

CADRE Webinar
Parent Center Initiatives in Dispute Resolution
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Transcript

>> Good morning and good afternoon. Thank you for joining the CADRE webinar on Parent Center Initiatives in Dispute Resolution. You should be seeing some poll questions on your screen. Please take a minute to answer these. A few technical notes: phone lines have been muted to minimize interruptions, and at the end of the call, we'll open it up for questions, and then you'll be able to press *6 to unmute. And then after you ask your question if you hit #6 again to re-mute. We do recommend you call in using a telephone, rather than computer audio. You can also enter any questions or comments into the chat box in the bottom right-hand corner of your screen. CADRE staff will be attending to those questions and comments throughout the webinar.

And we'd like to invite you to answer the poll questions.

And again, thank you for joining the CADRE webinar on Parent Center Initiatives in Dispute Resolution in Special Education. We're delighted that you're able to take the time out of your very busy schedules to join us today. We'll give you another 15 seconds to complete the polls if you haven't done that yet.

So, we're delighted you've joined us all today. Parent centers play a vital role in helping family members to prevent, and if need be, manage disputes related to the education of their children. Increasingly, parent centers have been at the forefront of developing innovative approaches to resolving disputes in ways that build and maintain strong relationships between family members and professionals, and keep the focus on the educational needs of children with disabilities.

CADRE, since our inception in 1998, has worked closely with the National Network of Parent Centers in both supporting their staff and developing resources that help parents to more capably do this. We strongly believe that families, educators, students, and their educational programs benefit when adversarial encounters are avoided and differences are resolved through positive communication and collaboration. We're very fortunate today to have four parent leaders share with us the role their parent centers play in the prevention and early resolution of disputes in Special Education.

Our first presenter today is Jan Serak. She is the CEO and founder of Wisconsin FACETS, a non-profit agency providing training, information, and support for parents of children with disabilities related to Special Education. She is Co-Director of the OSEP Region 4 Parent Technical Assistance Center and the Wisconsin Parent Training and Information Center. She is a 19-year partner in the Wisconsin Special Education Mediation System and serves on the CADRE Advisory Board.

After Jan, we'll have Jody Manning, who has been with PACER Center for 10 years, where she is currently the Co-Director of the Parent Training and Information Center. She presents workshops to parents and professionals on a variety of topics, coordinates a

number of projects, including Dropout Prevention, and works individually with parents of children with special needs to help them understand how to advocate on behalf of their children.

Then we'll have Timothy Rivera, a staff attorney for Advocates for Justice in Education. He primarily represents families and students facing suspension and expulsion from DC Public Schools. Many of the students he represents have one or more disabilities, and he works to help them receive an appropriate education and avoid discriminatory school exclusion. He also routinely trains parents, social workers, and attorneys on school discipline law and special education rights.

And then finally, we'll have Ana Espada, who has for over 26 years of experience training parents and professionals on children's' educational entitlements. Ana is also a specialist in disciplinary issues and has successfully helped hundreds of students by representing them after school suspension meetings, disciplinary hearings, and appeals. Ana has been with Advocates for Children of New York for 23 years and holds the position of Program Co-Director of the agency's federally funded Parent Training and Information Project. She is also Chairperson of United We Stand, a CPRC in New York City. She is Chair of their Board of Directors.

So four excellent leaders who've got years of experience who've taken time out of their busy schedules to join us today. We really appreciate it. And so I'm going to turn it over to Jan. Jan, press #6 to unmute. Okay, bear with us just for a moment. And Jan, if you can hear me, perhaps can you type in the chat box if you're having a problem? Thanks for your patience while we get this little technical issue sorted out.

>> Hello?

>> Ah, there you go, Jan! Excellent.

>> All right, can you hear me now?

>> Yes, we can hear you perfectly.

>> Oh, I'm really sorry. Okay, so our Parent Training and Information Center has been deeply involved with the Wisconsin Special Ed Mediation System for the past 19 years as Phil said. Just a little bit of background about how this came about. When I was co-directing our CPRC, I was working on my graduate certificate at Marquette University in Dispute Resolution, and that was about the time when IDEA 1997 was being passed. And at the time, all states were going to be required to offer mediation and Wisconsin was one of 11 states that didn't have mediation at the time. So I did one of my big research papers for my class -- one of my classes -- on Special Ed mediation.

About the same time, Nissan Bar-Lev, who is the Special Ed Director for a large cooperative educational service agency in our state, we were sitting together at a legislative hearing, waiting to testify about changes to our due process hearing system. And while we waited, we were talking about mediation and the need for Wisconsin to develop a system of mediation that would work so well that we wouldn't any longer have over 100 due process

hearings a year. I told him I had just written a paper for my class and he said, "Maybe we should talk to DPI," our Department of Public Instruction, "about working together to develop the Wisconsin system." So we used my research paper as a basis for a grant proposal that we wrote together, along with my professor from Marquette University. And the rest is history, so I'm just going to really try to quickly move you through what our system looks like.

Our system grant has been funded by the Wisconsin Department of Public Instruction through an IDEA Discretionary Grant to CESA 7, Nissan's agency, since 1996. Our funding on this project for the PTI has ranged from \$49,000 in our early years to our current \$70,000 in our 19th year. Our system was recognized in 2010 by CADRE as one of their four state exemplars, and we were selected because of our high level of stakeholder engagement and a planning, design and ongoing management of the system, and because of our historically high rates of signed mediation agreements.

