



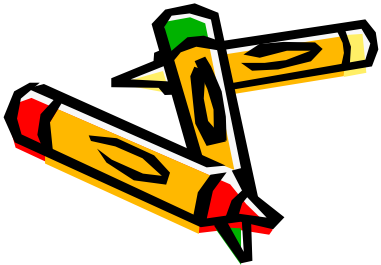
# From Policy to Practice



## Michigan's Conflict Resolution Continuum in Special Education

# Michigan Continuum

- Administration
  - U.S. Department of Education, Office of Special Education Programs
  - Michigan Department of Education (MDE), Office of Special Education/Early Intervention Services
    - Ann Omans
    - Harvatee Saunto
  - Dispute Resolution Education Resources, Inc. (DRER)
    - Michigan Special Education Mediation Program (MSEMP)
      - » David Gruber
      - » Cheryl Levine



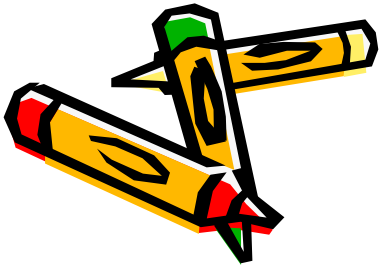
# Michigan Continuum

- Mission

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

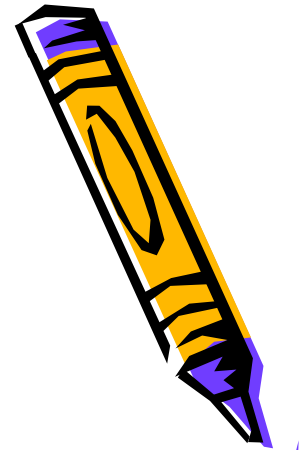
- School head count 2006: 1,727,574

- Special education count: 249,006  
14.4%



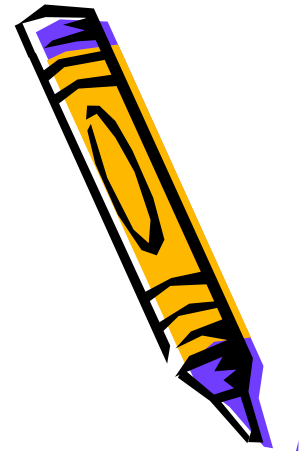
# Michigan Continuum

- 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



# Michigan Continuum

- Legal Framework
  - 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



# Michigan Continuum

- Sources of Conflict
  - Parents, educators may differ on what is required in or how to implement an IEP
    - Differing views of a child's needs
    - Lack of problem-solving knowledge
    - Lack of communication strategies
    - Quality of services
    - Resource constraints
    - Valuation
    - Reciprocal power
    - Trust



Source: Lake, Jeannie F.,  
Billingsley, Bonnie S., An  
Analysis of Factors That  
Contribute to Parent-School  
Conflict in Special Education,  
*Remedial and Special Education*, July  
2000 v21 i4 p240

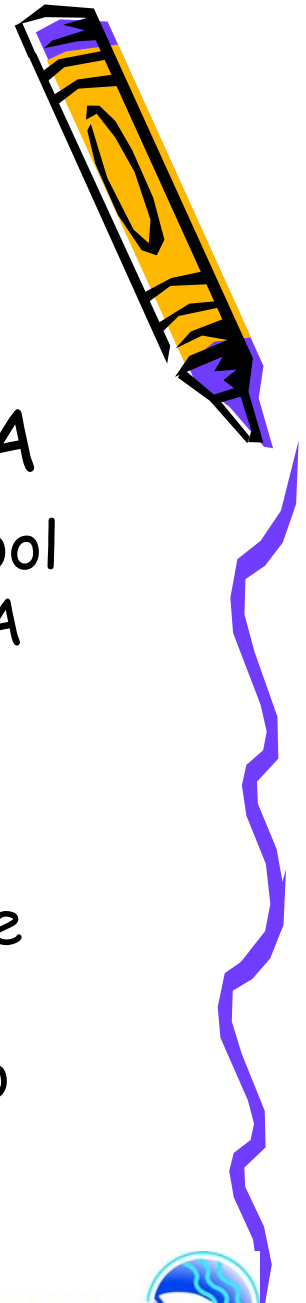
# Michigan Continuum

- Procedural Safeguards under IDEA
  - IDEA requires all states to have processes and procedures to resolve disagreements, including:
    - Due Process (Administrative) 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

