



# 2013 Webinar Series



- Working Together When We Don't Agree • Autism 101**
- Reading Basics • Virtual School for Students with IEPs**
- Ask the Expert with Kelly Orginski • Progress Monitoring**
- Ask the Expert with Mark McWilliams • IEP 101 in Arabic**
- The Importance of the PLAAFP Statement • IEP 101 en español**
- IEP Supports and Services, including accommodations and modifications**
- iPad- The Consideration • iPad- Accessibility Features**
- What Parents Need to Know About Mental Health and Education**

# A few items to address before we get started...

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## **2013 Lunchtime IEP Learning Webinar Series**

**Working Together When We Don't Agree with  
Cheryl Levine from Michigan Special  
Education Mediation Program**

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# Michigan Special Education Mediation Program

# MDE's Approach to Conflict Management

- Expand upon the requirements of IDEA
- Promote options for appropriate conflict resolution: “fit the form to the fuss”
- Emphasize early opportunities to end conflict
- Increase school, parent resolution skills
- Provide adequate resources and support

# What is Conflict?

- A sign of life
- A sign that you are engaged with another human being
- An opportunity to explore change

“You never change things by fighting the existing reality. To change something, build a new model that makes the old model obsolete.”

***Buckminster Fuller***

# Stages of Change

- ▣ Denial
- ▣ Anger & resistance
- ▣ Exploration & acceptance
- ▣ Commitment



# Underlying sources of conflict

- ▣ Differing values and goals
- ▣ Differing perspectives
- ▣ Lack of adequate accurate information to make informed decisions
- ▣ Interpersonal issues
- ▣ Financial issues
- ▣ Interests rather than positions

***In Any Two-Way Conversation There Is:***

**What you wanted to say.**

**What you meant to say.**

**What you said.**

**What you think you said.**

**What the other person heard you say.**

**What the other person thinks he heard you say.**

**What the other person thinks you meant to say.**

**What the other person feels about what you said.**

**What the other person says about what you said.**

**What you think the other said about what you said**

# Prevention

Seek first to understand  
then to be understood

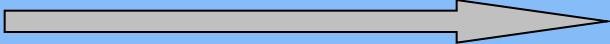
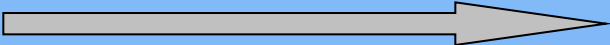
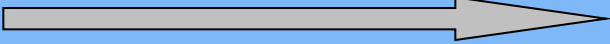
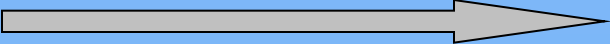
Know thyself.

When your best  
efforts have fallen  
apart

**1-800-8RESOLVE**

**1-800-873-7658**

# Michigan Continuum

Stage of Conflict	Stage 1	Stage 2			Stage 3	Stage 4			Stage 5			
Level of Intervention	Prevention	Disagreement			Conflict	Procedural Safeguards			Legal Review			
Assistance, Intervention Options	Conflict resolution skills training	Informal party-to-party discussions	MDE toll-free information phone line	Conciliation (telephone intermediary)	IEP, IFSP facilitation	Pre-filing mediation	Mediation under IDEA	Complaints	Resolution sessions	Due process hearings	Litigation	Legislation
Dimensions	Third party assistance									Third-party intervention		
	Decision making by parties making									Third-party decision		
	Interest-based									Rights-based		
	Informal, flexible									Formal, fixed		

# Mission

To make dispute resolution options available to all Michigan students with disabilities.

# Legal Framework

## Individuals with Disabilities Education Act (IDEA)

- U.S. law that defines the rights of students with disabilities
  - Assigns state responsibility for meeting student special education needs
  - Delegates to the state supervisory authority to require school district compliance with IDEA

