



Dispute Resolution: How to Talk About When Your Child's Educational Plan Isn't Working



**Special Education
Mediation Services**
Working Together for Student Achievement in Michigan

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Special Education Mediation Services

<h3>Grant-Funded</h3> <p>A Grant-Funded Initiative of the Michigan Department of Education Office of Special Education (OSE).</p>	<h3>Free</h3> <p>Offer FREE mediation, IEP facilitation and collaborative communication training to schools and parents across Michigan.</p>	<h3>Federally Mandated</h3> <p>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.</p>
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What We Do



We support students who receive special education supports and services (IFSP/IEP) birth to age 26 by fostering cooperation and effective teamwork among those who plan their education. The overall goal is to help students, parents and educators make decisions that improve education outcomes.

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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.

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Mediation and Facilitation Comparison



Mediation:

When you know you disagree.

Facilitation:

When you don't know what you don't know and you do know that you should know, call us, we'll help you.

Both are **voluntary** processes.

	Mediation	Facilitation
Goals	Resolve a specific dispute	Complete the process efficiently and collaboratively
Process	Mediator establishes	School establishes
Who attends	People who disagree	Special Education team
Existence of "sides"	Mediator must be neutral	Facilitator must be neutral

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How To Request FREE Service


(Did we mention they're free?)





Call
833-KIDS-1ST
Mikids1st.org



Participate in
Intake Process



We contact parties,
arrange schedules
and process
paperwork.



Parties Meet

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Why Should You Use SEMS FREE Services?



Behavior plan not being implemented as discussed.

Disagreement about an independent evaluation for speech therapy.

Personality conflict between Dad and Resource Room Teacher.

School wants student placed in a self-contained classroom and family disagrees.

When you don't agree with one another.

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Why Should You Use SEMS FREE Services?



Family feels out of touch with what's going on at school and wants better communication.

School wants family to stop texting teacher at 10 pm and wants improved interactions.

IEP not being implemented as written and need meeting to discuss improved plan.

School believes student needs specialized instruction, but family disagrees.



When you need help finding a solution that is focused on the student.

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Where We Provide Services

- Mutually agreed upon
- Local
- Virtual



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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

Call us early call us often!
1-833-KIDS-1ST

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Attorneys and advocates have no role in mediation.




FACT CHECK!
True or false?


False: Mediation is designed to let educators and parents speak for themselves and develop solutions to meet student needs. Attorneys and advocates may participate in mediation to support the parties and the process.

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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

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


Mediation Agreements are written by the family and school.