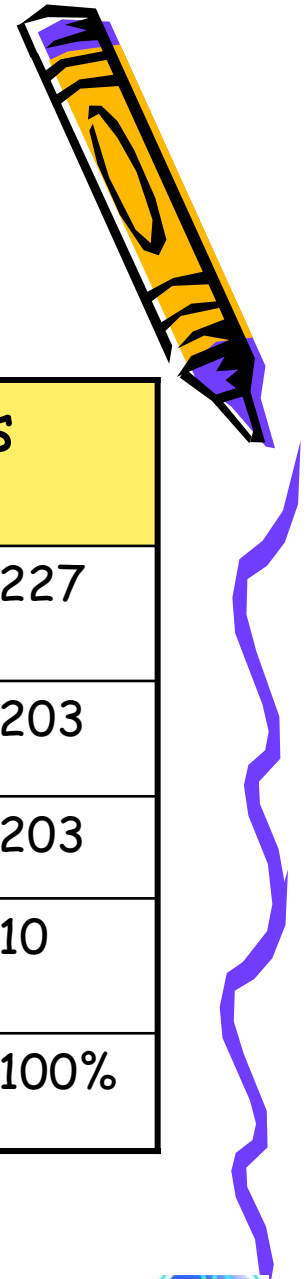


# Michigan Continuum

- Procedural Safeguards under IDEA
  - State Complaints: A statement that a school district has violated a requirement of IDEA 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

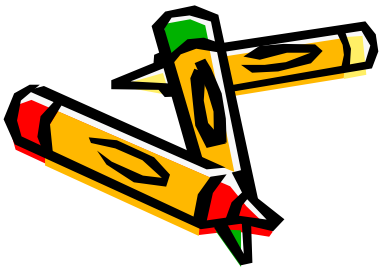


# Michigan Continuum

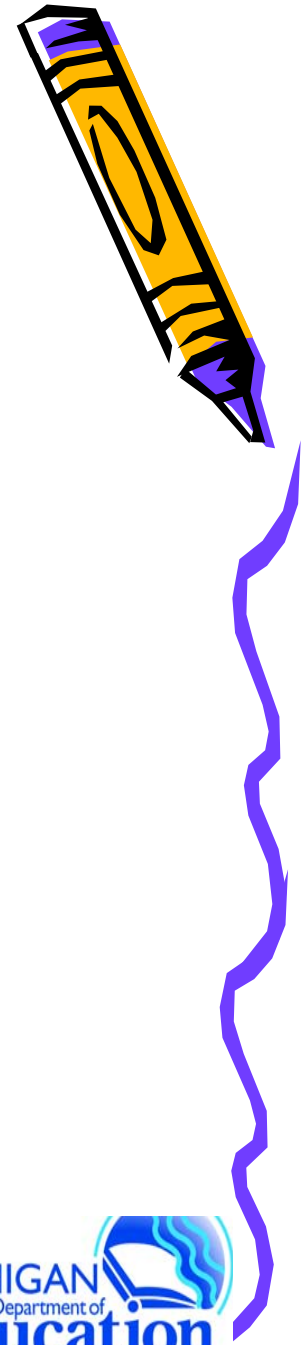


Due Process Hearings FFY2005	
Hearing requests total	116
Resolution sessions	77
RS settlement agreements	28
Hearings	9
Resolved without hearing	90%

