



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
 - Harvalee 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.

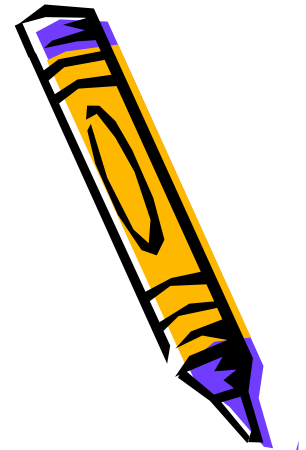
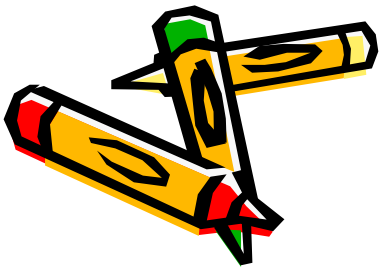
- School head count 2006: 1,727,574

- Special education count: 249,006
14.4%



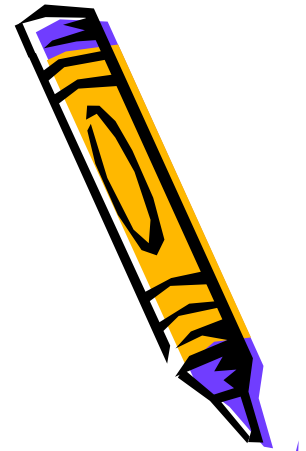
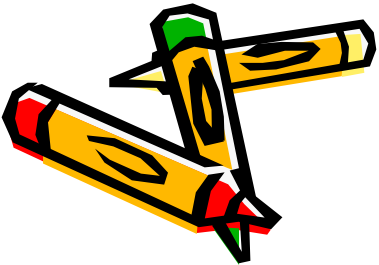
Michigan Continuum

- 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

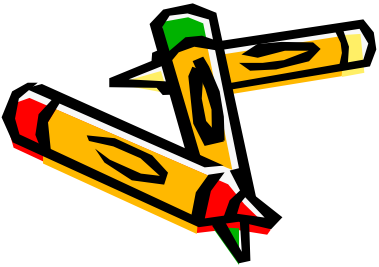
- Sources of Conflict
 - Parents, educators may differ on what is required in or how to implement an IEP
 - Differing views of a child's needs
 - Lack of problem-solving knowledge
 - Lack of communication strategies
 - Quality of services
 - Resource constraints
 - Valuation
 - Reciprocal power
 - Trust