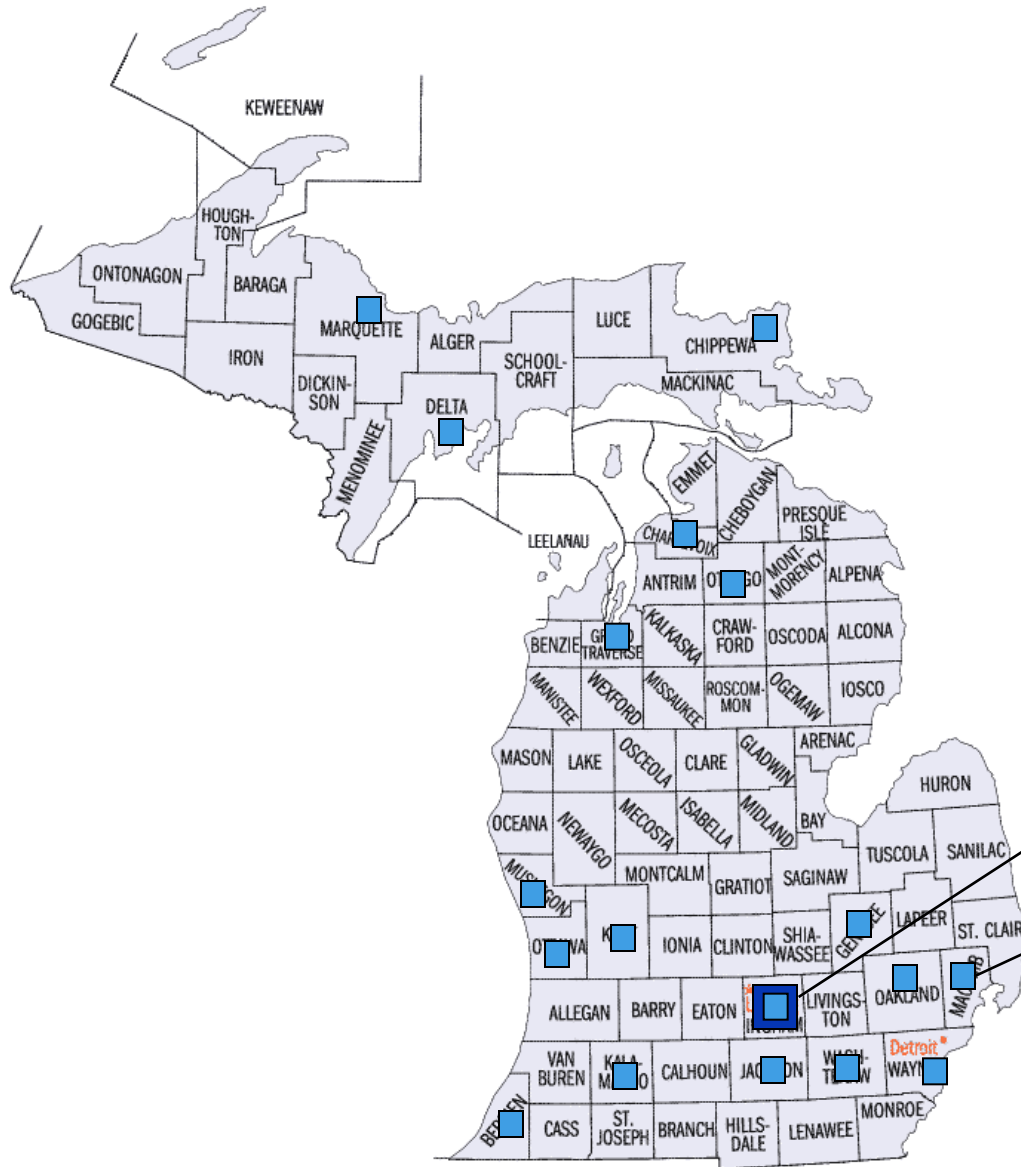


# Administration

- U.S. Department of Education, Office of Special Education Programs
- Michigan Department of Education (MDE), Office of Special Education/Early Intervention Services
- Dispute Resolution Education Resources, Inc. (DRER)
- Michigan Special Education Mediation Program (MSEMP)

# Administration

- All services provided at no cost to schools and parents
- Services made available through network of 18 community dispute resolution centers
  - Mediation
  - IEP/IFSP/MDR Facilitation
  - Resolution Meeting Facilitation
  - Training: parents, educators
  - Training for volunteers



**MDE/MSEMP**

**Centers**

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# Legal Framework: IDEA Part C

- ▣ Individualized Family Service Plan (IFSP)
  - ▣ To enhance the development of infants and toddlers with disabilities
  - ▣ To minimize their potential for developmental delay
  - ▣ To recognize the significant brain development that occurs during a child's first 3 years of life.
  - ▣ Facilitators help parties through process

# Legal Framework: IDEA Part B

- Individualized Education Program (IEP)
  - Required by IDEA for student with disabilities
  - Describes programs and services to be received by the student
  - Developed annually by statutorily defined team that includes child's parents and educators
  - Facilitators help team through process