State Complaints FFY2005	
Signed written complaints total	227
Complaints with reports	203
Reports with findings	203
Complaints withdrawn, dismissed	10
Resolved within timeline	100%



# Michigan Continuum

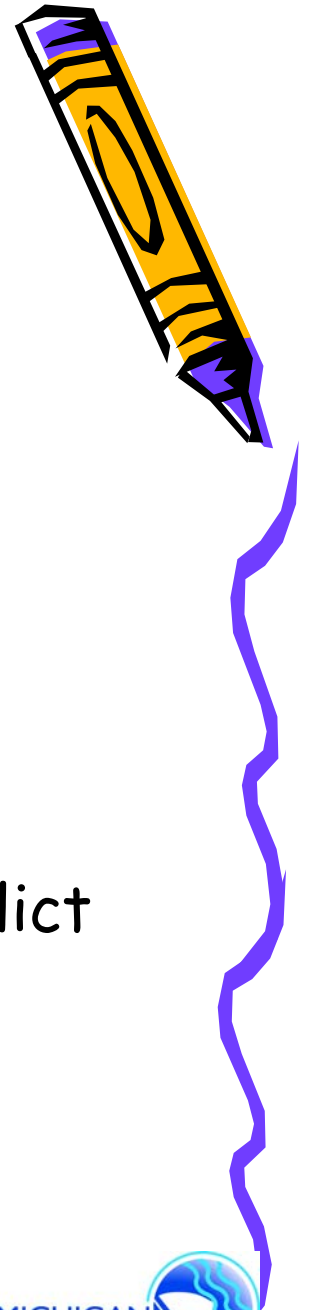
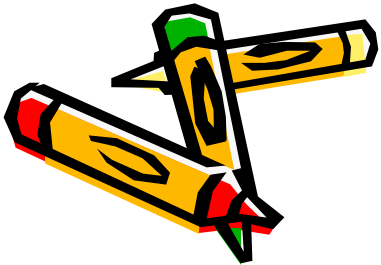


Mediation FFY2005	
Mediations total	57
Mediations w/complete agreement	50
Mediations w/partial agreement	3
Complete/partial agreement rate	88/93%



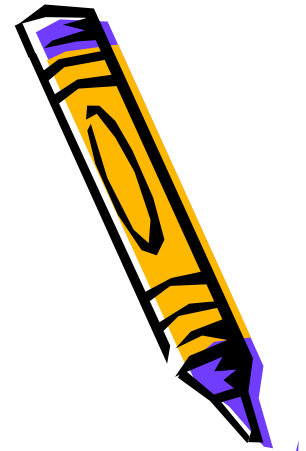
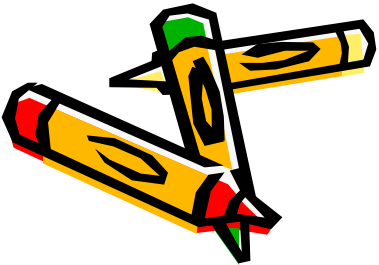
# Michigan Continuum

- 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

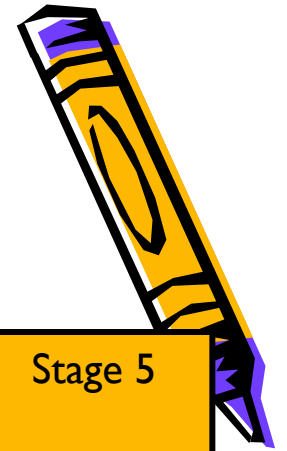


# Michigan Continuum

- MDE's Approach to Conflict Management
  - Oversee state complaint process
  - Work with State Office of Administrative Hearings and Rules on due process complaints
  - Provide early conflict resolution (CR) services
    - Provide grant funding to the selected organization
    - Coordinate program, budgeting, data collection activities
    - Evaluate program performance