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

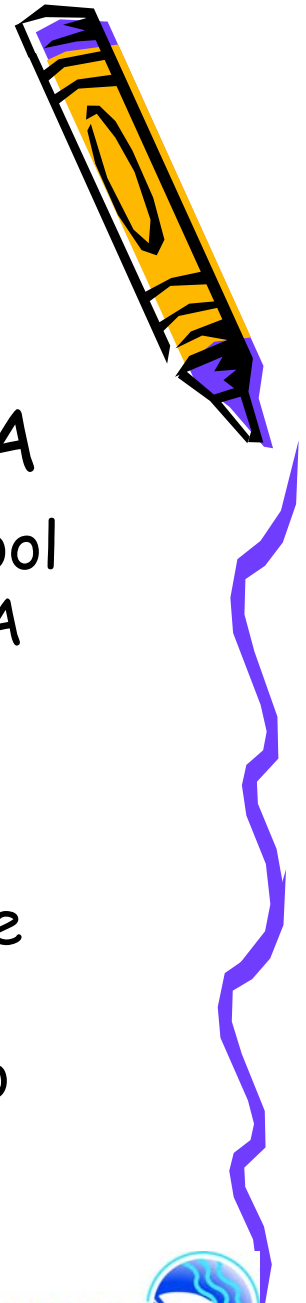
Michigan Continuum

- 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

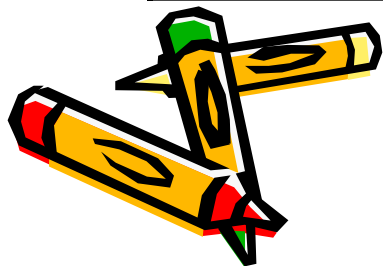


Michigan Continuum

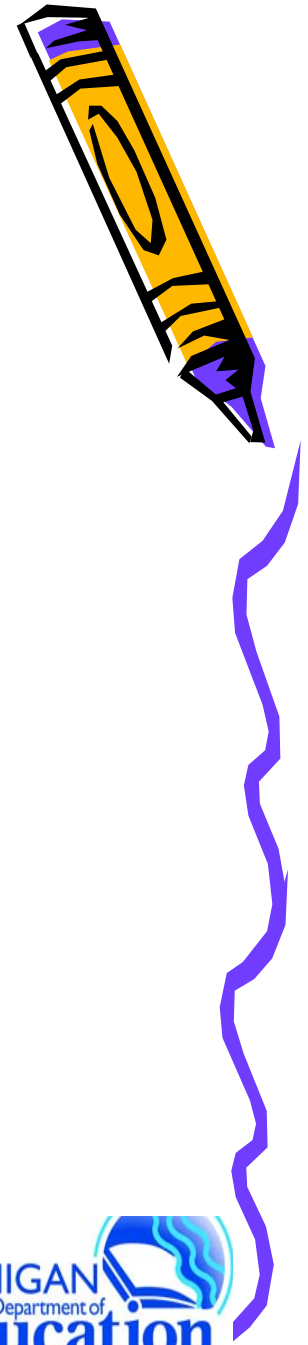


Due Process Hearings FFY2005	
Hearing requests total	116
Resolution sessions	77
RS settlement agreements	28
Hearings	9
Resolved without hearing	90%

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

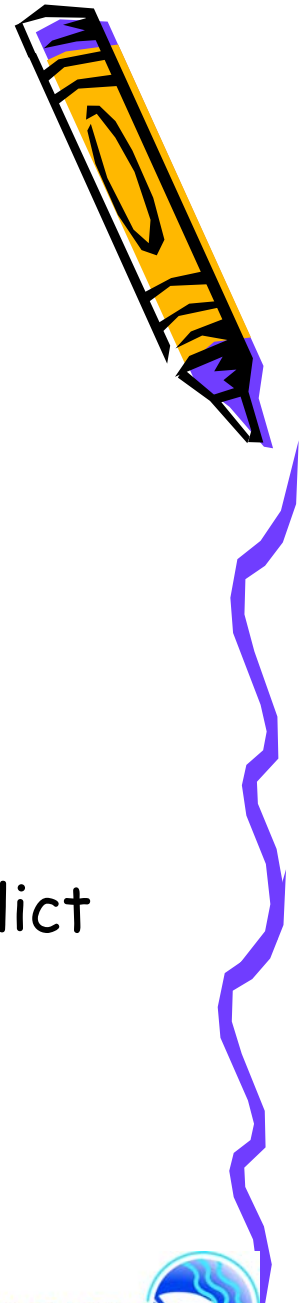
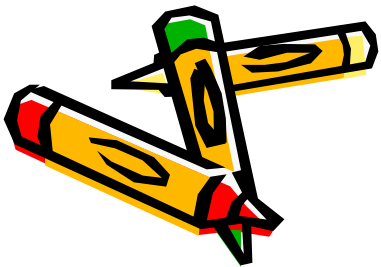


Mediation FFY2005	
Mediations total	57
Mediations w/complete agreement	50
Mediations w/partial agreement	3
Complete/partial agreement rate	88/93%