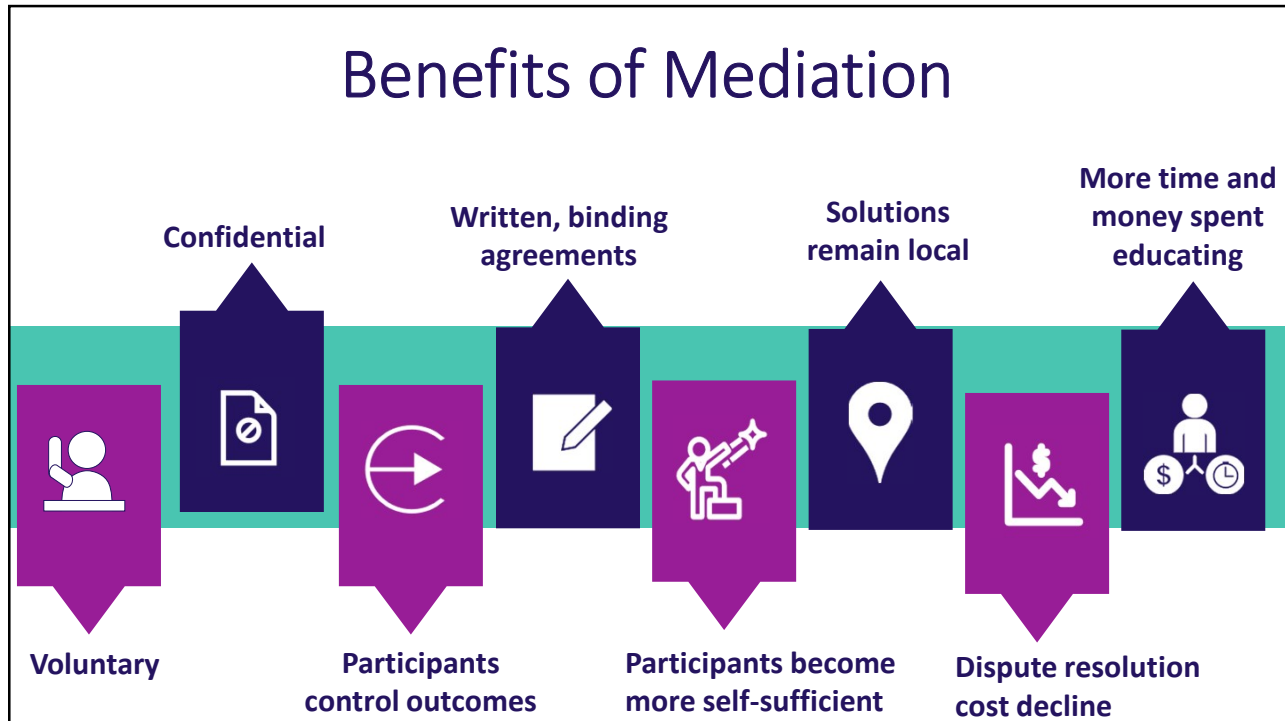


True: The parties remain the decision makers in mediation. The mediator cannot decide the issues for them.


FACT CHECK!
True or false?



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FACT CHECK!
True or false?

Mediation is considered a district failure.

False: The OSE is aware that there are disputes in special education. Its primary concern is how they will be resolved. OSEP and OSE policy favors dispute resolution among the parties first through direct talks or mediation. SEMS reports data in the aggregate only.


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Parties Meet

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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.



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FACT CHECK!

True or false?

Mediators and facilitators are NOT advocates.

True: Mediators and facilitators are obligated to remain neutral. Advocating for a school or parent could upset the balance between them and make solutions harder to reach.



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Parties Meet

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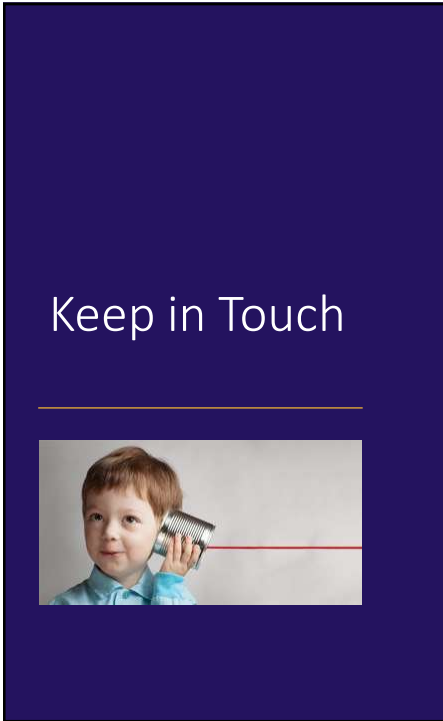
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The Big Picture

Michigan Special Education Communication Continuum

	Stage 1	Stage 2	Stage 3	Stage 4	Stage 5
Level of Intervention	Prevention	Discomfort, Questions, Complexity	Disagreement	Procedural Safeguards	Legal Review
Assistance, Intervention Options	Conflict resolution skills training	Informal party-to-party discussions MDE toll-free information phone line 888-320-8384	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		Third-party decision making		
	Informal, flexible		Formal, fixed		
	Interest-based		Rights-based		

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Newsletter



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Contingency Learning Plans and Recovery Services

Recent guidance from the Michigan Department of Education Office of Special Education encourages districts to implement Contingency Learning Plans to help meet obligation to provide a free public education (FAPE) for students with disabilities. As districts determine the appropriate mode of instruction...

Social Media



Website



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Communication Workshops



Possible workshop topics

- Collaborative Communication Skills
- Effective IEPs
- Engaging Families
- Conflict Resolution
- Meeting Management
- Customized upon request.

Visit www.mikids1st.org to complete form
or call (517) 334-0034

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Remember SEMS Is...



FREE



FAST



CONFIDENTIAL



EFFECTIVE



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Results



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



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Contact SEMS



Services

1-833-Kids1st
(833-543-7178)



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Thank You



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