

Collaborative Communication in Special Education Dispute Resolution

Special Education Mediation Services



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**Special Education
Mediation Services**

Working Together for Student Achievement in Michigan

Special Education Mediation Services

Grant-Funded

A Grant-Funded Initiative of the Michigan Department of Education Office of Special Education (OSE).

Free

Offer FREE mediation, IEP facilitation and collaborative communication training to schools and parents across Michigan.

Federally Mandated

Enables the OSE to meet its obligation under the IDEA to provide statewide mediation services at no-cost to schools and parents to resolve special education disputes.

Why are we HERE?

More need to know!

Enhanced efforts on SEMS program outreach

- Attend special education related conferences.
- Attend family serving conferences related to children with special needs.
- Speak with Parent Advisory Committees.
- Speak with ISD, LEAs and PSA administrative staff.
- Professional development.





What We Do

- Foster cooperation
- Encourage effective teamwork
- Open communication channels

For Whom

- Students who receive special education supports and services birth to age 26;
- Those who plan their education.

Why

The overall goal is to help students, parents and educators make decisions that improve education outcomes.





Where?

- Mutually agreed upon
- Local
- Virtual





How We Do It

Free • Effective • Fast



Mediation

A FREE neutral mediator leads families and schools through a process to resolve conflict and come to a mutual agreement on a plan to benefit the student and improve outcomes.

Facilitation

We help families and schools navigate complex meetings, stay on task, and make sure all points of view are heard by providing a FREE neutral meeting facilitator.

Mediation and Facilitation Comparison



Mediation

When you know you disagree.

Goal is to resolve a specific dispute.

Process is established by the Mediator.

Attended by people who disagree.

Mediator must be neutral.

Facilitation

When you need help navigating complexity.

Goal is to complete the process efficiently and collaboratively.

Process is established by the school.

Attended by the special education team.

Facilitator must be neutral.

Both are **voluntary** processes.



When to Use Mediation

- Disagreements over
 - Eligibility for programs, services
 - Evaluation interpretations
 - Transition
 - Discipline
 - Service delivery
- Communication and/or relationship issues
- Due Process or State Complaint

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The Mediator's Role

Will

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

Won't

- Take sides
- Give legal advice
- Make a decision
- Enforce decision



Scenario 1

Student – “Ally” receives services under an Otherwise Health Impaired qualification and has been having escalating discipline issues.

Family says it’s related to bullying.

Issues result in a 30-day suspension from the bus.

Family - school relationship is so bad, that the parent is not allowed in the school.

School – says bus video will back up their decision.

What does this look like?

- Mediator works to get agreement on predominant issue(s) to be resolved
- Mediator asks school to describe situation.
- Mediator asks family to describe situation.
- Mediator will summarize each of the parties' description and ask questions to get at areas of agreement.
- Mediator will build on the identified areas of agreement to help parties develop an agreement that captures all the actions each must take.





What does this look like?

Agreement

- School will conduct a Functional Behavior Assessment.
- A Behavior Intervention Plan will be created asap.
- BIP to inform amendments to IEP
- Daily data collection will be shared with the parent.

Question: What needs to be included so that anyone who picks up the agreement knows what was agreed upon?

Mediator will open working document called “Mediation Agreement.”

The mediator will ask questions to assist the parties in writing a comprehensive agreement. Helping ensure that the who, what, when & where are included for each action item.

Includes

- Issue
- Resolution
- Start Date
- Completion Date
- Indicate whether this Provision will be incorporated as an amendment to student’s IEP.
- Signature by School Official and Family

Remember: Mediation Agreements are written by the family and school. The mediator cannot decide the issues for them.



Other Examples

Student is 11 years old, in 6th grade. Functional reading level is 3rd grade, math at 4th grade. There are no reported behavioral issues.

Issues: State Complaint filed over Least Restrictive Environment and Individualized Education Program implementation.