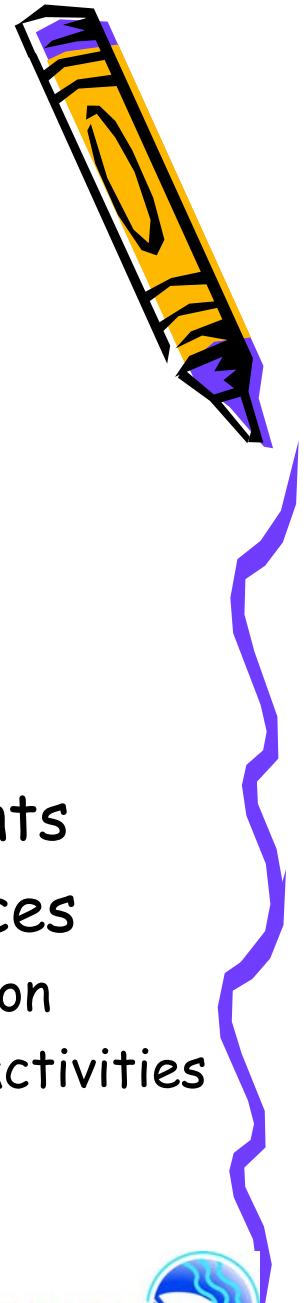
Michigan Continuum

- 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

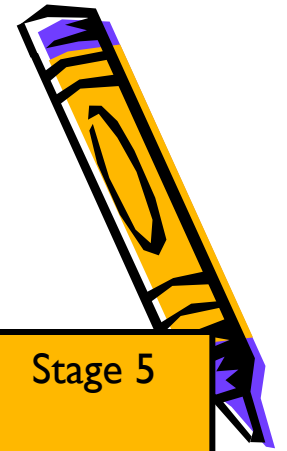


Michigan Continuum

- 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

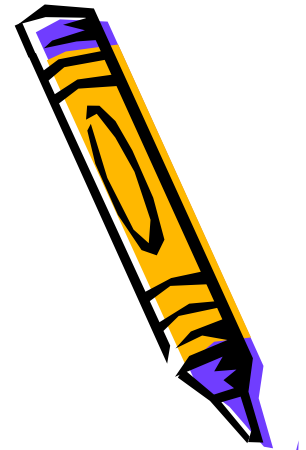
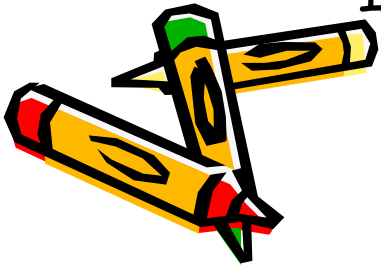


Stage of Conflict	Stage 1	Stage 2			Stage 3	Stage 4			Stage 5			
Level of Intervention	Prevention	Disagreement			Conflict	Procedural Safeguards			Legal Review			
Assistance, Intervention Options	Conflict resolution skills training	Informal party-to-party discussions	MDE toll-free information phone line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



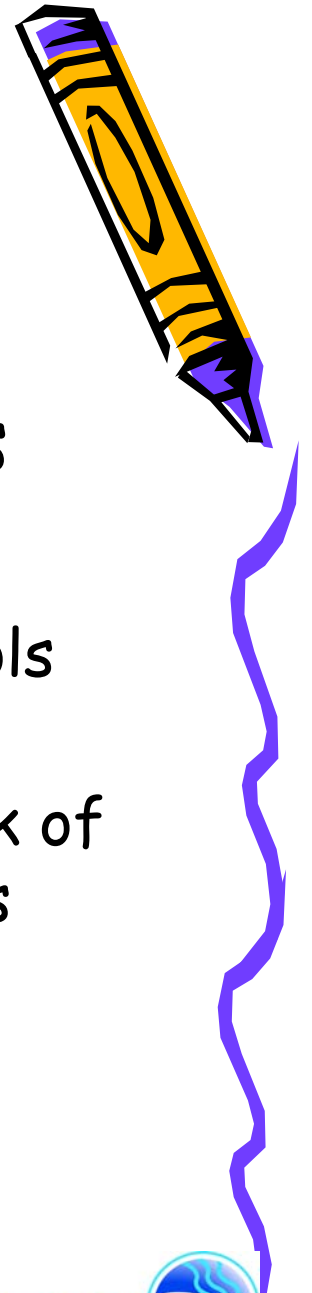
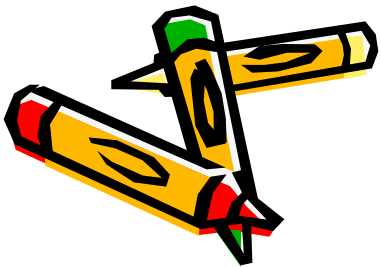
Michigan Continuum