We were also one of the first states to provide neutral facilitation for IEPs and for resolution meetings. The big thing that I want to really stress to you is our system is unique nationally because it's led by a partnered team that models partnership and provides the ongoing management and oversight to the systems. So you can see who our team partners are. So it's me from the parent training center, Nissan Bar-Lev, and currently it's Nina Meierding, the Mediator, so you've got, you know, a triad of PTI, a Special Ed Director, and a Mediator, bringing in all the perspectives of all those participating in mediation and other early dispute processes.

So the staff -- we have two staff on our system: Jane Burns, who runs a neutral intake, Burns Mediation Services, and she's our System Administrator and Intake Coordinator. And then Nelsinia Wroblewski, who many of you know, she's our PTI Parent Services Coordinator and also for the mediation projects, she serves as our Latino Outreach Specialist.

Here's a brief, you know, kind of overview of what options that we offer through our system. The light green ones, IEP facilitation, mediation, and the resolution process, are the three things that facilitated resolution process -- not the informal meeting -- but that's what we, you know, obviously try to encourage people to use first. Common for all three of our options through this system, they start with a neutral case intake site at Burns Mediation Services. They're all voluntary, they're all free, and they all use a trained neutral third party from our roster of neutrals.

Very important to our system is -- and again, why we were selected as an exemplar -- is our high level of stakeholder engagement. And our system actually was initially designed by stakeholders. We started our grant in '96 and our first task was actually to design the mediation system and develop legislative language to bring to our state legislature, so our partner team -- the three of us -- believe that, you know, we needed that broad group of stakeholders as being critical to the system, because if people didn't design it themselves, they probably weren't going to use it. So we first formed this stakeholder council and you could see all the groups -- well, you can't tell from the acronyms, but all the people -- all the groups on the right are school groups, all the ones on the left are the parent groups. At the

time, the PTI was the Parent Education Project of Wisconsin, so they were at the table, putting together the legislation.

And as I said before, I was the Chair of the CPRC, so our CPRC in the state was, you know, obviously involved in writing this legislation. These were pretty difficult groups. We met over six months and wrote the legislation. And because we had everybody at the table, it sailed through our state legislature unopposed and became state law Chapter 115.797. I'm sure you're going to all remember that.

So anyways, here's our current stakeholder council and as you can see, our CPRC, Alianza Latina that serves Milwaukee. Spanish speaking families in our PTI are both serve on the stakeholder council, in addition to, you know, Nelsinia and I being actual staff on the project. The council still exists, you know, continues to serve as a collective advisory body, you know, we've added new groups to the council, so there's more groups than way back when we first started. And you know, we really continue to try to balance the voice of parents and school representatives on that council.

Okay, so our current council tasks you can kind of see on the slide. You know, our stakeholder council was clear that they wanted mediators who were neutral, and so they spent a lot of time, you know, advising us on really all these things that you see listed. I'm not going to go over them all, but you know, if you're interested, you can take a look at that further.

The -- the -- our mediators -- and again, I want to say that our three-partner team, you know, parent, mediator, and Special Ed director, we have actually interviewed and selected all of the mediators for our roster, so we have about 25 neutrals on the roster. So our PTI both counted as much as the other two folks on our partner team. We've really had the option to make sure that our mediators would, you know, all of us felt comfortable with them, that they wouldn't be biased to either to parents or schools. We use these folks for both facilitated IEPs, facilitated resolution meetings, and mediations.

Our council established in our law that mediators would require two training components to be active on our roster: a five-day initial training and a one-day annual update training. And so our partner teams -- the three of us again -- and our staff, plan and conduct most of the training for these folks. And so again, the PTI is involved directly with making sure that the parent perspective reaches our mediators and ensures -- you know, we also ensure that the training is balanced.

The other thing that we do in training our mediators is to make sure that our stakeholder council are really well represented in these trainings. So we have school attorneys, parent attorneys, parent school personnel. Last year, our PTI advocacy specialist, Wendy Overturf, participated on a panel with other agencies that provide support to people -- to parents during mediation and facilitated IEPs. So you know, we bring -- we try to bring really balanced training -- again -- to our roster.

Oops, I think I have to punch all these things separately -- sorry about that. So that's kind of just a quickie bird's-eye view of our intake coordination process. It all happens through -- through the Burns Mediation Services. All of the intake is at that point and it's important to

know that none of the three of us on our partner team or Nelsinia have any knowledge of specific case information. The only way that we would be involved with intake or know of any cases is actually if our own PTI staff refers a parent or is supporting a parent in one of these processes. So, you know, our intake -- you know, parties -- do the intake. Jane does a screening with them at Burns Mediation Services. They discuss, you know, whether or not they want to participate in whatever process, and then the parties, you know, really have a choice of what process they want to pick.

And I know I'm skipping over that quickly, but that's -- I should say that not only does our partner team not know specifics about our cases, but our stakeholder council was really adamant and very protective when the system was set up so that the specific names of schools and parents would not be shared with anyone anywhere. So we don't know at the mediators, other than the cases that they're doing, they don't know anybody else. It doesn't go publicly and our Department of Public Instruction don't get the names of the people, either. So, you know, our stakeholders felt that it would be off-putting if that was public. So the only thing that's shared annually is data like this. Just, you know, how many were held, how many were requested of -- of those different processes. Now, what you don't see on the slide because I couldn't fit it all on was, you know, if they actually took place, you know, what the agreement rate was, number of requests withdrawn. Oh yeah, I did put the agreement rate on. So our agreement rate, you know, if it's 75% or above, it's considered a decent system. So you can see that, you know, we have really pretty high rates of agreement on our system.

