



# Whose IEP is it Anyway?

Including the Student in Facilitations and Mediations

August 2017

# Ohio Specific – Mediation/Facilitation

## Roster of Professional Mediators

- Independent contractors
- Competitive bidding process and interviews
- Extensive training on IDEA
- Continuing professional development



# Ohio: Alternative Dispute Resolution

# Mediation

**Neutral third party** works with the district and parents to **reach agreement** on a variety of issues.

Mediation is often used after a written complaint has been filed or after a due process hearing has been requested.

Neutral third party works with the **IEP team** or the evaluation team to reach consensus.

# Facilitation

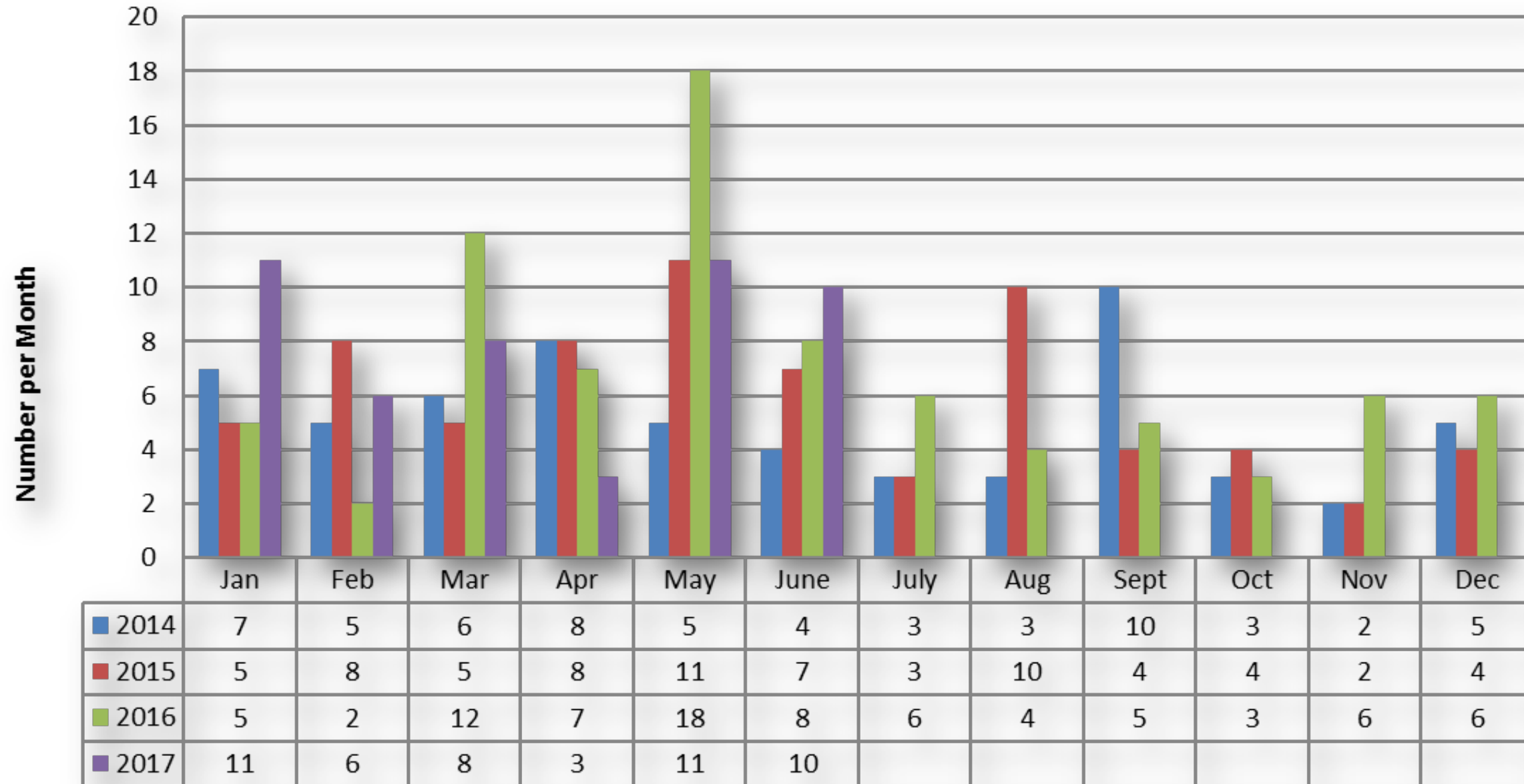
# Alternative Dispute Resolution

Both parties must agree to use either mediation or facilitation.