# Legal Framework: IDEA Part B and C

## Mediation opportunities

- Topic in IEP/IFSP that parties can't agree on
  - May arise during intake or meeting
- Request for due process
  - As soon as request is filed- mediation doesn't take away right to file
  - Resolution Session

# Facilitation vs Mediation

Mediation: negotiation to resolve differences conducted by an impartial party

Facilitation: coordinating a discussion so that all group members are encouraged to participate

<b>Mediation, Facilitation Compared</b>	<b>Mediation</b>	<b>Facilitation</b>
<b>Goals</b>	Resolve a specific dispute	Complete an IEP agreeable to all parties
<b>Process</b>	Mediator establishes	School establishes
<b>Who attends</b>	People in conflict	IEP team
<b>Existence of "sides"</b>	Mediator must be neutral	Facilitator must be neutral



# Mediator/Facilitator Training

## Training: mediators, facilitators

- 40-hour basic mediation training
- 10-hour internship
- 25 hours of general mediation experience
- 16-hour special education mediation training
- 8-hour facilitation & diversity awareness training
- 8-hour update training every two years

# Data

## Key figures (since 1998)

■ Number of cases opened	2142
■ IEPT meeting facilitations	517
■ Mediations	841
■ Avg. days from intake to session	32
■ Avg. length of session	2.2 hours

# MSEMP Results

	Mediation resolution rate	80%
	Avg. length of time case open	32.5 days
	Avg. length of a mediation session	2.2 hours
	Mediators are fair	97% agree
	Mediators understand discussion	95% agree
	Satisfied with agreement	89% agree
	Would use mediation again	90% agree

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# When to Use Facilitation

- ▣ IFSP, IEP settings
- ▣ Resolution sessions
- ▣ Participants uneasy about a meeting
- ▣ Parent, school relations strained
- ▣ Participants need to focus on issues

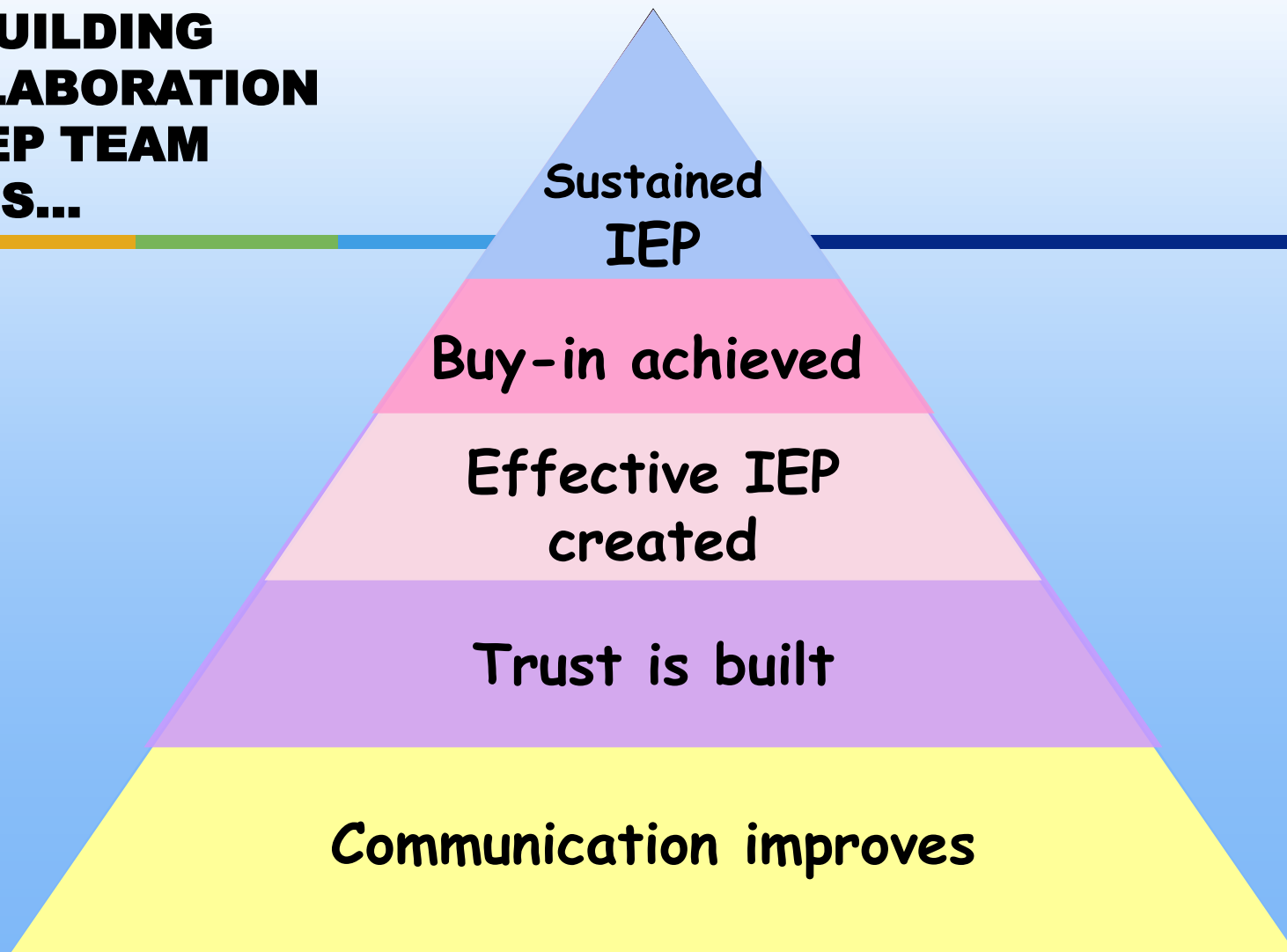
# A Facilitator Will:

