

MSEMP Services

- IEP/IFSP Facilitation
- Resolution Session Facilitation
- Mediation
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- Workshops on Collaborative Skills for IEP Team Meetings



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For Services:

(800) 8RESOLVE

<http://msemp.cenmi.org>



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REACHING AGREEMENT

Resources for Finding Common Ground
in Special Education and Early Intervention

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Complaint Referrals: A New Path to Early Resolution

A parent or other individual who files a state or due process complaint with the Michigan Department of Education (MDE), Office of Special Education and Early Intervention Services (OSE-EIS) has a new opportunity to resolve the issues early in the complaint process.

With the complainant's permission, the OSE-EIS will refer the complaint to the Michigan Special Education Mediation Program (MSEMP). The MSEMP will contact the complainant to explore the use of mediation and other informal dispute resolution options.

The new procedure is voluntary. A complainant who wishes to learn about mediation or



request services signs a newly created form. The form, entitled *Mediation*, explains the process. (See sample form on page 2.) The form provides space for the complainant's contact information and signature. The signature gives the OSE-EIS permission to send the complainant's contact information to the MSEMP.

The form is attached to the model state and due process complaint forms that are available on the OSE-EIS

Administration and Forms website. If a complainant does not use the model complaint forms, a mediation form will be sent to the complainant once the OSE-EIS receives the complaint. A complainant can then complete the form and send it back to the OSE-EIS.

If a complainant chooses to be contacted by the MSEMP, the complainant can learn about mediation or other informal dispute resolution options. He or she can then decide to pursue or decline the use of these options. Either way, the complainant does not lose the right to a complaint investigation or due process hearing.

See "*Referrals*" on page 4

View Mediation From the Inside in New MSEMP Video

Jill is a 6th grader with a learning disability. Mary, her mother, is afraid she will fall behind in her school work. She wants her daughter to have more computer time in school to complete her assignments.

Christine, the school principal, shares Mary's concern, but says there is no additional computer time available. What to do?

They will show you in a new video on the MSEMP website at <http://msemp.cenmi.org>.

see "*Video*" on page 4



"Mediation," a video available on the MSEMP website, demonstrates how the mediation process works in a hypothetical case. Bill Long (center) is an MSEMP mediator.

New Referral Form Enables Complainants to Explore Use of Mediation

By completing the form, a sample of which appears below, a complainant gives the OSE-EIS permission to forward his or her contact information to the MSEMP. The MSEMP will contact the complainant to explore the use of mediation and other informal dispute resolution processes. (See story on page 1.)

MEDIATION

The Michigan Department of Education (MDE) encourages parents and districts to resolve disputes through informal dispute resolution processes, including mediation.

Mediation is a voluntary process. A trained, impartial mediator assists the parties in reaching a mutually acceptable resolution of the dispute between the parties. Mediators are not affiliated with any local school district nor do they represent any of the parties in a complaint. Discussions during mediation are confidential.

The MDE provides mediation services at no cost to the complainant or the district if they use the Michigan Special Education Mediation Program (MSEMP). The MSEMP is funded by an MDE grant.

If you are interested in resolving a complaint through mediation or informal resolution the MDE will, with your consent, forward your name and telephone number to the MSEMP. The MSEMP will contact you to tell you more about mediation and other alternative dispute resolution options. If you choose to participate in mediation the MSEMP will contact the district to determine if the district agrees to participate in mediation. If so, the MSEMP will make the arrangements and schedule the mediation meeting(s).

If you and the district agree to participate in mediation after a complaint has been filed the complaint will be set aside until the mediation process is completed. If the issue is resolved through mediation the complaint will be withdrawn or dismissed. If the issue is not resolved the MDE will proceed with the complaint investigation.

For more information about mediation and informal dispute resolution see the MDE Special Education State Complaint Procedures or contact the Michigan Special Education Mediation Program (MSEMP) at (800) 8RESOLVE or <http://msemp.cenmi.org>.

Please provide the information below and sign your name if you want the MSEMP to contact you to tell you more about mediation and other informal dispute resolution.

I am interested in resolving the complaint against the _____ school district/public school academy through mediation or informal resolution.

I give the MDE permission to forward my name and telephone number to the MSEMP.

Name: _____ Telephone number: _____

Signature Date

FOR MDE USE ONLY: Case # _____ Date Filed _____ Case Manager _____

IEP Team Meetings, MDRs Can Benefit From a Facilitator's Skills

For the past three years, the participants in facilitated Individualized Education Program (IEP) team meetings have reached agreement more often than in mediation, according to MSEMP data.

One reason often given for using IEP team facilitation is that participants, in the early stages of developing an IEP, are more open to ideas and have not reached an impasse. Yet facilitators have been used where the participants already have disagreements and are still able to make progress.

MSEMP facilitators are available for resolution meetings and manifestation determination reviews (MDR). These may involve school-parent relationships that are already strained.

In all of these situations, a facilitator can help participants:

- Focus on the child.
- Clarify issues.
- Correct misunderstandings.
- Organize issues for discussion.
- Break down complex issues.
- Focus on one issue at a time.
- Identify and explore interests.
- Have equal time to talk.
- Address emotional issues.
- Share all pertinent information.
- Address communication issues.
- Manage meeting time.
- Identify areas of agreement.
- Discuss agreement language.

A facilitator in an Individualized Family Service Plan (IFSP) or IEP team meeting can help participants reconcile differing points of view or resolve disputes before they escalate.

A facilitator in a resolution meeting can help participants resolve some or all issues involved in a formal due process



complaint. Similarly, a facilitator can aid discussions between participants in local resolution after the filing of a state complaint. Issues that remain unresolved in either instance can be addressed in the formal processes.