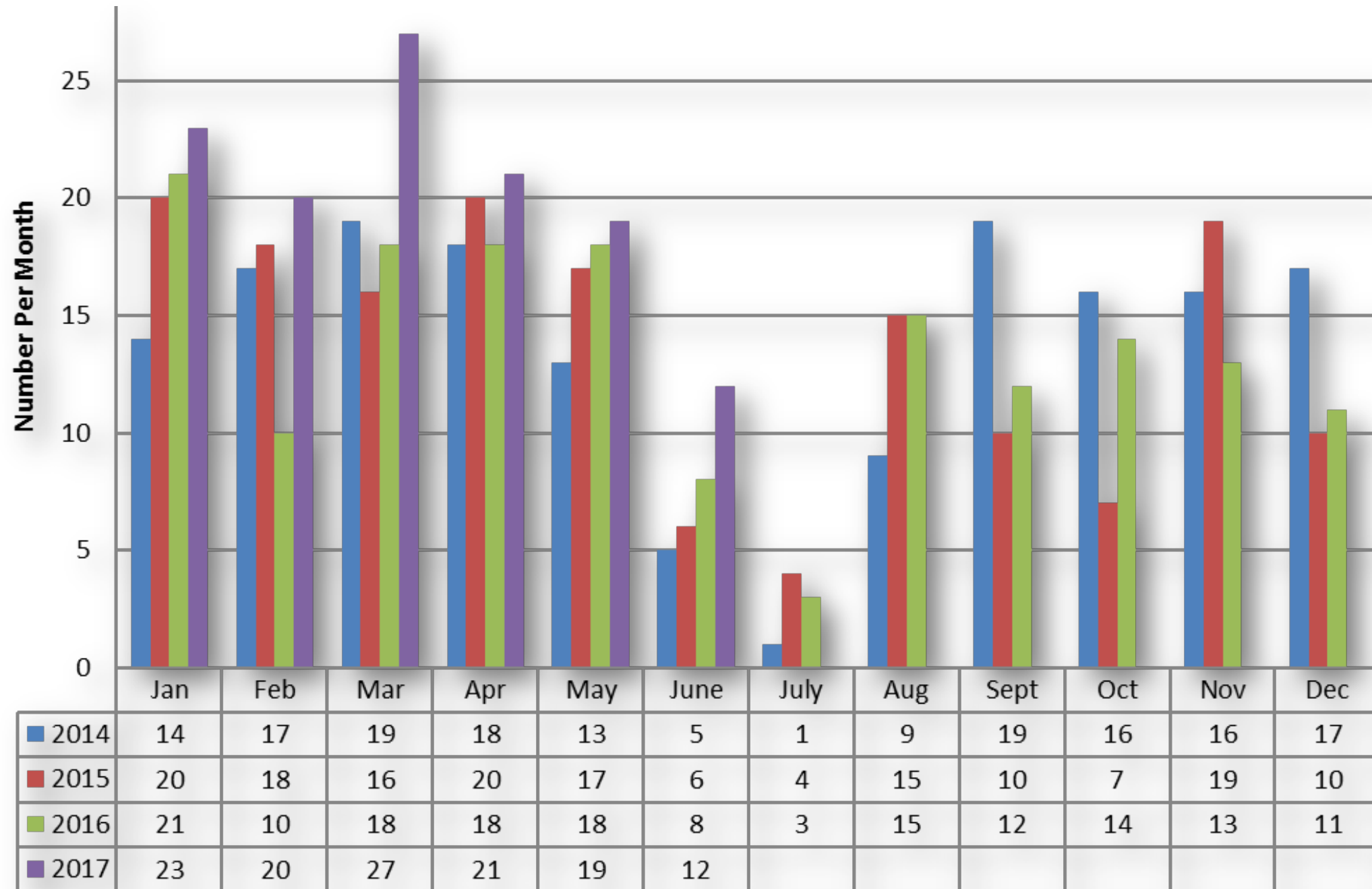
Mediation or facilitation may be requested:

- As a stand alone service
- During the formal written complaint process
- During due process

