

**Dispute Resolution System Integration  
for Performance Enhancement:  
Forging Partnerships for Improving  
State System Performance:  
A Collaboration Among SERRC, TEA and CADRE**



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CADRE National Symposium  
Washington, DC  
December 2006

# Outline of this presentation

- Introductions
- CADRE-SERRC-TEA Partnership – a chronology
- DR SIPE Overview - A framework for integrating Dispute Resolution Systems
- DR SIPE “Lite” – a beginning System Assessment
- Characteristics of Systems
- Next Steps

# SERRRC/TEA/CADRE Partnership

- CADRE Symposium, the Continuum and realizing that it's all one system
- TEA experience with CADRE TA – the application of DR SIPE
- Dispute Resolution Jobs Alike Forum
  - States involved, results of the meeting
  - Steps toward ongoing work
- SERRRC/CADRE partnership in helping states

# Introduction to DR SIPE

- Concept: Disputes are a fact of life. There are many different ways that disputes can be resolved.
- Process users are often the same people
- CADRE Continuum
- DR SIPE Elements
- DR SIPE “lite” – a beginning way to examine whether more intensive work makes sense



***Haiku: Collaborating***

***“Time spent through the days  
SERRRC, TEA, and CADRE  
Bettering kids’ lives.”***

***- - by Keith Swink***



# Differences are Natural

- Differences are part of life and, thus, conflict is unavoidable
- “Conflict can be the sandpaper that smooths out the ‘rough edges’ of our relationships”
- When conflict isn’t dealt with in ways that lead to mutual satisfaction, parties turn to win-lose processes (written or due process complaints filings)

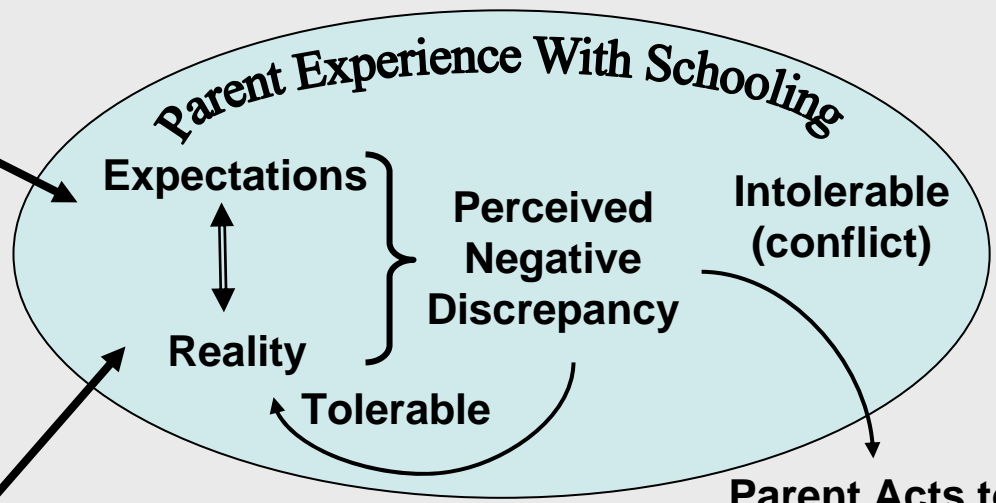
What kinds of things motivate a parent to file a complaint, request a hearing, or seek mediation?

## Factors that Increase Discrepancy

- Low student achievement
- Adversarial culture
- Lack of options
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## Factors that Decrease Discrepancy

- Improving achievement
- Positive parent-teacher relationships
- Parent-friendly schools
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## Resolution Avenues:

- ???
- *Parent-Teacher Conference*
- *IEP Team meeting*
- ???
- ???
- ???
- Resolution Session
- Formal Mediation
- Written Complaint
- Due Process Hearing

Parent Acts to Reduce Discrepancy



# Frequency of Multiple Filings Across Dispute Types

**In one year**, 16.3% of students who were the subject of dispute activities accounted for 34.8% of all disputes initiated (of 9,839 dispute cases in an 8-state combined database).

Judy Schrag and Howard Schrag, 2004  
CADRE National Dispute Resolution  
Use and Effectiveness Study

# “The CADRE Continuum”

# CADRE Continuum

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	Participant & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent-to-Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Hybrid Models	Ombudsperson	Third-Party Opinion/Consultation	Resolution Session	Mediation Under IDEA	Complaints	Due Process Hearing	Hearing Review (Tier II)	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										



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<http://www.directionservice.org/cadre/ctu/pdfsearchC.cfm>



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## Search CADRE Continuum

CADRE Home



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## Search CADRE Processes and Practices Continuum

Check box for complete process and practice information. Click on process name for definition.