And so besides me, you know, the PTI as a stakeholder member, we get these annual reports and have a chance to see how things are going. And so certainly I would say, you know, as a PTI when agreement rates and facilitated IEPs, you know, are looking good, it really encourages our staff that work directly with parents to promote the use of the system.

We do longitudinal surveys. Each -- everybody that participates in either mediation or IEP facilitation are asked to complete a survey that, you know, after they had completed it -- and it's anonymous and confidential -- and so we share the information, kind of aggregated like this. And we've done 13 years of data for the mediation project and nine for facilitated IEPs, so we've had -- you know, this is data from all of those years. So again, it's -- it's pretty good data. And again, our PTI really reviewed the data regularly and make sure that, you know, the project stays on track with where it should be.

The greatest role that we play in our system is outreach to parents, schools, and professionals. And so our partnered team, the three of us plus Nelsinia, and sometimes Jane Burns from Burns Mediation Services -- we do the outreach. Nelsinia and I both have eight hours a week on this project. We work together -- all of us -- on content for the website. Nelsinia does a mirror website in Spanish. We work together to develop our system materials and training curricula so that they're balanced and that they don't feel biased to either side. And we provide training statewide in person and also via technology, and we always try to co-train either Nissan and I, Nissan and Nelsinia, you know, so that we're modeling that collaboration that our system strives for, in the parents and schools who use our services. Nelsinia does a bunch of training in Spanish and she also handles all of the

exhibits for the system, you know, really disseminating a ton of our -- our materials statewide.

I write our grants reports, maintain the outreach data for the system reports, and help write the drafts for our annual discretionary application. I would say the close affiliation of our PTI partnership with the system, you know, spills over into a lot of our PTI activities. We promote all of the dispute resolution options, the system to the parents we serve, we prepare parents for and support them in mediation and facilitated IEPs, we provide about 15 trainings a year on dispute resolution options to parents and others, and we archive some of them and have them on our PTI website. We also have a link to the system website on our PTI website.

And I -- let's see-- I wanted you to see -- have an opportunity, if you ever get a copy of the slides and have a chance to go back and -- or go to the CADRE website, they have a section, Voices from the Field, and that's actually Nissan Bar-Lev, who's our partner and he's talking on this about modeling collaboration, so it's good to hear from a Special Ed Director point of view.

And then finally, I just wanted to leave you with some resources. So the good news is we've dropped from over 100 due process hearings a year and we now average four a year. And last year we just had one in our whole state, so, you now, we have impacted our state considerably. Thanks, everybody.

>> Thank you, Jan for that terrific overview of the critical role that stakeholder involvement plays in your state's Special Ed dispute resolution system. And now we'll turn it over to Jody Manning.

>> Hello, everyone and thank you for this opportunity to share information on PACER's work around dispute resolution in Minnesota. Thank you for your time. Before I get started, I just wanted to give a quick reminder. For many of you, this is a reminder: Minnesota is one state that has an additional dispute resolution option, and I just wanted to do some clarification. We've always had this additional option; it's called a conciliation conference, and it's available to parents very early in the process. In Minnesota, parents must have an opportunity to meet with appropriate school district staff in at least one conciliation conference if the parent objects to a proposal from the school district. And after the school district has received that receipt of objection, they have 10 calendar days to schedule a conciliation conference. After the final conciliation conference, then the school district must give the parents within five school days a conciliation conference memorandum that describes the school district's final proposal and offer of services, so please keep that in mind as I'm going through the remainder of the presentation.

Minnesota Department of Education offers up competitive RFPs for support for parents of children with disabilities around dispute resolution. And the RFP came out not too long ago and PACER applied and we were awarded the funding for this project again from Minnesota Department of Education for the upcoming five years. And I see that our project officer, Patricia McGinnis, is on the line today, so I'm happy to have her joining us today.

I wanted to review some of the work that we've done in the most previous year to give you an idea of what we do with the funding that we receive from the Minnesota Department of Education. And I wanted you to be aware of some of our goals and activities in our work. So in a review of our previous year's work, one of the -- there are four major goals in the previous year's work, and one of the goals was to provide individual assistance. And so as you can see here, we do a lot of work in phone conferences and emails and face-to-face work with parents related to disputes. During the previous year's project, we've spoke to and had contact with 524 parents, and then we followed those contacts up with written information, review of records, and referrals as necessary as each case warrants.

Under the individual assistance category, another activity is assistance with complaints, and as you can see by the slide, we discussed complaints with 533 parents. And I should say that all of these activities that I'm reporting on these numbers are specifically for this grant project and we tallied them separately. You can tell by the slide that oftentimes in the initial discussion phase, we're able to figure out solutions to resolve the issue before it goes to complaint. But in the previous year, we did help parents filing complaints in 15 instances with 15 parents. An additional activity was that we developed a checklist -- a handout for parents when they were filing a complaint, and parents had found that very useful, so I've given you the link to that in case anyone would like to go to our website and take a look at that resource of the complaint checklist. It's free and available on our webpage.