# Michigan Continuum

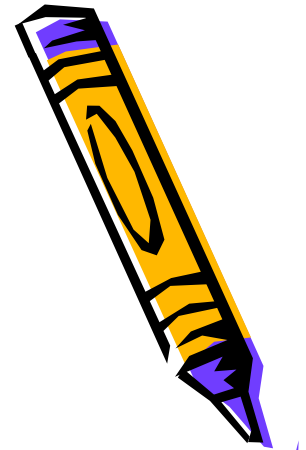
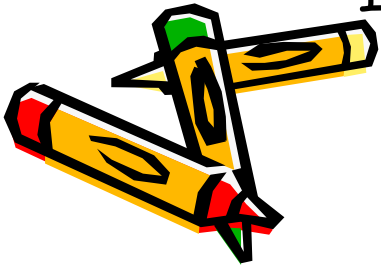


Stage of Conflict	Stage 1	Stage 2			Stage 3	Stage 4			Stage 5			
Level of Intervention	Prevention	Disagreement			Conflict	Procedural Safeguards			Legal Review			
Assistance, Intervention Options	Conflict resolution skills training	Informal party-to-party discussions	MDE toll-free information phone line	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			



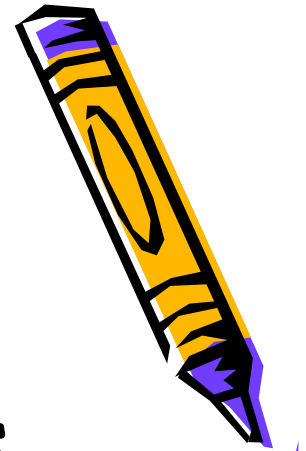
# Michigan Continuum

- Service delivery, early CR services
  - Grantee: DRER-Nonprofit 501(c)(3)
  - Project: Michigan Special Education Mediation Program (MSEMP)
  - Activities:
    - Administration
    - Outreach
    - Training
    - Data collection
    - Internal evaluation

