

# **WISCONSIN SPECIAL EDUCATION MEDIATION SYSTEM**

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# **Wisconsin Special Education Mediation System**

***IEP Facilitation*** ■

***Mediation*** ■

***Resolution Process*** ■

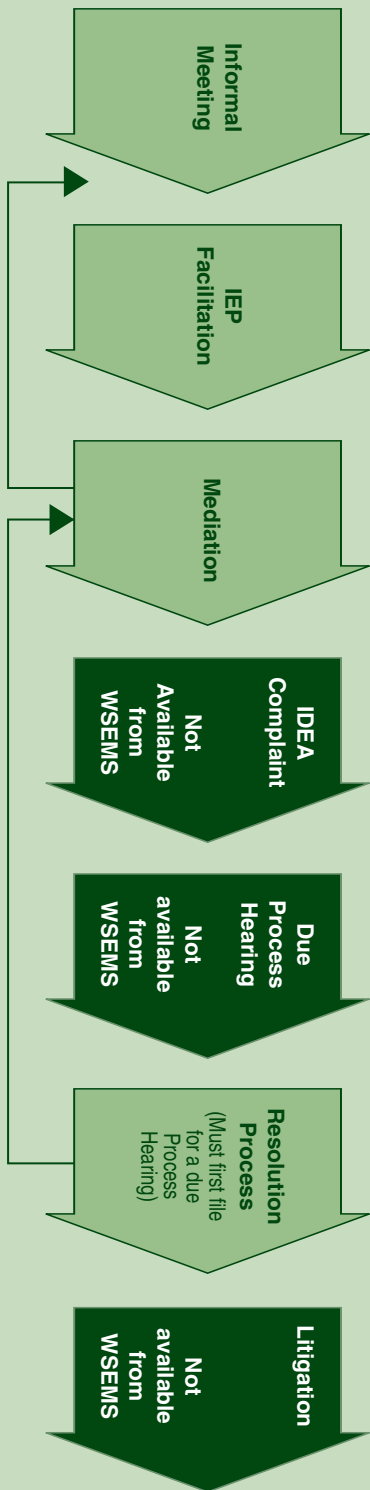


**Wisconsin  
Special Education  
Mediation System**

***Parents and Schools Working Together***



## Dispute resolution options available to parents and schools



Choosing the light green options gives parents and schools more control over the outcome. For more information about the IDEA Complaint and Due Process Hearing options, contact the Wisconsin Department of Public Instruction at (608) 266-1781, or toll free 1-800-441-4563.

## OUTREACH

### Information

To schedule a presentation:

- Call WSEMS at 888-298-3857

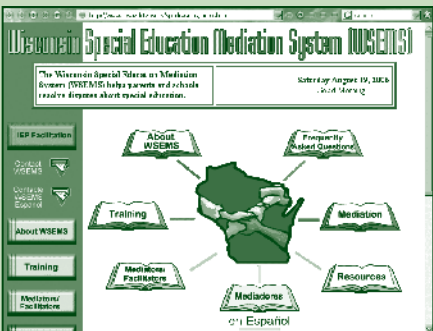
### Resources

- WSEMS exhibits at conferences statewide to share resource materials with parents and schools.

### Website

The WSEMS website contains information on such topics as:

- Frequently asked questions about the mediation process
- The benefits of mediation
- Information on roster mediators/facilitators
- Available trainings
- Resources
- WSEMS forms (including request for mediation form)



[www.wsems.us](http://www.wsems.us)

## WISCONSIN SPECIAL EDUCATION MEDIATION SYSTEM (WSEMS)

### A Statewide System

- Funded by the Wisconsin Department of Public Instruction, WSEMS has been helping Wisconsin parents of children with disabilities and schools resolve disputes related to special education since 1996.

### Mediators/Facilitators

- Impartial professionally-trained mediators/facilitators are available throughout the state.
- They are skilled in mediation and facilitation and familiar with the special education process.

### WSEMS Dispute Resolution Options

- IEP Facilitation
- Mediation
- Resolution Process

### Free

- There is NO COST to parents and schools.

### Start Early

- Address your issues as early as possible.

### Information

- CALL toll-free 888-298-3857

## OUTREACH

### WSEMS Team

- The WSEMS partners conduct educational presentations statewide.
- The team includes: a parent, a special education director and a mediator.
- The team models collaboration and effective communication and always emphasizes the importance of resolving conflict at the earliest possible stage.

### Training

- Training is free.
- Topics include: *WI Special Education Dispute Resolution Options; Effective Participation in Dispute Resolution Options; Collaborative Problem Solving; and more.*
- WSEMS prefers to train parents and school staff together.
- Training can be provided in English and Spanish.



## RESOLUTION PROCESS

### May the meeting be waived?

- Yes - but, the parent and the school district must both agree to waive the option of a resolution meeting.
- They must sign a written waiver and either go to the mediation process or go on to a due process hearing.