Another goal from the previous year's activity was to provide training, and we did that via live and web training on dispute resolution. And there was a big emphasis on serving underserved families. So as you can see, we did that training statewide. There were a number of trainings and we presented to 640 attendees, 160 of those received that presentation in either Spanish, Somali, or Hmong. It was presented in their native languages; that's a very important component to our grant project and we do a lot of work around that. In addition to that towards the end of the project, we developed and piloted a new live training and a webinar on communication within the dispute resolution process, because the Department had some concerns about that related to some feedback that they received the previous years. And so that training has been observed by 97 attendees now and they have reported the training as excellent or very good.

Moving on to the third goal of our project in the previous year, and that was to provide outreach to families to build parent capacity to participate actively in the dispute resolution process. And so we did that by publishing articles in our PACER Pacesetter, which is our quarterly newsletter and our E-news, and they have a distribution of about 150 people -- 150,000 people -- excuse me. And in addition to that, we've developed and dedicated a dispute resolution web page on PACER's website as well, and there's a link to that. Again, if people want to check that out.

And then the last activity that I'll make note of that we did in relation to outreach is we developed a chart. And for some of you that have recently seen CADRE's chart, this will be very similar to what we did previously. We developed a chart that would outline -- a brochure, excuse me -- that would outline a chart of the dispute resolution options. And that was translated in Spanish, Hmong -- Hmong and Somali, and we share that brochure in every workshop folder.

This next slide, I just wanted you to be able to see that brochure and get an idea of what it looks like. It's actually a tri-fold brochure but when you open it up, this is what you see and what the parents see. And so you'll see that it outlines all of our dispute resolution options in the State of Minnesota. And then the left-hand side, we took the five most important questions that parents said were the most relevant things that they would want to know about the due process options. Of those were the issues that they were trying to resolve, who's typically involved, who are the decision makers, what are the timeline constraints involved, and what is the cost to parents, and highlighted them in this chart that has been very well received by parents. And so go to that link if you'd like to take a look at that further.

The last goal on the previous year's project was to provide personal assistance to parents at dispute resolution meetings. And so to start with, we would help parents prepare for those dispute resolution meetings, and we find ourselves spending significant amounts of time preparing parents and we use a lot of the handouts that we've developed on our web page to help prepare them. But there is still a great deal of times and phone conferences or face-to-face meetings helping them prepare for the meetings.

In addition to that, we attend those dispute resolution meetings with parents statewide. You'll note here that we participated in 142 dispute resolution meetings statewide in the period that I'm reporting to you on. Some of these meetings could be as far away from PACER's office as eight hours, and some of the meetings we have attended via conferencing with great success, I should say.

So now I'd like to talk to you just briefly about the most recent proposal that we've submitted to our state's Department of Education. And again, we've responded to a competitive RFP and we were awarded that grant, so we're pleased about that. We will continue to do a lot of the work as we've done in the past. We'll continue to provide that individual assistance, we'll prepare parents for meetings, we'll attend the meetings with them, and we'll assist them in the complaint process. And again, we'll tabulate those under this project fully. But in addition to that, this time the RFP responded to some needs that the folks at our State Department of Education saw some areas of need, again from surveys from previous work. So here I'm quoting part of the RFP because I thought you might find it interesting. What they were looking for this time was an organization that could increase parents' understanding of collaboration and education planning with an emphasis on collaboration. They were also looking for an organization that could improve parents' skills related to communication, self-advocacy, and conflict resolution. And the last one and most interesting for us was increasing parents' knowledge of proactive strategies and interventions to deal with mental health issues. So these were very unique for us in this RFP, but responding to community needs.

So with that in mind, this coming year, PACER will develop a large number of curriculum and workshops. And you can see them there, I won't read them for you. Those are the three new trainings that we will develop and one that is yet to be named that we will do for parents to help them effectively communicate and plan with the school staff for their children with mental health or EBD needs. Those curriculum -- all of them will be written in

English and then adapted and translated in Spanish, Somali, and Hmong, and be presented in native language for families.

The other interesting new component to our grant that we'll do this year and we'll monitor to see the impact, but we're hopeful is that that when the multicultural staff go out to greater Minnesota to do these trainings, they will have an opportunity to schedule appointments with parents -- excuse me -- so that they can meet with them for some one-on-one assistance in the community in which they live. So that's new for this project and we're very hopeful about its impact, but we'll of course keep track of that data.

In conclusion, I just wanted to say, you know, as you're -- we're -- you're probably wondering why the Minnesota Department of Ed would fund a grant project for an organization like our PTR to support parents in this process. And let me just say that our state Department of Education does a fabulous job of sending post-surveys to all participants who are involved in this dispute resolution process. And one of the questions that they ask of the respondents is: What is the main reason that you think the parties reached agreement? Some of the options are things like, "We had more time to discuss the issues," "Parties better understood the other side's position," "We worked together as an equal team this time," "We appreciated the neutral location." I thought it would be important to share with you the fact that in the previous year's project, the responses from the mediators involved in the process was that they believed the main reason that the parties reached agreement was due to the influence of an advocate, so that's really powerful for us.

In addition to that, like Jan, I just wanted to make sure that I noted the fact that Minnesota has a very low rate of due process hearings as well. And it's a common belief in Minnesota that that's tied to our strong and broad dispute resolution process. Thank you again for your time.

>> Thank you, Jody. That was an excellent introduction to the goals, resources, and activities that your project has developed or will be forthcoming, and we appreciate you kind of talking about the relationship between your efforts and the rate of due process in your state. And the same goes for Wisconsin and our colleagues there. Now we'll turn it over to Timothy Riveria to talk about the program that AJE has been developing.