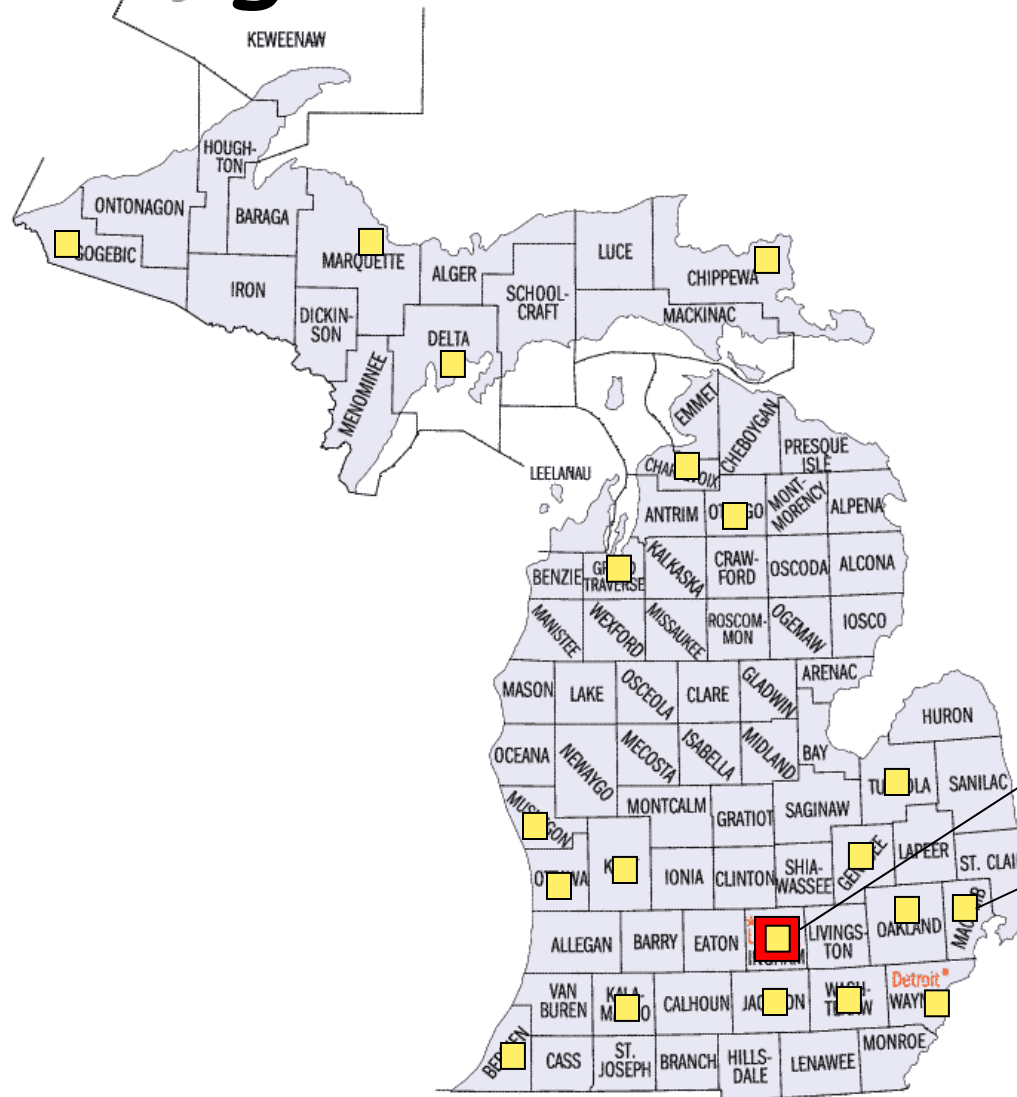


# Michigan Continuum

- Service delivery, early CR services
  - Administration
    - All services provided at no cost to schools and parents
    - Services made available through network of 20 community dispute resolution centers