- 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

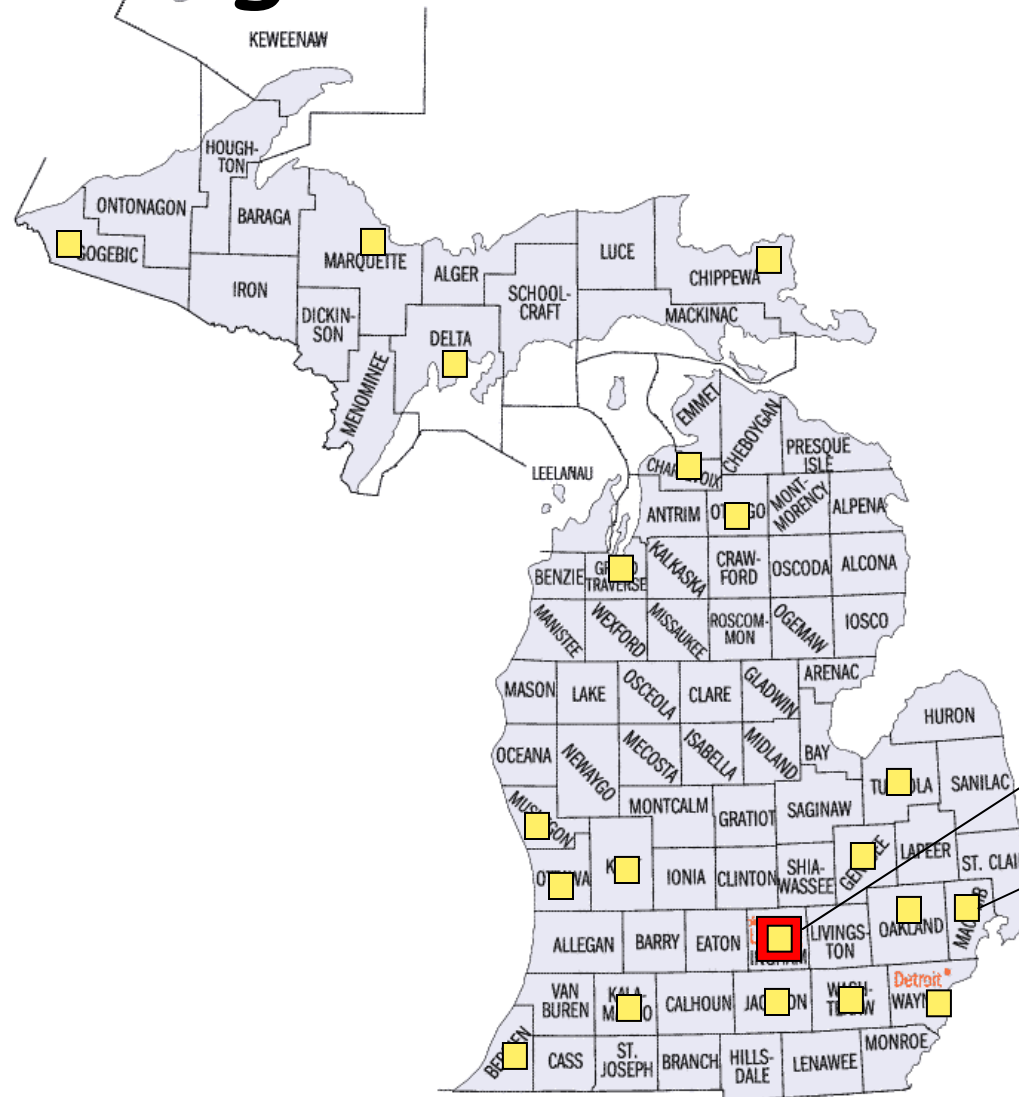


Michigan Continuum

- 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

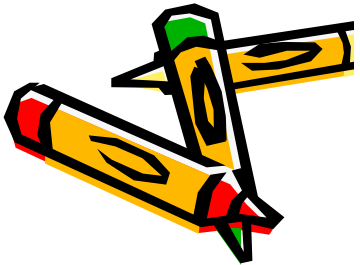


Michigan Continuum



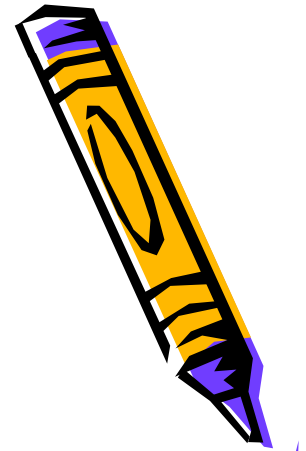