>> Hello -- excuse me -- hello, everyone. Excuse me, just clearing my throat here -- getting over a little bit of a cold. And I just want to say it's a pleasure for me and Advocates for Justice in Education, having an opportunity to be a part of this call. I really enjoyed the comments up to this point and I'll be actually, we're referring to the Wisconsin program, because that is a program that we studied. And trying to launch a -- a facilitated IEP program here in DC.

But just to give you some information about the project inception, we are in the process of standing up a program in DC. And to understand where we are and kind of the unique challenges of that, it's important for you to understand that we are -- of course, we are the PTI center in DC. We engage in work that's similar to many other PTI centers. But we may do a little more direct service than some of the other PTIs around the country. We're

probably similar to the program in New York City that we'll hear from next. But what we focus on at AJE is providing advice and trainings to parents to give them information about their rights in public education, work them through problems, noting problems of common concern or common problems for parents in the public education system, and also common problems for parents of students with disabilities and those unique -- the unique information and training that they need in order to successfully navigate not only the public school system in DC, but also the Special Education system in DC.

In our capacity as a direct service provider, we have education advocates that support parents, so an education advocate may go to an IEP meeting. Our mediation with the parents -- and also we have some attorneys on staff, so also attorneys for more severe issues, attorneys may support parents in IEP meetings. Often we're in an expulsion of a student with disabilities. Our other dispute resolution processes, personally I as a staff attorney, I represented parents, worked with parents, I've supported parents in IEP meetings to resolution session meetings to mediations, mediations a person with the state complaints, you know, of course with me focusing on school discipline also -- the disciplinary meetings. So it gives me a unique perspective on dispute resolution.

Just to dispel any myths about attorneys, a lot of attorneys, even though they don't seem like it. A lot of attorneys, especially public interest attorneys like myself, we want to work stuff out as soon as possible. It's really in no one's interest to delay things or to go through formal processes when they are not necessary. So with that in mind, I have been participating in -- along with our Executive Director and other staff, to try to stand up this and get a facilitated IEP program going in DC.

So the inception as far as AJE is concerned, was in 2013 when our State Education Agency provided funding to AJE to develop and assist in -- with the implementation and training for a facilitated IEP program here in DC. There were some other things going on in DC at the time and folks who were in the DC realm would know that there was a class action lawsuit that was concerning Special Education that has been recently resolved. Part of the consent decree on that case mandated a parent center like AJE, but also some dispute resolution -- additional dispute resolution options -- in DC.

So in order to get the program going, we did a few things. We started gathering information. Of course, we leaned heavily on CADRE and all the information that CADRE has. We also thought ourselves we wanted to make sure that we reached out to other parent centers that have facilitated IEP projects. As what we began to learn was that there was some -- the projects took different forms around the country. So as we looked at Maryland and we saw that there was kind of more of a mediation organization was conducting the facilitated IEP programs. So we looked at the program in Wisconsin, which is a longstanding program, and you've heard about it today. You know that it's the Cadillac in this area and it's been recognized as such. So we took some information from -- from that program. But at the same time, our goal was to make it unique to DC and -- and to be mindful of the landscape that we're dealing with in DC. Unfortunately in DC, we can't say in DC that there were only 100 due process complaints over the last you know, the year. It's more into the thousands; there are quite a few due process complaints here, and that definitely justifies a need for a facilitated IEP project.

But what we did was we began to gather information about the other programs, put it together with what we know about DC and some of the common problems that we hear from our parents. But what we also did was we looked at our own staff, who talked to, you know, 50, 60, 70 parents a week who called us with questions, we wanted to make sure that our own staff understood the -- the usefulness of facilitated IEPs. We did some role-plays with our own staff and just to demonstrate to the staff, how different a contentious IEP meeting can be when you have a skilled facilitator there. And most of the staff here recognize that communication is -- is often a barrier, even when -- and it's a barrier to getting to the real issues.

What we also did once we got the staff informed, we began -- we put a referral to -- in our intake. So when parents call us, the intake professionals are -- do get a prompt to ask the parents if they would be interested in something like a facilitated IEP, and those are so that they are able -- they can explain to parents and begin to explaining to parents what it is.

In terms of program design, once we got the initial information, we decided it would be best that a separate -- or a separate entity that's related to AJE -- actually do the management of the program. The reason behind that was I actually touched on during the first portion of the first presentation. There was -- the reason was this separate program would be -- would facilitate the -- the specific client information or the specific parent information and actually make sure that people are assigned. Facilitators are assigned when people go through the intake -- are referred to the program and ensure that the program's properly managed. Of course, putting it together is going to be, you know, our organization and our stakeholders are going to be involved in actually putting together the separate resolution project. But we thought it was important that this organization be separate so that there's no concern about parent information getting outside of the -- the reach of the facilitation organization.

Also, so what -- I've listed some of the director's responsibilities and that director of the resolution project which is the separate organization, would be ensuring that when they get a referral that a facilitator is assigned, overseeing the basic operation, and also compiling and collecting data, which we would have access to be able to check in on the program and make sure that it's efficient.

