audio version
- A Tale of Two Conversations – CADRE Website
- *Note: All videos are close-captioned*





ODR Early Dispute Resolution Components

Stakeholder Education

Publications

- Special Education Dispute Resolution Manual
- ConsultLine booklet
- IEP Facilitation brochure
- Resolution Meeting Facilitation brochure
- Resolution Meetings: A Guide for Parents and Educators booklet
- Creating Agreement pamphlet
- Guide to Mediation booklet
- Mediation brochure
- Information sheet describing “stay put” - Pendency
- Prehearing Directions for due process
- FAQs (mediation, pendency, due process)
- Fact Sheet (RMF, due process)

Iowa: *Challenges in Delivery*

- Time and resources
- FTEs of current RFs
- Consistent understanding
- Leadership support



Pennsylvania: *Challenges/Roadblocks*

■ ConsultLine

- Live service is very limited due to volume of calls
- Finding qualified specialists with the knowledge of special education

■ Creating Agreement Training

- Overcoming participant reluctance to train parents and educators together
- Having enough qualified trainers



Challenges/Roadblocks

- **Facilitation (IEP and Resolution Meeting)**
 - High turnover of Special Education Administrators prevents awareness and understanding of facilitation
 - Lack of parent awareness of the option

- **Stakeholder Education**
 - Slow process of completing close-captioning of videos
 - Determining best forum for mass distribution
 - Finding ways to keep costs down for media publications



Iowa: *Benefits*

- Problems are dealt with early on and quickly
- Conflict resolution skills are honed by others
- Reinforces the value of the AEA to the district
- Fewer numbers of mediations and due process requests



Pennsylvania: *Benefits*

- **ConsultLine**
 - Evaluations of services are very positive - 97% satisfaction rate
 - Reduction in State Complaints
- **Creating Agreement**
 - 2,500+ stakeholders trained
 - Evaluations overwhelmingly positive
- **Facilitation (IEP and Resolution Meeting)**
 - Results and evaluations positive






Other Resources

- Iowa Department of Education:
<http://educateiowa.gov/>
- Pennsylvania Office for Dispute Resolution:
<http://www.odr-pa.org/>
- CADRE Exemplar Collection:
www.directionservice.org/cadre/exemplar/matrix.cfm



Iowa Website

http://educateiowa.gov/index.php?option=com_content&view=article&id=1280&Itemid=2279



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Department of Education

Leadership, Innovation and Service for IOWA.

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User Type

- Administrators
- Educators
- Students/Families
- Community

Dispute Resolution

What Is Dispute Resolution?

There are different ways to *prevent* and *address* educational disputes. No single method works best in all situations. However, it is always best to resolve disputes at the earliest stages by those parties who are most involved in a child's education--namely the child's parents, school staff, and area education agency (AEA) staff. When parents, school staff, and AEA staff communicate and work together, usually problems can be worked out and an agreement can be reached that is in the best interest of the child. The following processes have each been established to help people resolve differences and come to an agreement which benefits the child.

What Choices Do You Have?

The following table lists the ways disputes can be resolved. There are unique similarities and differences between the options. This table is intended to help parents and districts quickly understand the unique characteristics of each process when determining which option to pursue.

[Dispute Resolution Process Comparison - August 2011](#)

[Dispute Resolution Summary - August 2011](#)

Can You Tell Me More About These Choices?

The following narratives provide additional information on the ways disputes can be resolved, violations investigated, and decisions made. Please note, these options are listed from "most parental input and control over the decision" to the least control. Please keep that in mind as you read through each explanation. Click on the "blue" title for more information on each.

AEA Resolution Facilitation

This voluntary process uses a person trained in mediation to help resolve issues impartially and at the earliest level. Each AEA has a designated person who serves as a "resolution facilitator." This process may be requested when disagreements arise between school officials and parent over educational issues. Additional information is available through your local AEA.