# Ohio Mediation as a Stand Alone Service

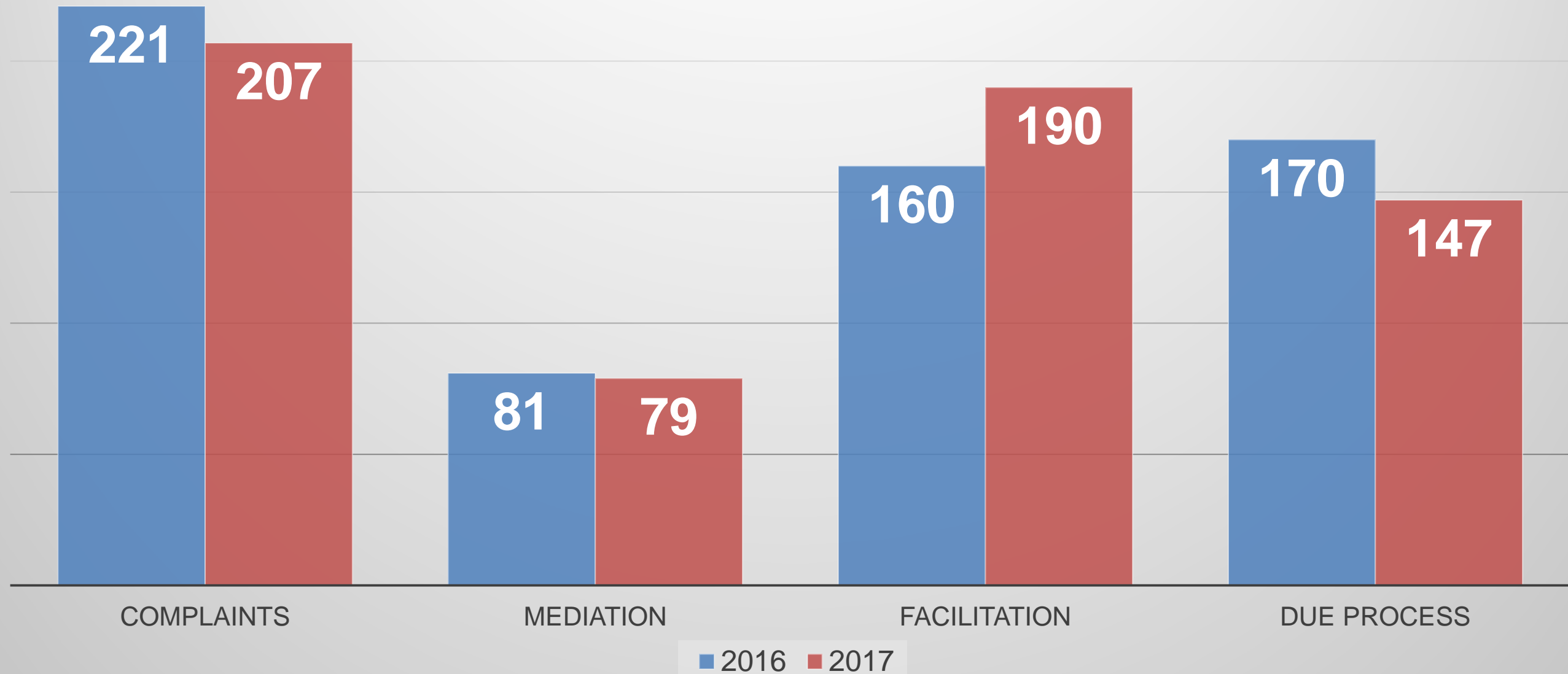


# Ohio Facilitation as a Stand Alone Service





# Ohio Dispute Resolution Fiscal Years 2016 and 2017



# Why Should Students Be Involved?



- The **student has the best knowledge** about his/her needs.
- Enables the student to **self-advocate** in a safe environment.
- Allows the **entire team to hear new options** which the adults on the team may not have explored.
- Additional ideas?

# Preparation

- Ensure that all parties are aware, prior to the meeting, of the issues that will be discussed.
- Ensure that the student has participation in determining issues and the agenda.



# Preparation

- Ensure that all parties, including the student, are aware of who will be participating in the meeting prior to the meeting.
- Ensure that **the student and the parents are aware of the roles** of all participants prior to the meeting.





# How to Engage Students in the Process

Have all team members speak directly to the student, not just to the parent.

Speak to the student at his/her level of understanding.

# How to Engage Students in the Process

- Ensure that all team members actively listen to the student without interruption.
- Attend to the student's body language to determine the student's comfort level in speaking to a large group of adults.

# When Should Students NOT Be Involved?

When meetings are extremely contentious.

When it is not developmentally appropriate for the student.



# When Should Students NOT Be Involved?

- When the topics of discussion would be uncomfortable or distressing to the student.
- When staff or parents would feel uncomfortable speaking openly in front of the student.



# Engaging Students in Transition Planning



- Prior to the meeting, administer appropriate transition assessments.
- Discuss the transition assessments with the student prior to the meeting.

# Engaging Students in Transition Planning

- Review educational, employment and independent living options with the student prior to the meeting.
- Review transition assessments with the entire team at the IEP team meeting.



# Managing Unrealistic Expectations

- The student talks about interests, passions and reasons for his/her post-secondary choices.
- Discuss compromise between the parents' expectations and the student's choices.
- Students sometimes have a more realistic view of the future.
- How can school personnel support students during this discussion?

# Cultural Impact

- What cultures are a part of your community?
- How do the cultures in your community view students with disabilities?
- How can the staff view of a student's culture impact the IEP team positively? Negatively?
- How can staff prepare to work with families who are new to the country or the area?
- Do gender roles impact IEP team discussions?

# Cultural Impact

- Ensure that staff attending the meeting are aware of cultural biases which may impact the family's perception of evaluations and IEPs.
- Ensure that staff attending the meeting are aware of how the family's perception of family roles impacts each person's participation in the meeting.
- Ensure that interpreters and translators are available, if necessary.

# Special Thanks

- To members of Ohio's mediation/facilitation roster for adding their expertise to this presentation:
  - ❖ Lisa Kraemer
  - ❖ Susan Grody Ruben
  - ❖ Cathie Kuhl

# Presenters

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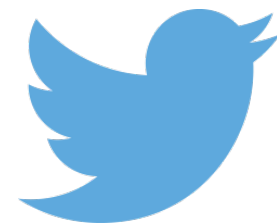
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