Student in self-contained ASD classroom and parent objected because students in class had much higher support needs in addition to no interaction with general education peers.

Agreement: To have daily playground and specials with general education peers and reconsider seating assignments based upon behaviors of classmates.

What is missing from this agreement?



Other Examples



Issue: Service on IEP for speech therapy was not provided for almost a year due to staff shortages causing loss of growth and learning. Parent not notified until February and meeting not held until late April.

Agreement: To enroll in Extended School Year every day for a month in the coming summer with 30 minutes each day of speech therapy. Assessment at end of ESY. Another meeting before school starts to determine speech therapy during the day and if there is a need for additional speech outside of school hours (Comp ed). If district hasn't hired new teacher, they will pay for outside speech therapist that the parents agree to utilize. Parents will be reimbursed for travel to and from private therapist.

Attorneys and Advocates



What if one or both parties are represented by an attorney?

No problem! Attorneys and advocates may participate in mediation to support the parties and the process.

However, mediation is designed to let educators and parents speak for themselves and develop solutions to meet student needs. You may experience a Mediator directing attorneys or advocates to let the parties involved speak. This may even result in something called a caucus.



Benefits of Mediation



Voluntary



Confidential



Participants control outcomes



Written, binding agreements



Participants become more self-sufficient



Solutions remain local



Dispute resolution cost decline



More time and money spent educating

When to Use Facilitation



- Complex issue
- Relationships strained
- Need help focusing on student issue(s)
- IEP/IFSP
- Disagreement
- Manifestation Determination Review
- Resolution Session related to Due Process.

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The Facilitator's Role



Will

- Receive information about concerns in advance of meeting.
- Acknowledge/Review agenda understanding and meeting guidelines
- Make sure everyone abides by rules for appropriate conduct
- Keep the meeting centered on the student's needs
- Help negotiate disagreements
- Keep the meeting on track and on time
- Conduct meeting if requested.

Won't

- Be a part of the team
- Give legal advice
- Take sides
- Make a decision.

Remember: Mediators and facilitators are not advocates and are obligated to remain neutral. Advocating for a school or parent could upset the balance between them and make solutions harder to reach.

Scenario

Student – “Jimmy” needs additional support for toileting in preschool.

Outcome: Specific protocol for toileting created as well as to established communication protocols with parent.

Question: What needs to be included so that anyone who picks up IEP can implement toileting protocol?

What does this look like?

- Facilitator may or may not “run” the meeting. This is up to the school district.
- They will ensure parents get to share thoughts and ideas.
- They will ensure school gets to share thoughts and ideas.
- Is additional information needed?
- Is the team focused on the student?
- Facilitator will support team by reiterating areas of agreement and ensure recording in the appropriate area of the document.





Overarching Goal



- Improve communication and relationships
- Create safe space to problem solve
- Build collaboration skills
- Improve student outcomes.

How To Request FREE Service

(Did we mention they're free?)



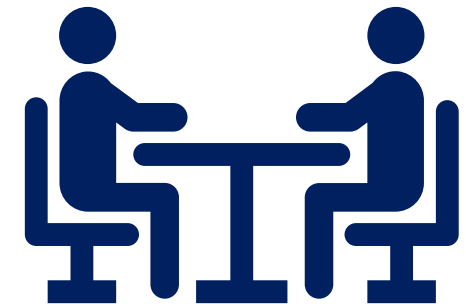
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Intake Process



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parties, arrange
schedules and
process
paperwork.