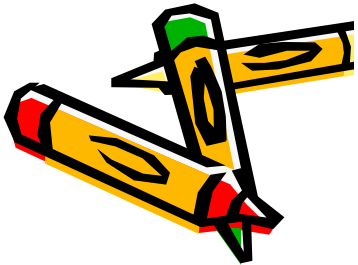


# Michigan Continuum



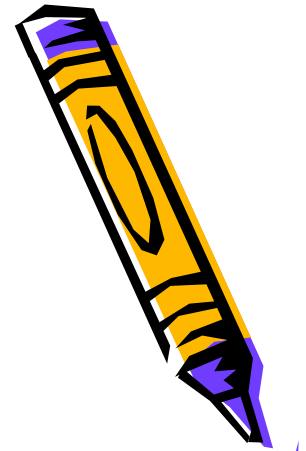
MDE/MSEMP

Centers



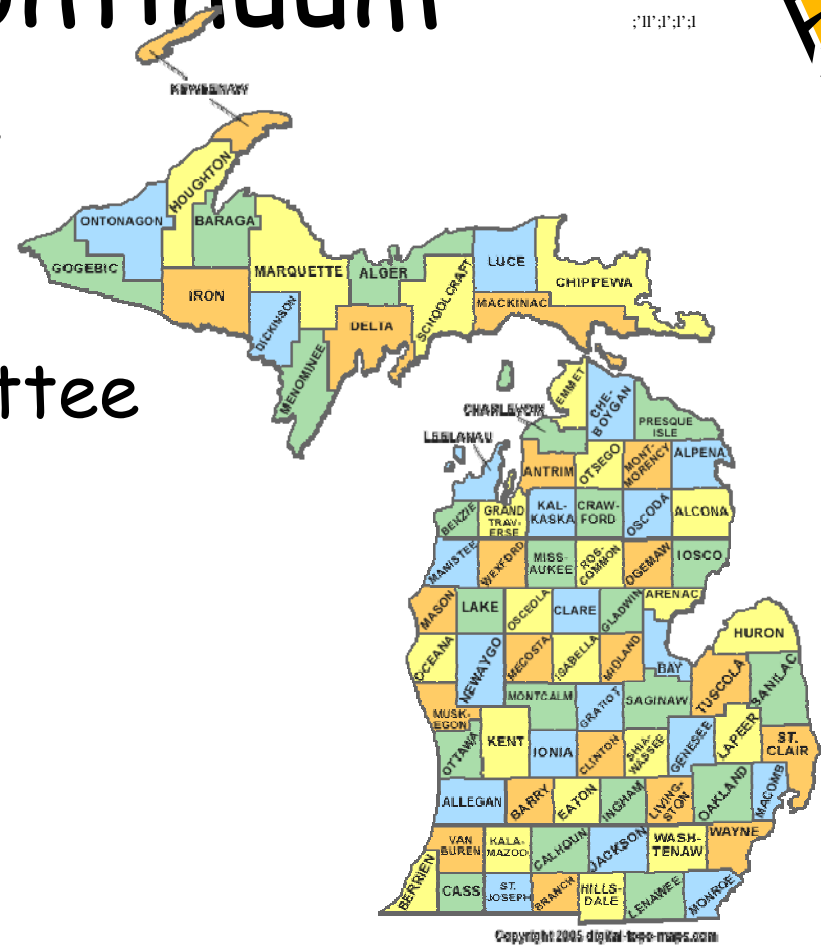
# Michigan Continuum

- Service delivery
  - Administration: MSEMP office
    - Increase awareness of the program
    - Train mediators, facilitators in law and regulation
    - Train parents, educators in collaborative communication, conflict resolution skills
    - Ensure high quality of services
    - Collect, report case activity to the MDE
    - Pay centers for services rendered



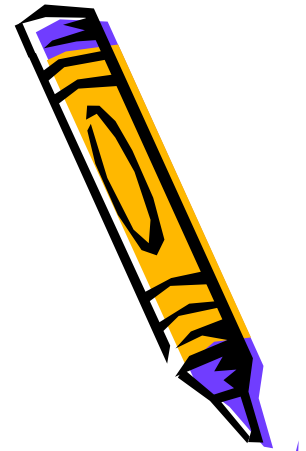
# Michigan Continuum

- Service delivery
  - Outreach
    - Advisory committee
    - Outreach representatives
    - Publications
    - Direct mailings
    - Web site
    - MSEMP centers



# Michigan Continuum

- Service delivery
  - 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 update training every two years
    - 8-hour facilitation training



# Michigan Continuum



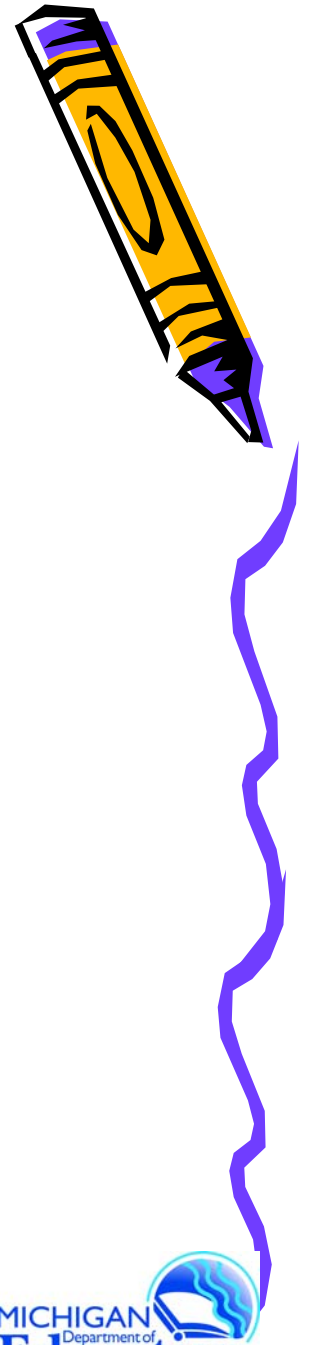
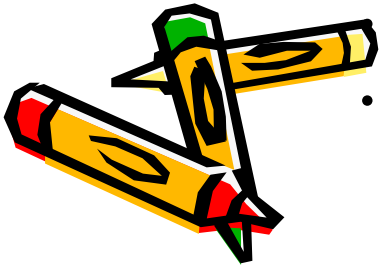
- Service delivery
  - Training
    - Mediation
      - Law, regulation, hot issues, cases
      - Legal updates
    - Facilitation
      - Skills
      - Cultural sensitivity
      - IEP meeting process
      - Applying skills to IEP process