- Contact the family and school in advance
- Create an agenda from their input
- Stay neutral
- Conduct the IEPT meeting if requested
- Keep the meeting centered on the student's needs
- Help negotiate disagreements
- Keep the meeting on track and on time
- Make sure everyone adheres to agreed upon ground rules

# A Facilitator Won't:

- ▣ Be a part of the team
- ▣ Give legal advice
- ▣ Advocate for a position
- ▣ Make decisions

**BY BUILDING  
COLLABORATION  
AN IEP TEAM  
GAINS...**



**Cooperative participation occurs**

**A fair and consistent process**



# When to Use Mediation

- Any dispute
  - Eligibility for programs, services
  - Evaluation interpretations
  - Transition issues
  - Service delivery, effectiveness
- Resolution sessions
- Communication, relationship issues

# The Mediator Will:

- Remain neutral
- Conduct the mediation
- Ensure all parties have equal opportunity to express their ideas and thoughts
- Make sure that everyone abides with rules for appropriate conduct
- Help the parties remain on the topic of their disagreement
- Guide the participants towards creating an agreement
- Record the agreement

# A Mediator Won't:

- Make decisions
- Give legal advice
- Take sides

# Mediation Procedure

- Mediator sets agenda & ground rules
- Participants limited to those involved in dispute & decision making
- Issues are explored
- Options to solve problems are discussed and evaluated
- Agreement put in writing
  - Binding in court
  - Agreement can serve as IEP addendum
    - Complainable
- All discussions confidential

# Benefits of Mediation

- ▣ Participants control outcomes
- ▣ Participants become self-sufficient
- ▣ Solutions remain local
- ▣ Dispute resolution costs decline
- ▣ More time, money spent on educating

# No Agreement

- ▣ Parties too entrenched in position to agree
- ▣ Legal decision is needed or wanted

# Procedural Safeguards under IDEA

IDEA requires all states to have processes and procedures to resolve disagreements, including:

- Due Process Hearings: A proceeding to hear an alleged violation regarding identification, evaluation, placement, or denial of a free appropriate public education
- Resolution Session: A required, pre-hearing meeting held between the school and the parent after a parent files a due process hearing complaint

# Procedural Safeguards under IDEA

- **State Complaints:** A statement that a school district has violated a requirement of IDEA or implementation of the IEP and a formal request that the state investigate the alleged violation
- **Mediation:** An informal process in which the school and the parent negotiate a solution with the aid of an impartial third party who cannot impose a decision



# How to Get Free Services

Get free Training, Facilitation & Mediation Services at:

- I-800-8RESOLVE (I-800-873-7658)
- [Msemp.cenmi.org](http://Msemp.cenmi.org)
- Local MSEMP (see website)
- Program information:

516 S. Creyts, Suite A

Lansing, MI 48917

Phone: 517.485.2274

Fax: 517.485.1183

Email: [msemp@drer.org](mailto:msemp@drer.org)

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## 2013 IEP Webinar Series

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1-800-552-4821



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