Parties Meet

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Newsletter



COMMUNICATION CONNECTION

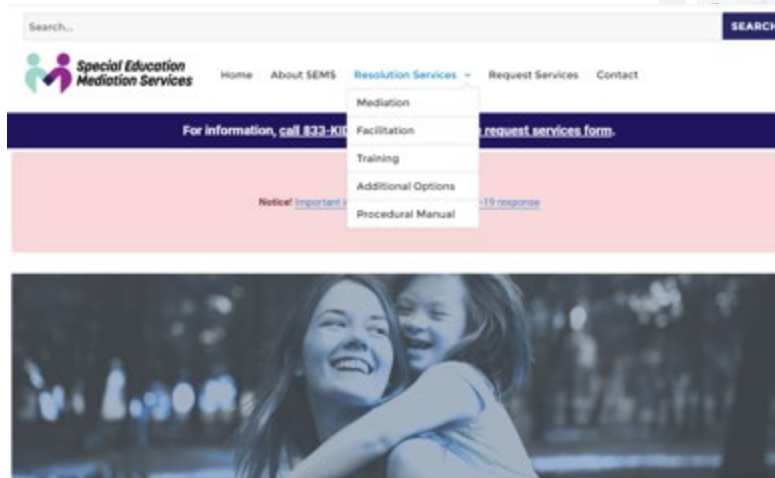
March 2023 | Issue 16 | Helping Families and Schools Since 1997

7 Keys to Achieving Communication Success!

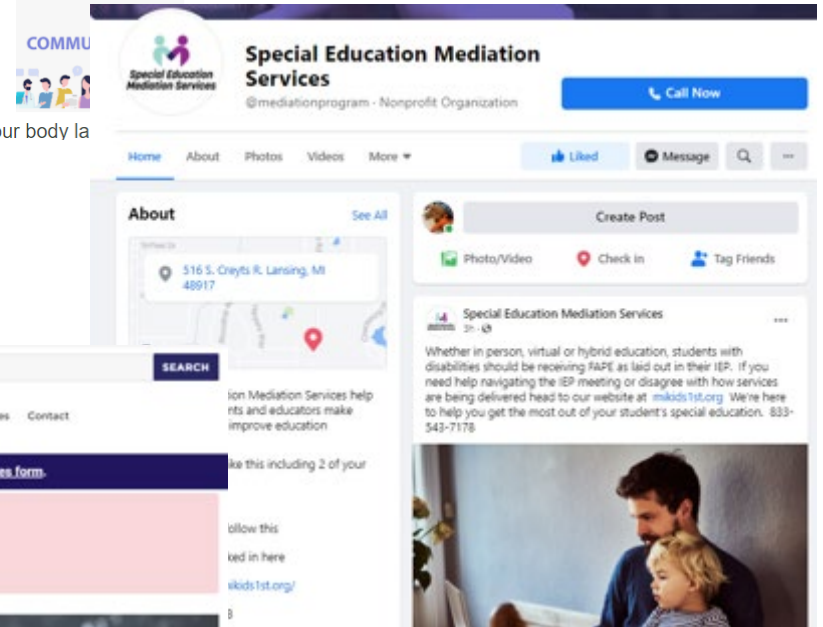
Communication is a key to success in every aspect of our lives: personal, friendships and career. Knowing how to communicate well can make all the difference.

- **Active Listening** - To truly hear what others are saying, we need to listen and hear what they are saying. Mind your body la

Website



Social Media



But wait, there's more!



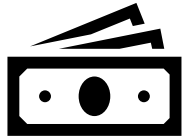
Communication Workshop Topics

- Dispute Resolution Options in Special Education
- Conflict Resolution and Communication in Special Education
- Discipline for Students with Disabilities
- Effective IEP Team Meeting Participation Techniques
- How to Develop Trusting Relationships Between Families and Schools
- How to Communicate with the Most Challenging Personalities
- Customized upon request.



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Thank You

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Michigan Department of Education
Office of Special Education



We are here to support you!

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For more information visit

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Michigan Alliance for Families

Michigan Alliance for Families is an IDEA Grant Funded Initiative of the Michigan Department of Education, Office of Special Education, and Michigan's federal Parent-Training and Information Center (PTIC) funded by U.S. Department of Education, Office of Special Education Programs (OSEP).

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