Mediation

This is a voluntary process designed to resolve disputes in the early stages of disagreement. An impartial mediator, who is assigned by the Iowa Department of Education, will help both parties come to a mutually agreeable solution. Mediation (formerly referred to as a "preappeal") is an option available either outside of a request for a due process hearing, or after resolving disputes. When both parties reach an agreement, a legally binding agreement is written and a "shepherd" is assigned to address



Pennsylvania Contact Information

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Office for Dispute Resolution

6340 Flank Drive

Harrisburg, PA 17112-2764

(717) 541-4960 or 1-800-222-3353

TTY Users: PA Relay 711

Email at odr@odr-pa.org

Web address www.odr-pa.org



pennsylvania
DEPARTMENT OF EDUCATION

Commonwealth of Pennsylvania
Tom Corbett, Governor

Pennsylvania Department of Education
Ronald J. Tomalis, Secretary

Carolyn C. Dumaresq, Ed.D., Deputy Secretary
Office of Elementary and Secondary Education

John J. Tommasini, Director
Bureau of Special Education

Patricia Hozella, Assistant Director
Bureau of Special Education



Dispute Resolution in Special Education ~ Exemplar Collection

"Resources and guidance that illuminate and promote exemplary approaches to the design, implementation and improvement of dispute resolution systems."



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[State System Profile](#)

[Resource Showcase](#)

[Videos](#)

[Other Resources](#)

CADRE's Exemplar Collection: Resources for State Special Education Dispute Resolution Systems

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To access these resources, please click on any banner below.



Dispute Resolution State System Profiles

Resource Showcase

Process ↔ Function/Element	Facilitation	Mediation	Complaints
Oversight	2 items	4 items	8 items
Professional Standards	4 items	9 items	5 items
Outreach	3 items	6 items	2 items
Evaluation	9 items	2 items	3 items



Video Resources



About the Exemplar Collection and Resources



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Exemplar State Profiles

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CADRE has profiled four exemplary state special education dispute resolution systems: Iowa, Oklahoma, Pennsylvania and Wisconsin. Each of the state's profiles is available individually and all four profiles are included in a single combined document.

These profiles present an overview of each state's 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.

 Combined State Profiles.pdf	 Iowa Profile.pdf	 Oklahoma Profile.pdf	 Pennsylvania Profile.pdf
 Wisconsin Profile.pdf			

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*Four Exemplary
Dispute Resolution
Systems in
Special Education*

Profiled in June 2010



Center for Appropriate Dispute Resolution
in Special Education (CADRE)
Eugene, Oregon



CADRE is funded by



Dispute Resolution in Special Education ~ Exemplar Collection

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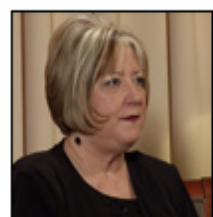
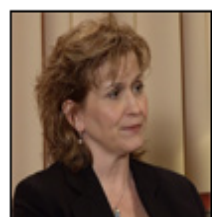
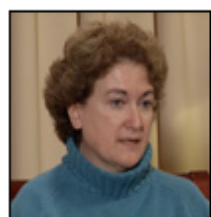
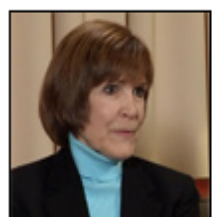
[Other Resources](#)

CADRE Exemplar Video Resources

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CADRE's Director, Marshall Peter, had the opportunity to interview system managers from each of the four exemplar states. Interviews were conducted with Dee Ann Wilson (Iowa), Patty Williams (WI), Kerry Smith (Pennsylvania) and JoAnne Blades (Oklahoma). Questions and their responses can be viewed below by clicking on the links. (VIDEO COMING SOON)

1. What is the one thing you know now that you wish you had known when you began your job?





Dispute Resolution in Special Education ~ Exemplar Collection

"Resources and guidance that illuminate and promote exemplary approaches to the design, implementation and improvement of dispute resolution systems."

[Exemplar Home](#)[State System Profile](#)[Resource Showcase](#)[Videos](#)[Other Resources](#)

CADRE Exemplar Collection - Other Resources

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CADRE's Exemplar Initiative: Identifying, Profiling and Showcasing Resources from High-Performing State Special Education Dispute Resolution Systems [A Brief Introduction](#)

TOP TIPS for State Dispute Resolution System Managers

Following an extensive review, CADRE identified four States with exemplary dispute resolution systems. In September 2009, CADRE brought together Dee Ann Wilson of Iowa, Jo Anne Pool Blades of Oklahoma, Kerry Smith of Pennsylvania, and Jack Marker of Wisconsin. A discussion during the September meeting resulted in a list of "Top Tips" that these four leaders believe would be of value to other State dispute resolution system managers.

[CADRE Top Tips Final.pdf](#)

Other Resources will be added as they become available. Your friends at CADRE.