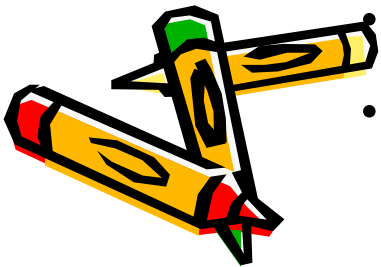
MDE/MSEMP

Centers



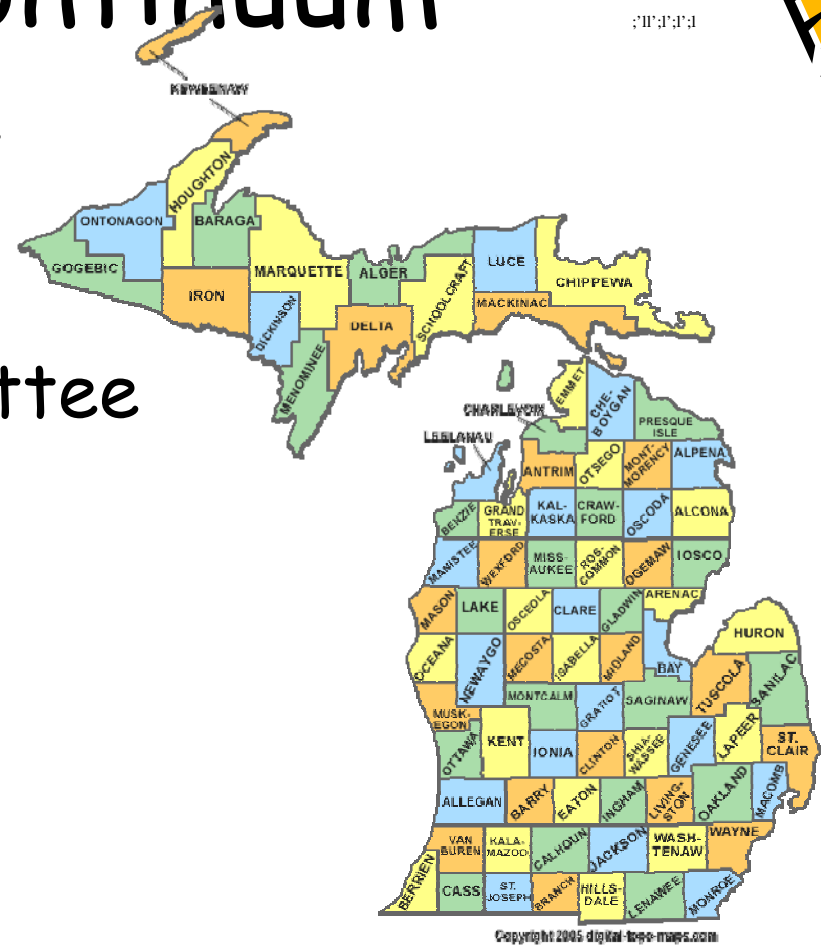
Michigan Continuum

- 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



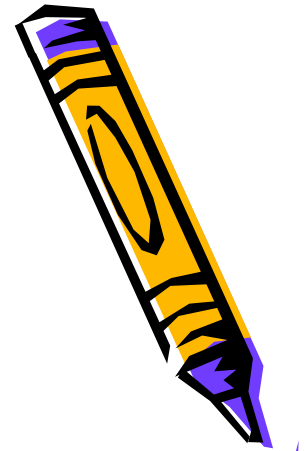
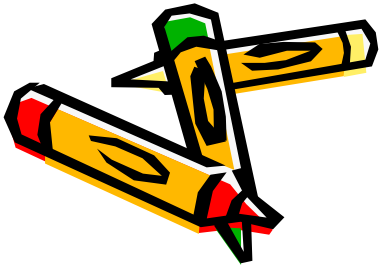
Michigan Continuum