In an MDR, a facilitator can help participants separate emotions from the issues in order to determine an appropriate course of action.

Facilitators have no authority to make decisions for meeting participants. However, they can foster communication that builds bridges and connects services to children faster.

Focus on Facts, Listen Well to Improve Meeting Outcomes

For parents, educators, and especially for children with disabilities, it is important that special education meetings go well. Here are some tips for making that happen.

Separate facts from emotion: The future of children, especially children with disabilities, is a topic most people have strong feelings about. To be effective in planning for these children, though, emotions need to be recognized and then set aside so the data can be addressed appropriately.

First arrive at a shared goal: Before discussing different ideas, address a point the group can agree on, such as the reason for the meeting. This can help the participants focus on why they are there rather than what they want.

Listen fully to others: Good listening is a skill. It requires hearing the words that are spoken and being aware of the emotion behind them. You cannot listen well while framing your response. Your body language is a powerful indicator of your attentiveness.

Speak purposefully: Choose your message carefully and have information to back it up. Your statements should be well thought out and appropriate to the conversation.

Match words and body language: When verbal and non-

verbal messages do not match, the message is discounted or distrusted. Be aware of your conscious and unconscious facial expressions, body postures, and tone of voice and their effect on your message.

Own your feelings: By using “I statements,” others will understand what emotion is impacting your contribution to the conversation. A good “I statement” labels your feelings when an action occurs and suggests an alternate behavior.

Take a break if necessary: There are times when a break is necessary. Recognize when you need to step away to avoid saying something that derails progress. Decide if you need a short break (such as five minutes) or if reconvening the meeting at another time is best.

Be willing to say “I don’t know”: Every conversation about a child with special needs is different and no one can know everything. What is important is the willingness to do the research to find the answer.

Be willing to say “I was wrong”: A plan is a best guess based on good information and experience, but it is still a best guess. Identifying the need to change the plan earlier rather than later ensures the student continues to benefit.

David Gruber
Program Director
(517) 485-2274
resolve@tds.net

Cheryl Levine
Program Coordinator
(517) 485-2274
msempp@tds.net

Wanda Joseph
Outreach Representative
West and Northern
Michigan
(231) 477-5381
(231) 690-7726
wandajoseph@gmail.
com

Maureen Cobb
Outreach Representative
Southeast Michigan
(586) 703-7176
(586) 948-9931
maureenadele2003@
yahoo.com

Liz Wright
Office Coordinator
(517) 485-2274

MSEMP Offices
229 N. Pine Street
Lansing, MI 48933
Phone: (517) 485-2274
Fax: (517) 485-1183
E-Mail: msempp@tds.net
http://msempp.cenmi.org

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MSEMP Posts Strong Agreement Rates

Mediation and Individualized Education Program (IEP) facilitation through the Michigan Special Education Mediation Program (MSEMP) continued to post strong agreement rates during the 2009-2010 school year.

The MSEMP mediated 84 cases during the year. Seventy-one resulted in agreement, for an agreement rate of 84.5 percent. This marks the fourth consecutive year that the MSEMP has exceeded the target agreement rate set by the Office of Special Education and Early Intervention Services (OSE-EIS).

The MSEMP also facilitated 60 IEP meetings during 2009-2010. Participants in 53 of those meetings agreed on the terms of the IEP and on its implementation, for a success

MSEMP 2009-2010 SCHOOL YEAR DATA	
SERVICE	DATA
Mediation	
Mediations Held	84
Agreements Reached	71
Agreement Rate	84.5%
IEP Facilitation	
IEP Facilitations Held	60
IEPs Agreed Upon and Implemented	53
Success Rate	88.3%

rate of 88.3 percent. In five cases, participants agreed to implement the IEP though they did not agree on the terms. This marks the third consecutive year in which the IEP facilitation success rate exceeded the mediation agreement rate.

Most mediation and IEP facilitation agreements were reached in one session.

Referrals

continued from page 1

The informal dispute resolution options available under the OSE-EIS state complaint policy include local resolution, Individualized Education Program (IEP) team meetings, and mediation.

All informal dispute resolution methods can be used in conjunction with state and due process complaints. Submitting a referral form enables a complainant to learn more about informal options at the beginning of the complaint process.

In a state complaint, the OSE-EIS generally gives the parties 10 days after the complaint is

filed to find a solution using informal methods. After the 10-day resolution period, the investigation begins, though the parties can continue to use informal processes. If the parties choose to mediate, the OSE-EIS will suspend the investigation timeline until the outcome of the mediation is known. If a complete agreement is reached by informal means, the complainant can withdraw the complaint. If issues remain, the investigation will continue on those issues.

When a parent files a due process complaint, the school district is required to convene a

resolution meeting. The parent and the district can mutually agree to waive the meeting and go to mediation. Again, the timeline will be suspended pending the outcome. If mediation is successful, the complaint can be withdrawn or a hearing can be held on the remaining issues.

The referral process can quickly start parents and educators on the road to agreement. IEP team facilitation and mediation have high agreement rates. That means that referring complaints to the MSEMP can lead to more agreements achieved by those who know the children best.

Video

continued from page 1

The video will explain the basics of the mediation process as Mary and Christine work toward a solution. Around the table with Mary and Christine are Bill, the mediator, Linda, Jill's special education teacher, and John, the computer room aide.

Bill greets the group and explains the mediation process. Mary and Christine state their positions on what assistance Jill should receive. Bill asks questions of all four participants to learn whether there are additional ideas on which to build a solution.

Will the the participants reach an agreement? Suffice it to say that the video has a happy ending, along with information on how to request services.