We've talked about materials and the materials that we're developing are -- of course, we want parents to be able to have information about the programs that they ask and we want to be able to send them a brochure that lays out the basics of the program, to give them the basic information about who will be participating, what their role is going to be, and how this may be helpful to resolve their issue. Also, we want -- we created, and through consultation with the school system stakeholders, we created some informational materials that were individualized to school staff. Because as we know, you know, parents are going to have different questions than a Special Education coordinator, and the Special Education coordinator's information needs to be more specific, maybe have more -- maybe be more specific to their needs in order to get some -- get additional buy-in at the school level.

Also, we began to put together programs, facilitation materials. There are procedural materials for the facilitators, such as checklists and giving them information as the

facilitators -- some information as to how long they should take or what the deadline is for doing the follow-up with the family. What information do they need to get? What documents do they need to review and when. And of course, the resolution project, we'll tweak those as the program is off the ground. But at the inception, we began to put together those materials as well. We also worked on getting an agreement with the Local Educational Agency and so we -- that took a little bit of work, but we were able to get a -- an agreement in terms with DC Public Schools, which is a traditional school system here in DC. And we began working with them on what the program would look like. And it's been very valuable actually to get their perspective on what would be needed and getting their perspective on possible concerns of the school staff who will be participating.

And like what was discussed with the Wisconsin portion of the seminar, it's really nice and I think in a lot of states, there probably is not enough of the coordination, and that's probably the reason that states like DC have so many complaints is people just aren't coming to the table and discussing things. But there were -- the school system gave us input on the materials and we're still working to actually, you know, just get the program off the ground. Before I finish, I'll let you know exactly where we are.

Now here are some things that came up. Of course, there are issues if anybody getting one of these programs off the ground, they're going to have deal with where you are at the beginning and where you hope to be when the program gets off the ground. Of course as an advocacy organization, school systems may have some -- some concerns about program design. They may have concerns what you're going to do with the information and who's going to have access to the information, like I spoke of earlier. What we did is we, you know, we continued to have focus groups with school representatives, with other advocates, with educators, with parents, of course, to try to anticipate some of the issues, to design the program in a way to sidestep the other -- and also make sure it's individual to DC.

Also like I mentioned, the school staff, once we got an LEA on board, they were really helpful in actually reviewing the materials, tweaking materials, and giving us their vision of how they think the program will benefit their staff. You know, like I said, it's not possible without those folks at the table. So I would advise you if you're trying to get a program off the ground, even if you don't have an agreement from an LEA, you definitely want to have at least some kind of consultation from an LEA or a school system or school staff about a potential program, even if they haven't signed on yet.

And of course, what I don't have a bullet point about here are the parents, and you want to make sure that the parents are heard on it. A lot of parents, especially our parents in DC, they're so vocal. They'll let you know what they think, what problems they think will hold the whole thing up. So we've been doing -- and during our regular trainings, which are very frequent, we've been talking to them about a potential program and getting their opinions on the things that it should include to make them buy into it.

Now the facilitators, what we decided to do -- we look for facilitators that understood -- understood Special Education. We were willing to train -- train them on facilitation. We thought it was more critical to have folks who understood IDEA and the school system in

DC. Ideally, the facilitators will have mediation and facilitation background or conflict resolution background, in addition to knowledge of Special Education. Those are the two things we want the facilitators to have. And so we have a roster and we recruited some facilitators; we're looking for more. But critical -- our critical factor was the Special Education piece.

We also began making sure that those materials that we developed for parents and educators actually are being -- being put on our website. They are able to be accessed by -- by folks who -- who will either participate as a parent or a school staff member in these meetings.

Okay, and the launch -- just again, to summarize where we are and we're very fortunate to have our traditional school system onboard. And at this point, what we're doing is we've actually got -- got an agreement signed. We've gotten their input and approval on most of the documents that will be used, and we have identified some schools in which we're going to be moving forward with the pilot. That's going to be happening during the -- actually the next few weeks. So what we're going to do next is in the identified schools, we're going to hold trainings for the staff to let them know how -- how these facilitated IEP meetings will be helpful to them, talk about some common issues that they're seeing, do some role plays with them, have facilitators come into the school, and we're going to do some mock facilitated IEP meetings with them, to give them a visual of how the meetings look. And hopefully -- our hope is when they see that, they'll say that that looks really good; it looks better than some of the other contentious meetings that we've had. And we hope to give them the information they need to take advantage, and also show them that these facilitated IEP meetings work.

Once we do that, we're going to begin accepting referrals and getting parents involved in these facilitated IEP meetings. And of course, we will continue to monitor their success with our evaluation tools and hope to move the program to charter -- or to public charter schools and to other DCPS schools in the future. Again, like I said, I thank you so much for involving AJE in this training. We hope we've given a -- a different perspective on how this works from a kind of the inception of the facilitated IEP meeting, and we look forward to hearing the rest in remarks.

>> Thank you, Timothy. That was an excellent overview and we're also very appreciative of the important message you shared earlier in your presentation about the role that attorneys can play in the early resolution of disputes. We appreciate that. Now we'll turn it over to Ana.

>> Can you hear me?

>> Yes, now we can hear you, thanks.

>> Okay, I got a little scared there.

>> That's okay.

>> We're going to -- my name is Ana Espada and I'm from Advocates for Children, and we're going to talk a little bit about Advocates for Children, about how mediation works in New York State, and how we use mediation in discipline, talk about our suspension pilot project that New York Peace, which is a mediation group in Brooklyn and Manhattan, and why mediation for these issues.