About the CADRE Continuum

### Select Process:

- |   |  |
|---|--|
| <input type="radio"/> <b>Capacity Building &amp; Prevention</b> | <input type="radio"/> Participant & Stakeholder Training |
|   | <input type="radio"/> Stakeholder Council                |
|   | <input type="radio"/> Collaborative Rulemaking           |
| <input type="radio"/> <b>Early Dispute Assistance</b>           | <input type="radio"/> Parent-to-Parent Assistance        |
|   | <input type="radio"/> Case Manager                       |
|   | <input type="radio"/> Telephone Intermediary             |
| <input type="radio"/> <b>Conflict Resolution Options</b>        | <input type="radio"/> Facilitation                       |
|   | <input type="radio"/> Mediation Models                   |
|   | <input type="radio"/> Ombudsperson                       |
|   | <input type="radio"/> Third-Party Opinion/Consultation   |
| <input type="radio"/> <b>Procedural Safeguards</b>              | <input type="radio"/> Resolution Session Under IDEA      |
|   | <input type="radio"/> Mediation Under IDEA               |
|   | <input type="radio"/> Complaints Filing                  |
|   | <input type="radio"/> Due Process Hearing                |
| <input type="radio"/> <b>Legal Review</b>                       | <input type="radio"/> Hearing Review (Tier II)           |
|   | <input type="radio"/> Litigation                         |
|   | <input type="radio"/> Legislation                        |

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

**DR SIPE:  
A Framework for  
Integrating Dispute  
Resolution System**

# System Oversight

(policy, priority setting, resource allocation, DR options supported, advisory, management)

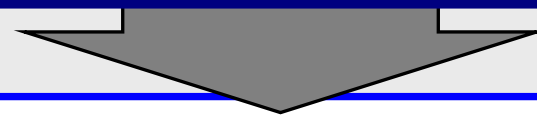
## Public Awareness and Outreach

(content, user focus, dissemination methods)

## Professional Standards, Training, and TA

(practitioner qualifications, specification of methods, skills development)

**Evaluation** (goals, indicators, self-assessment, DR provider evaluation)



## Continuum of Dispute Resolution Processes

I	II	III	IV	V

# State System Assessments

- 4 areas from DR SIPE:
  - System Oversight and Coordination
  - Public Awareness and Outreach
  - Professional Standards, Training & TA
  - Evaluation
- Improvement Priorities

# System Characteristics

- A few gleanings from SERRC/7-PAK states who participated in the November Forum
- Incomplete at this point – still working on how to make this information accurate, useful, and more complete (more states)



# System Assessment ~ Part 1

## 8 States

- What Jumps Out
  - 75% of states have coordinated management
  - 50% of states have unique identifier tracking systems
  - 75% of states collect satisfaction data on mediation
  - No states collect data on cost per complaint
  - 37.5% of states collect data on cost per case for due process and mediations

# System Assessment ~ Part 1

- There's considerable variability regarding stakeholder involvement and considerable agreement around public awareness and outreach
- There's considerable variability around mediator requirements
- SPP seems to drive program and system evaluation
- 50% of states are looking at adding additional dispute resolution options

# System Assessment ~ Part 2

- Many states offer non-required processes
- 80% of reporting states have separate intake systems
- Complaint investigation caseloads range from 502:6 to 21:17. Mean is 16:1
- Due process caseloads range from 5:5 to 280:17. Mean is 6:1

# System Assessment ~ Part 2

- Mediator caseloads range from 15:37 to 23:2. Mean caseload is 4:1
- Hearing officer compensation ranges from \$25/hr to \$250/hr. Cost per hearing is pretty stable
- Considerable range in cost per mediation

# Some Proposed Activities From SPPs

- Develop parent/provider surveys on awareness of DR options and satisfaction with dispute resolution processes.
- Establish performance indicators for all dispute resolution system management functions (beyond SPP/APR requirements).
- Integrate dispute resolution data systems across DR options.
- Establish procedures/guidance for resolution meetings and resolution settlement agreements.

# Some Proposed Activities From SPPs

- Develop guidance on improving the quality and durability of mediation agreements.
- Develop guidance for justifying extensions of hearings and complaints timelines.
- Provide training to staff and parents (e.g., on dispute resolution options, procedural safeguards, collaborative decision making, mediation skills)
- Increase use of early and informal dispute resolution options (e.g., facilitated IEPs, accelerated access to mediation)
- Train hearing officers on effective hearings, timelines, IDEA legal updates.

# Does it make a difference?

- When does a conflict expand to a dispute that requires formal processes?
- Premise of the resolution session is that many disputes move too quickly to formal filing (and there is mixed info at the moment about whether they help).
- When formal or informal processes are used, do they fix the problem?

# Discussion and Next Steps

- Do the ideas in DR SIPE/DR SIPE Lite make sense? It is a work in progress, not a fixed solution...
- Opportunity to become a “data partner” We have permission from seven participating states to share their information with other states who complete DR SIPE State System Assessments.
- What would help states to examine and improve their DR systems?



Questions?