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

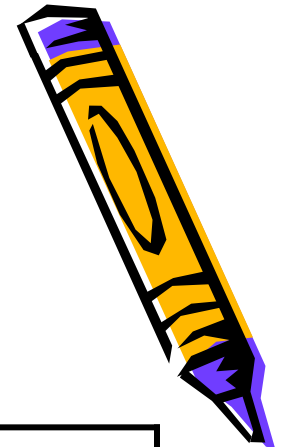


Michigan Continuum

- 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



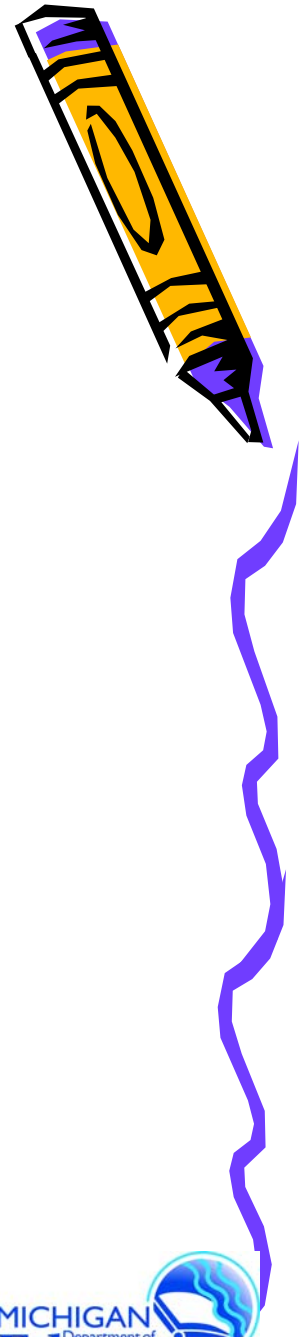
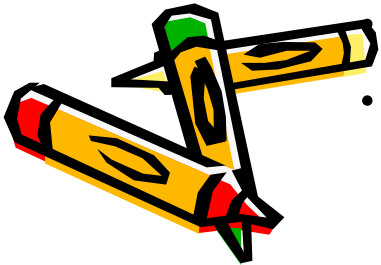
- Service delivery
 - Training
 - Mediation
 - Law, regulation, hot issues, cases
 - Legal updates
 - Facilitation
 - Skills
 - Cultural sensitivity
 - IEP meeting process
 - Applying skills to IEP process