So we're an educational advocacy organization. We provide access to the best education that New York can provide for all students, especially students of color and students from low-income backgrounds. We try to integrate strategies to advance systemic reform, to empower families to our workshops and our meetings and communities and advocate for educational rights of individual students. We've been around for over 40 years. We provide legal services for parents, but as families as well as trainings and resources that prepare families to advocate for themselves. We do impact advocacy and litigation to help cure systemic ills and improve educational services in New York City public schools. We conduct the workshops in English and Spanish on educational rights for thousands of parents and legal services organizations, community representatives, educators, and other professionals in New York City.

I'm not going to make any excuses; we're staffed with advocates like me and attorneys who are very talented, and we work in different ways to achieve one end, which is a quality education for New York children. However, we are parents of children with disabilities and are ourselves people with disabilities. So the way we meet that end is through advocacy and litigation -- impact advocacy and litigation, individual advocacy, workshops and trainings, and public policy.

So the way mediation works in New York State is a little different from some of the stuff I've been hearing. New York State Ed Department contracts out special education mediation to the Dispute Resolution Association and they, in turn, coordinate the Division of Special Education Mediation through the Community Dispute Resolution Centers in the Bronx, Manhattan, Brooklyn, Queens, and Brooklyn. We work very closely with New York Peace Institute and they're contracted to work with Manhattan and Brooklyn.

So how do we use mediation with discipline? At any point during a student's exclusion or suspension, but particularly when the suspension triggers a manifestation determination review, which some of you know it's -- it's a meeting -- an IEP meeting to determine whether the behavior is related to the disability. And so how we do it is sometimes we do it at the manifestation -- but we have NY Peace come to the manifestation determination review when the meeting is actually being held, or we do it after the decision has been made, usually that it's not related to the behavior, even though it is a behavioral disability that we're talking about usually.

At -- and the MDRs I said can be mediated itself. So the school or the family disagree with the results of the MDR, the mediation can be used instead of an appeal or going to an impartial hearing. So basically, we're trying very hard to use mediation in our office, instead of the other due process solutions.

So AFC and NY Peace Institute works very closely together. We trained them about MDRs are and what -- what is our focus when we request for them to come in and they know all about the FBA's, functional behavior assessments and functional behavior plans. So we work together to come up with a project that would be helpful to resolve some of the ills that are going on in New York City's suspension issues. Right now, New York City is going through a big change to try to be less punitive to young people when they commit infractions. But we're not at that state yet. They're doing a new conduct -- I just forgot what I'm talking about. They're doing a new -- a new discipline code, but we haven't gotten there yet.

So it's -- the intent is to improve student behavior and reduce the reliance on adversarial suspension hearings that usually harms the relationship with the parent, and reduce the trend we're looking at with the children being out of the schools and in the juvenile and criminal justice system through the policies that are now in the school system.

The -- this is a pilot. We've put it in through the Department of Education as one of the options that we want to use instead of suspension hearings. And it's been -- it's been put into the hands of the Department of Education to try to get this changed. So there's two ways that a mediation can occur that schools can use and the parents can decide to want to do. And one of them is to -- to -- it's to give the option to mediate to the families between the day of the superintendent's suspension and the date of the hearing, which is usually five days. And -- or the mediation can occur on the day of the suspension which is on the fifth day of the exclusion. So what we're looking at to happen is that there will be a suspension -- a long-term suspension, and a youngster in New York City can be suspended for up to 90 days or a year, and sometimes even expelled if they're over 17, and use more of a productive dialogue between schools and families about student behavior.

If they don't want to mediate or a mediation agreement is not reached during the period, then the traditional suspension hearing process will go on. If the school and family are unable to mediate because of the time scheduling constraints, because these things happen really quick so that they can still have the hearing on the day of the hearing -- of the hearing date.

So why do we choose to do mediation? Because we feel that we can address the immediate issues regarding the suspension allegations right away, instead of waiting. Most of the time, parents don't have representation, so they postpone and continue to be out without their -- the suspension being held. And the idea is to review the charges and the evidence and discuss what the circumstances that led to the incident. It provides them an opportunity to discuss follow-up action and what can be done as a result of the youngster being suspended. So they could -- the possible outcomes can -- can be that they withdraw the suspension because the allegations were not met and the student returns immediately to school. Or the allegations are supported and we can negotiate the disciplinary result so that the 5-year-old, let's say, can be returned to school immediately, as opposed to 30 days, 60 days, or 90 days. So they usually aren't that -- that -- let's not use the 5 year old. Let's use the 12 year old that could be suspended that long.

And you -- you can have a guidance conference. Those are the options you can have a guidance conference, you can have a community service referral to a community-based organization, or using the Restorative Justice Circle, or any of the options available under the Restorative Justice. You can agree to plead no contest and try to negotiate the disciplinary result, how long the youngster will be removed, and whether the record will be expunged, or whether it will remain on the record. If no agreement occurs, then you proceed to a hearing.

Now remember, this is a pilot that we submitted for proposal. It's not in existence yet. The possible outcomes -- obviously, you'll be low recidivism rates and improved relationship between the parent and the schools, leading to better relationship, fewer dates out of school means better grades for the youngsters and graduating on time. Because the New York Peace is in the DA's office, they could resolve any criminal cases that may be also pending. The interruption of the school-prison pipeline, increased student reengagement, sometimes there are added repercussions that schools try to make in this case we have the extra backing. The reduction of the behaviors leading to the suspensions, by ensuring that appropriate functional behavioral assessments are done and behavioral intervention plans are done, and that when they're not working, they'll be doing them.