Mediation, Facilitation Compared	Mediation	Facilitation
<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



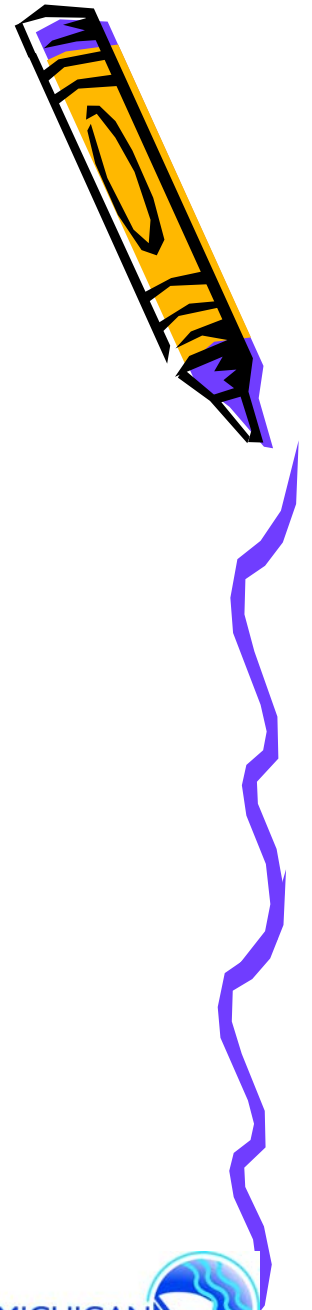
# Michigan Continuum

- Service delivery
  - Training: parents, educators
    - Ground rules
    - Active listening skills
    - "I" statements
    - Paraphrasing
    - Issue reframing
    - Distinguishing interests from positions
    - Focusing on issues, not personalities
    - Brainstorming
    - Writing agreements



# Michigan Continuum

- Service delivery
  - Administration: MSEMP centers
    - Intake
    - IEPT facilitation
    - Mediation
    - Outreach
    - Data reporting



