

**Interim Report
FY 2007-2008 Contractual Activities
Oklahoma State University, Special Education Resolution Center**

1. Recruit, Train and Evaluate Hearing Officials

Oklahoma State University, Special Education Resolution Center (SERC) agrees to recruit, train and evaluate hearing and appeal officers that conduct the due process hearings for Part C of the Individuals with Disabilities Act (IDEA). Training is to be provided on an ongoing basis and includes a minimum of one major mandatory training session per year on Part C of the IDEA.

A. SERC maintains a list of 10 hearing officers and 3 appeal officers which have received training to conduct due process hearings in Part C of the IDEA.

B. SERC has offered 22.5 CLE hours of training to hearing officials in substantive law and administrative process during this fiscal year. All officials are working toward certification as hearing officials through the National Association of Hearing Officials. Updates in Part C law were covered on November 13, 2007.

1. November 4-7, 2007 15.5 hours of training
National Association of Hearing Officials
Santa Fe, New Mexico
2. November 13, 2007 7 hours of mandatory training
Updates on the IDEA
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C. Training for hearing officials is ongoing. Current Part C information is forwarded to hearing officials as it becomes available. SDE-SES is conducting on-going assessment and will advise if any additional training is needed to conclude this fiscal year.

D. Evaluations are given in every due process request to assess the performance of the hearing official. No due process requests were made in Part C to date this fiscal year. Therefore, no evaluation material was collected. Further information on evaluations regarding Part B is relayed in the SERC report.

2. Close Collaboration with the State Department of Education – Special Education Services (SDE-SES).

SERC will work closely with the SDE-SES as needed to update the current IDEA Part C policies and procedures of the due process hearing system and create innovative programs.

A. SERC's Advisory Council of stakeholders supported the creation of an innovative program to assist parties in due process resolve the issues at the earliest stage possible. This program is highlighted in Paragraph 3, below.

B. SERC worked with SDE-SES to review and update the current IDEA – Part C policies and procedures of the due process hearing system. Policy was forwarded to SERC for review and comment to SDE. Later, SERC collaborated with SDE by answering questions and explaining the current due process procedures to Part C consultants.

3. Resolution Session Facilitation Pilot Program

SERC hereby offers and agrees to offer a facilitator in approximately half of IEP/resolution session meetings. Each session will include an evaluation and a final written statistical report will be provided to the SDE-SES within the contract period.

During fiscal year (FY) 2007-2008, the Special Education Resolution Center has conducted an *innovative pilot program* which provides a neutral third party (facilitator) to help school districts and parents resolve their disputes in about one half of due process requests.

IDEA 2004 now requires the parties of due process to meet to try and resolve their issues. If the parent does not bring an attorney, then the school must not bring an attorney. Therefore, the parties find themselves in the same position they were prior to the filing for a hearing: in a meeting with a breakdown in communication. As part of the State Performance Plan, Oklahoma must demonstrate that they maintain or increase the number of resolution agreements coming out of the sessions.

Other interests are met by helping the parties reach agreement without a due process hearing. Communication between the parties is improved by offering a neutral third party to guide the discussion. Resolution of any or all issues also results in less cost to both parties by reducing costs associated with hearing and pre-hearing costs.

During FY 2007-2008, to date, 24 new due processes have been requested. Nine facilitated resolution sessions were agreed to by the parties. 7 out of 9 resulted in full agreement and cancellation of the due process hearing. Of the remaining two, both resulted in partial agreement (One of them is ongoing and predicted to result in cancellation of the hearing request).

In 2/3 of the hearings which took place this fiscal year, facilitated resolution sessions were offered, but the parties refused participation. Data reflects a greater likelihood of settlement when the parties participate in facilitated resolution sessions.

Evaluation Data:

All attorneys for school districts have reported that they find facilitated resolution sessions helpful to their clients and would like to see the program expanded so that it could be offered in all due process requests. All also added comments that this type of facilitation was far superior to other *mediation* programs offered in the past.

Respondents to evaluations at the end of each resolution session reported the following data:

- 95% of the respondents said that the Resolution Session ended in an agreement.
- 38% thought the facilitation session would improve their relationship with the other side.
- 5% thought the relationship would not improve.
- 57% said they didn't know if the relationship would improve.
- 95% of the respondents felt that they had been given adequate information about what to expect at the session before the meeting.
- 98% of the respondents believed that the facilitator had explained either completely or mostly what was going to happen in the session.
- 5% of the respondents would have liked more information about the process.
- 96% of the respondents thought they were able to discuss the issues that were important to them in the session.
- 98% of the respondents thought the facilitator made it completely or mostly easy to share information.
- 95% thought the facilitator understood the problem mostly or completely.
- 98% felt the facilitator did not favor either side.
- 100% said they would use a facilitator again and would recommend the use of a facilitator to others.