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CADRE State Dispute Resolution Integrated Management Systems Model

Functions & Elements of a State Dispute Resolution Management System

Integrated State DR System Oversight:

- System Design
- Policy/Procedure/Guidance
- Stakeholder Involvement/Advisory
- Data Tracking System
- Model Forms (filing/requests)
- Other Forms/Letter Templates

Public Awareness & Outreach:

- Parent Guides
- Process Descriptions (how to file/request)
- Target Audiences (educators, practitioners)
- Materials in Other Languages
- Web-Based Dissemination

Personnel Standards, Training & TA:

- Personnel/Human Resources
- Training, TA & Development-Materials
- Training, TA & Development-Activities

Evaluation:

- DR Process Satisfaction
- Training/TA Satisfaction
- Practitioner Evaluation
- Program or System Outcomes
- Application to System Change

CADRE Continuum of Processes & Practices

Stages of Conflict	Stage I			Stage II		Stage III			Stage IV			Stage V						
Levels of Intervention	Prevention			Disagreement		Conflict			Procedural Safeguards			Legal Review						
Assistance/ Intervention Options	Parent Engagement	Participant & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent to Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Models	Ombudsperson	Third-Party Opinion/Consultation	Resolution Meeting	Mediation under IDEA	Written State Complaints	Due Process Hearing	Hearing Appeal (Two-Tier Systems)	Litigation	Legislation
	Dimensions that help clarify placement of the options along the Continuum	Third-Party Assistance												Third-Party Intervention				
		Decision Making by Parties										Decision Making by Third-Party						
		Interest-Based													Rights-Based			
		Informal & Flexible													Formal & Fixed			

Resource Showcase

[How To Use This Showcase](#)

Limit by: <input type="radio"/> New <input checked="" type="radio"/> All <input type="text" value="-- All --"/> <input checked="" type="radio"/> Both <input type="radio"/> English <input type="radio"/> Spanish <input checked="" type="radio"/> Part B/C <input type="radio"/> Part B <input type="radio"/> Part C <input type="button" value="Get"/>	System-wide	Parent & Stakeholder Engagement & Training	Early Assistance: Parent to Parent and Telephone Intermediary	Facilitation	Resolution Meeting	Mediation	Written State Complaints	Due Process Complaints and Hearings
Oversight: System Design	15 Items	3 Items			1 Item	7 Items		1 Item
Oversight: Law/Regulation/Policy /Procedure/Guidance	15 Items		2 Items	2 Items	10 Items	7 Items	4 Items	6 Items
Oversight: Stakeholder Involvement in Advisory role/review	7 Items	2 Items				3 Items		
Oversight: Data Tracking/Forms	6 Items		4 Items	6 Items	15 Items	63 Items	14 Items	24 Items
Oversight: Letter Templates/Communications	1 Item		3 Items	4 Items	10 Items	23 Items	15 Items	20 Items
Professional Standards: Training and Technical Assistance: Personnel/Human Resources	2 Items				2 Items	9 Items		4 Items
Professional Standards: Training and Technical Assistance: Professional Development	5 Items	13 Items			3 Items	3 Items		2 Items
Awareness & Outreach: Brochures/Posters/Other	11 Items	9 Items	4 Items	9 Items	7 Items	14 Items	5 Items	2 Items
Awareness & Outreach: Websites and Online-Only	4 Items	1 Item	3 Items	2 Items	5 Items	7 Items	1 Item	4 Items
Awareness & Outreach: Fact Sheets/FAQs	5 Items	3 Items	1 Item	2 Items	1 Item	8 Items	2 Items	4 Items
Awareness & Outreach: Guidelines/Manuals (Parents/LEA Staff)	15 Items					4 Items	2 Items	4 Items
Evaluation: Materials/Instruments Related to Evaluating DR Processes, Practitioners or Systems	4 Items		2 Items	2 Items	1 Item	6 Items		13 Items
Evaluation: Reports, Summaries or	1 Item			9 Items		10 Items		1 Item



Final Thoughts



Evaluations



Please take a minute to fill out the following survey



Questions?



Future Events



- Next Webinar (mid-January) – *Cross Cultural Mediation*, featuring Philip Moses and Anita Engiles
- *Showcasing Exemplary Practices: CADRE's Fifth National Symposium on Dispute Resolution in Special Education*, October 26-28, Eugene, OR
- Sign up for the CADRE Caucus on the CADRE homepage to stay up to date on CADRE activities.