### Who may participate in a resolution meeting?

- Parents, school representative (with decision-making authority on behalf of the school), and relevant member(s) of the IEP team.
- The parents and school district decide who they would like to have participate.
- The school district may not bring an attorney unless the parents bring an attorney (No attorney's fees are awarded in the resolution process).

### Is there a timeline?

- The resolution meeting must be held within 15 days of the school receiving the due process hearing request. The process can consist of one or more meetings.
- If the school is not able to resolve the dispute to the satisfaction of the parents within 30 days, the due process may proceed.

### What about confidentiality?

- There is no legal requirement to keep discussions in the resolution meeting confidential.
- A confidential agreement could be considered for parties to sign at the beginning of the session, but the legal effect of such an agreement is unclear.

## INFORMAL MEETING

### What to do when issues arise?

- When issues arise, communicate directly with the people involved as soon as possible.
- First, you can call to schedule an informational meeting to discuss the situation.
- Second, you can prepare for the meeting by making a list of issues and some possible solutions.

### What can you do in the meeting?

- See if you can agree on the issue(s) that must be addressed.
- Listen actively to understand the other person's perspective.
- Communicate your perspective clearly. Use your notes to keep you and the meeting on track and focused on the child.
- Ask questions or restate so you and others are clear in your understanding.
- Work together to suggest some possible options to resolve the issue/s.
- Analyze all of the options to see if you can find areas of agreement.
- Discuss what should happen next.



## INFORMAL MEETING

### What about dealing with emotions in the meeting?

- Try to explain your emotions calmly and describe what your concerns are about the future to the other participants.
- Ask someone to come with you to the meeting to help you stay focused positively.
- If, by chance, you make a mistake or cause offense, say you are sorry. An apology can go a long way to resolving the situation.

### What if the issues are not fully resolved in the meeting?

- Consider scheduling another informal meeting with different or additional people.
- Call others for suggestions on possible future action.
- Call WSEMS, 888-298-3857. A facilitated IEP meeting or mediation could be helpful.



## RESOLUTION PROCESS

### What is a resolution process?

- An option for dispute resolution to be made available whenever a due process hearing has been requested.
- The resolution process is a meeting between the school and parents to give them an opportunity to resolve the specific dispute that is the basis of the due process complaint.
- The resolution meeting may be held with or without the help of a neutral facilitator.
- Facilitators are available from WSEMS.

### Is there a fee for the facilitator?

- No.  
Facilitation services from WSEMS for the resolution meeting are free to parents and schools.

### How to request a facilitator?

- Call WSEMS, 888-298-3857.
- If either the parents or school do not want a facilitator, one will not be provided.



## MEDIATION

### When to request mediation?

- When you think you need a mediator to help you reach agreement on specific issues.
- When special education issues involve: identification, evaluation, IEP, placement, or free appropriate public education.
- When there is an ongoing relationship, a need for privacy and creative and flexible solutions.

### What does WSEMS data trends show?

(N=over 1,000 participants responses)

- A mediation session averaged a little over three hours.
- 82% of participants were satisfied with the agreement that was reached.
- 88% of participants were satisfied with the process.
- 90% would use mediation again.
- 86% of mediation sessions resulted in an agreement between the parties.
- 114 due process hearing requests were withdrawn as a result of successful mediation sessions.

## IEP FACILITATION

### What is a facilitated IEP?

- An option for early conflict resolution that Wisconsin has chosen to make available to parents and schools.
- A neutral, trained professional (a facilitator) helps the IEP team with the IEP process.
- The Process may be used for any IEP team meeting, including initial, annual or reevaluation.

### Is there a fee?

- No.  
IEP facilitation is free to parents and schools.



### How to request IEP facilitation?

- Call WSEMS, 888-298-3857.
- This is a voluntary process. If either the parents or school say no, a facilitated IEP will not be held.



## IEP FACILITATION

### When to request IEP facilitation?

- Early in the IEP process.
- When you think an IEP team meeting will be difficult for you (for example, if you feel that there may be a lack of trust or you are worried about problems with communication).

### What is facilitator's role?

- The facilitator helps the IEP team maintain open and respectful communication; keeps team members on task; and offers ways to resolve conflicts that arise in the development of the IEP.
- The facilitator is not a member of the IEP team.

Since April 2004, 86% of participants have reported that they were satisfied with the IEP facilitation process and 85% would use it again.

"The facilitator's skills were extremely helpful during the process."

*-District Administrator*

"The facilitator did a great job, especially in light of the number of people involved."

*-Parent*

## MEDIATION

### What is mediation?

- An option for early conflict resolution required by state and federal law to be available for parents and schools.
- A mediator helps parents and schools resolve special education issues in a less formal setting.

### Is there a fee?

- No.  
Mediation services are free to parents and schools.

### How to request mediation?

- Call WSEMS, 888-298-3857.
- This is a voluntary process. If either the parents or school say no, mediation will not take place.

### Who may participate?

- Parents (or adult student) and two representatives of the school.
- Others may participate, if both parents and school agree.