The reason why the AFC is doing more mediations than we ever have is because through the years, we've seen that they could be scheduled in a more timely fashion than impartial hearings, which can occur within 45 days of receipt of the request. And then because there are so many impartial hearings filed, so many recusals occur, so the judges will say that their court dates are too many and then they prolong the -- the impartial hearing. The reason why we're working with the mediation -- with the mediation group is because the -- at the mediation, the Department of Education personnel has to -- with authority -- has to be present to make the decisions that we want to discuss.

The issues can be resolved quicker in a non-adversarial manner. There are no costs to anyone involved. It doesn't deny the use of any other due process rights. If we cannot come to a mediation agreement and it could be done before, during, or after, and then the fact that our mediators in New York Peace, unfortunately, they're just in Manhattan and Brooklyn, but we're able to on occasion because they understand everything about discipline because they've been trained, we're able on occasion to get them to go into another Borough, even though they're not assigned that Borough.

So thank you very much. That's it.

>> Thank you, Ana. That was an outstanding overview of your program and the great illustration of the use of mediation in a very different context than I think most of it think of it as. And fantastic -- all four of you have really illuminated the critical role and the -- the innovations that parent centers can provide in the world of Special Ed dispute resolution. And we have some time for questions. We want to open it up, so you can type a question or even a comment in the chat box on the bottom, or you can unmute your phone. Hit #6 to unmute and ask a question please.

And feel free to ask a question or comment about any of the four presentations.

Okay, we see somebody's typing in. And feel free to unmute your phone by hitting #6 and ask a question of any of our presenters or make a comment.

So Cynthia Remus has asked for the -- for Ana, the superintendent suspension -- is that from the school or school board level? Ana, can you speak to that? And Ana, you might need to unmute your phone as well -- if you re-muted.

>> Is that the -- can you hear me?

>> Yes.

>> Can you hear me?

>> Yes, we can hear you now.

>> Okay. All right, so the superintendent suspension is at -- at the -- it's -- it is at the school board level. It's not -- it's not at the school level. The principal suspension would be at the school level. The superintendent is done at the general district level.

>> Great, thank you. Any other questions or comments? I must say that I thought all four of them were quite thorough, even though they were given -- given limited time to speak. Anybody else would like to ask a question or make a comment? I'd also like to invite you to please go to the survey. You can click right on your screen and it'll take you to a Survey Monkey in which you can share some information, some comments about today's webinar. We very much appreciate that.

There's also another question -- Ana, for you, I believe. Where is Cal -- oh, maybe it's not for you. Well, where is California in the process at the state level? I don't know if we actually have anybody from California that's able to answer that question. If there is somebody from California, you could type in the chat box or -- or you could unmute and answer the question. I don't know Cynthia if we have anybody from California who can speak to that though.

>> I lost the connection, but they're trying to work to connect to it again. I'm sorry. Did you get my answer?

>> I don't know if you can speak to -- what happens in California, Ana.

>> No, no. No, no, I'm not -- I was talking about the other one. I lost the connection, so I don't know if anybody heard what I said. Okay.

>> I think we did, yeah. We did.

>> Oh, thank you. Thank you.

>> Any other questions? And again, I invite you to complete the survey. We appreciate that. And if there are no other questions, what I'm going to do is hand it over to Marshall Peter who's our Director, and chief visionary who is going to tell you a little bit about our next webinar.

>> Thanks, Phil, Jan, Jody, Timothy, Ana, Phil -- that was a fascinating webinar. I just want to echo Phil's perspective about the absolutely critical role that the nation's parent training and information and community parent resource centers play in the design and delivery of -- of dispute resolution options, and making sure that parents are really as prepared as possible. So that was really good. I appreciated having the chance to listen in and watch the PowerPoints.

I just want to let you know really quickly about two upcoming webinars that we're very excited about. On April 2nd at 11:30 PST, we'll be joined by Dr. Ann Turnbull. Some of you will know Ann. She's an absolute iconic legend in the field of Special Education, and she's going to reflect on her four decades as the parent of a son with multiple disabilities and a Special Education faculty member in terms of presenting disputes, if at all possible, and resolving and moving beyond disputes. I've had the pleasure of hearing Ann speak on several occasions and she's fabulous and it's really the chance to hear a retrospective on her life and her accomplishments. You're in store for a real treat. Again, that will be April 2nd at 11:30 PST.

And then on Tuesday, May 19th, we'll be having a presentation on what early childhood can teach us about playing nicely together. And this -- this session will focus on how building helpful family early intervention provider collaborative practices can benefit family-school relationships and problem solving over the long term. We'll be having the presentation for Megan Vinh, who is at the Early Childhood Technical Assistance Center and Frank Porter Graham Child Development Institute at the University of North Carolina at Chapel Hill. And I might mention also CADRE Advisory Board member, and then our own Amy Whitehorne, who is a policy analyst here at CADRE. We'll be jointly doing that presentation, so I think that's something to look forward to, kind of a sort of a dispute resolution take on Robert Fulghum's *Everything I Need to Know I Learned in Kindergarten*. So I think both those presentations are going to be superb. We hope you'll dial in and join us again.

So Phil, you want to sign us on out of here?

>> Yeah, I just want to thank -- again, thank all of our presenters for sharing their expertise and their very innovative projects, and we invite you to please complete the survey and we hope you join us for our next webinar in April. Thanks again, everybody. Take care.