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



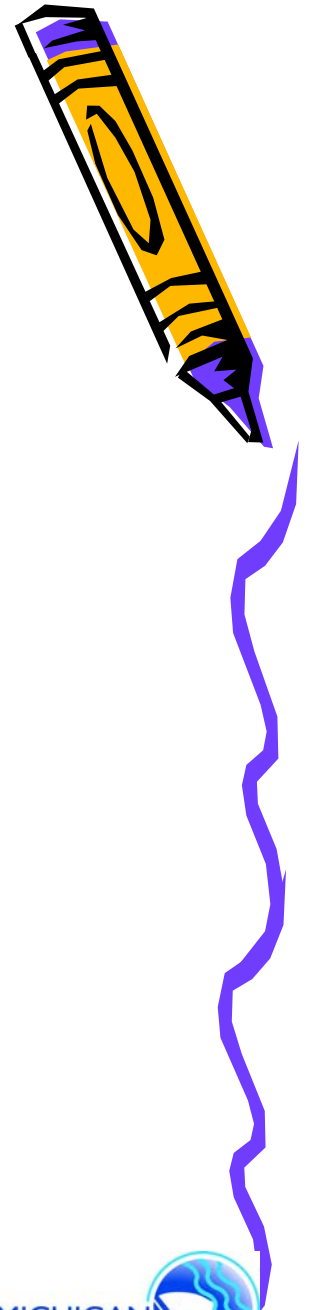
Michigan Continuum

- 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

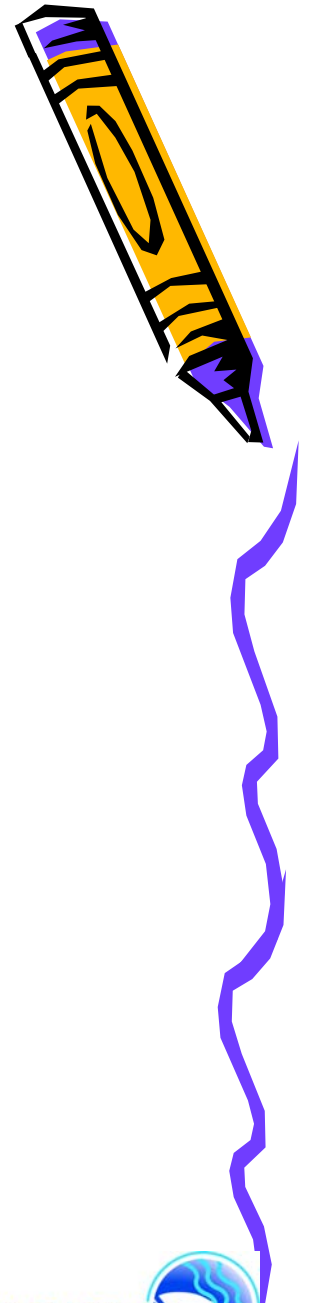
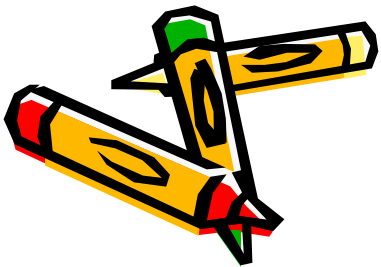
- Key figures (since 1998)

- 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



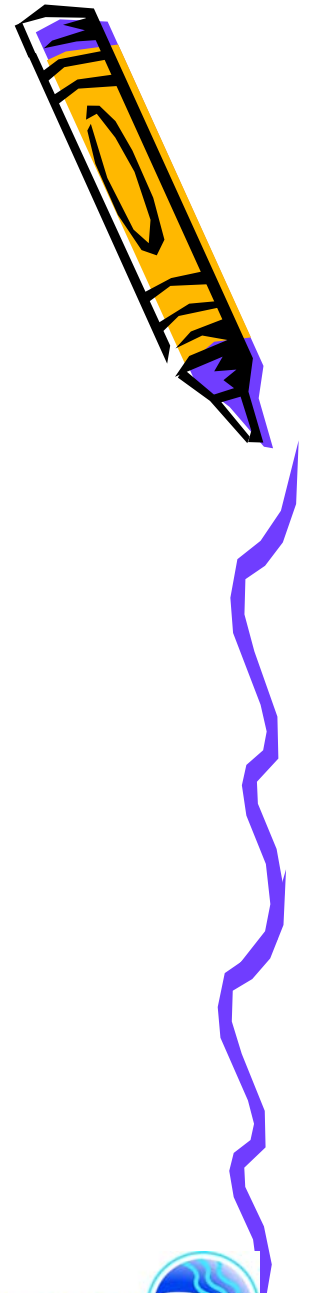
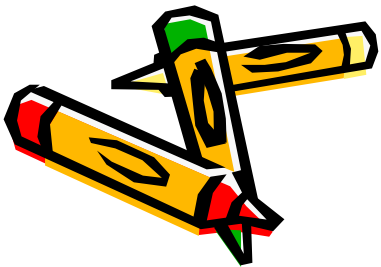
Michigan Continuum

- 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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