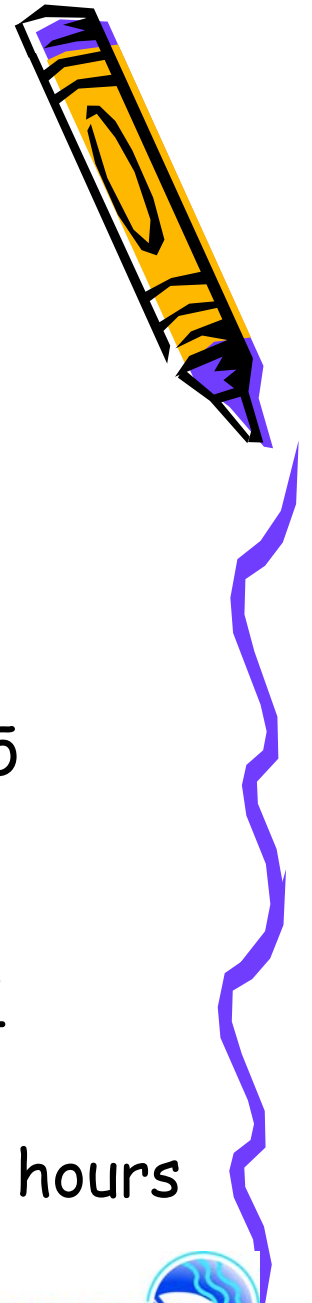
# Michigan Continuum

- Service delivery

- Data collection

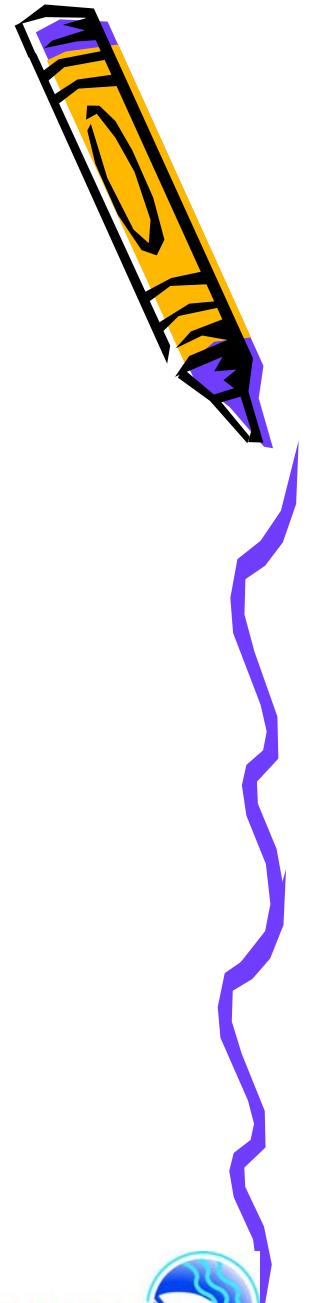
- Key figures (since 1998)

- Number of cases opened	565
- IEPT meeting facilitations	74
- Resolution sessions	0
- Mediations	271
- Avg. days from intake to session	27
- Avg. length of session	2.7 hours



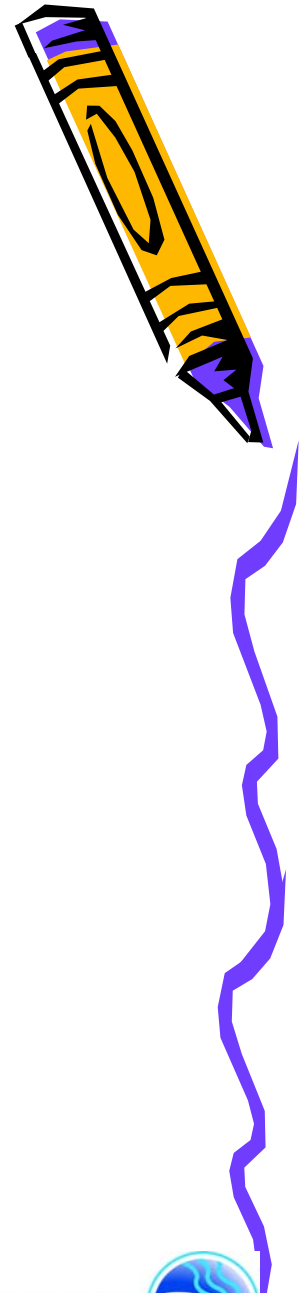
# Michigan Continuum

- Service delivery
  - Internal evaluation
    - Types
      - Mediators, facilitators
      - Mediation participants
      - Facilitation participants
      - Workshop participants



# Michigan Continuum

- Service delivery
  - Internal evaluation
    - Key questions
      - Mediator, facilitator neutrality
      - Mediator, facilitator knowledge
      - Satisfaction with agreement
      - Willingness to use service again



# Michigan Continuum

## ■ MSEMP results

IEP facilitation implementation rate	83%
Mediation resolution rate	82%
Avg. length of time case open	27 days
Avg. length of a mediation session	2.7 hours
Mediators are fair	97% agree
Mediators understand discussion	94% agree
Satisfied with agreement	87% agree
Would use mediation again	88% agree



# Michigan Continuum

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