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# Family Training Series

**Session 4: Addressing Concerns and Dispute Resolution**



# **Translator, Interpreter & Other Accommodations for This Training.**



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## Meet the Team



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# Family Training Series Topics

Session 1: Building Knowledge and Nurturing Relationships

Session 2: Referral to Special Education and the Eligibility Process

Session 3: IEPs, Service Delivery & Behavior Interventions

Session 4: Addressing Concerns and Dispute Resolution





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# Objectives

- 1. Effective Communication within the Process of Special Education**
- 2. Conflict is Natural**
- 3. Dispute Resolution Process**



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# Working Together on Building and Sustaining Effective Ways of Communication

## Why is effective communication so important?

- Effective communication addresses concerns or doubts timely, avoiding misunderstandings in the future.
- Effective communication allows all team members to interact freely and respond effectively to the needs of the student in a positive way.
- We all feel valued and respected when communication is transparent and effective. Still, most importantly, the student benefits the most when everyone commits to working together with their best interest in mind.





# Question 1

**Effective Communication is the Key for Strong Collaboration.**

Who do you think is responsible when it comes to effective communication?

- A. The teacher
- B. The principal
- C. The parent
- D. The child
- E. All of the above**

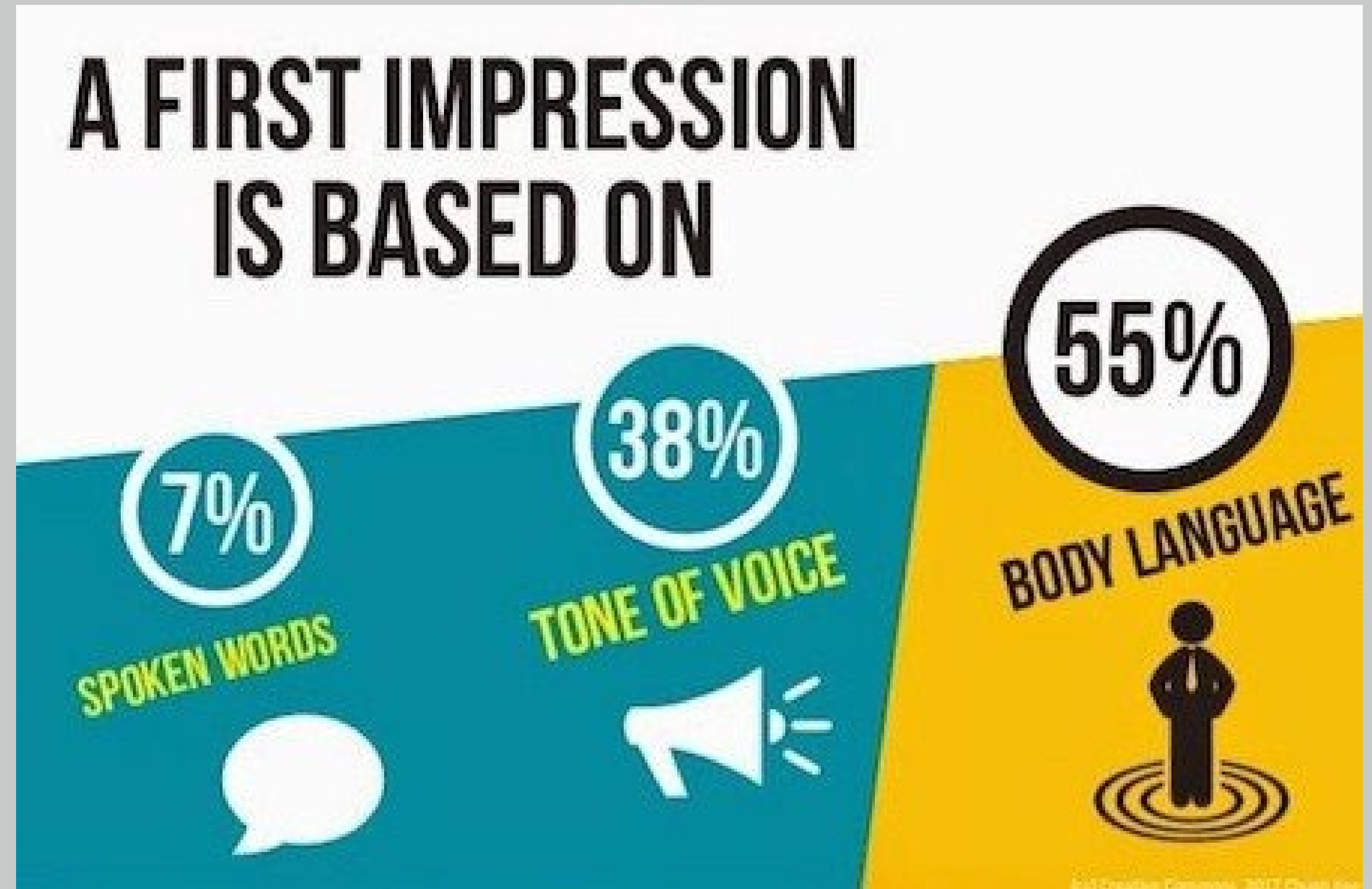
**The correct answer is 'E. All of the above'**





# Understanding Communication

Did you know that...





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## Question 2

Are you aware of your own body language?

A. Yes

B. No



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## Question 3

Which of the examples of body language below may negatively influence your response to someone?

**A. Eye rolling**

**B. Crossed arms**

C. Smiling

D. None of the above

**The correct answers are A. Eye rolling and B. Crossed arms.**



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# Top 8 Communication Skills

1. Active listening
2. Body language
3. Emotional intelligence
4. Articulation and tone of your voice
5. Clarity
6. Small talk
7. Empathy
8. Respect



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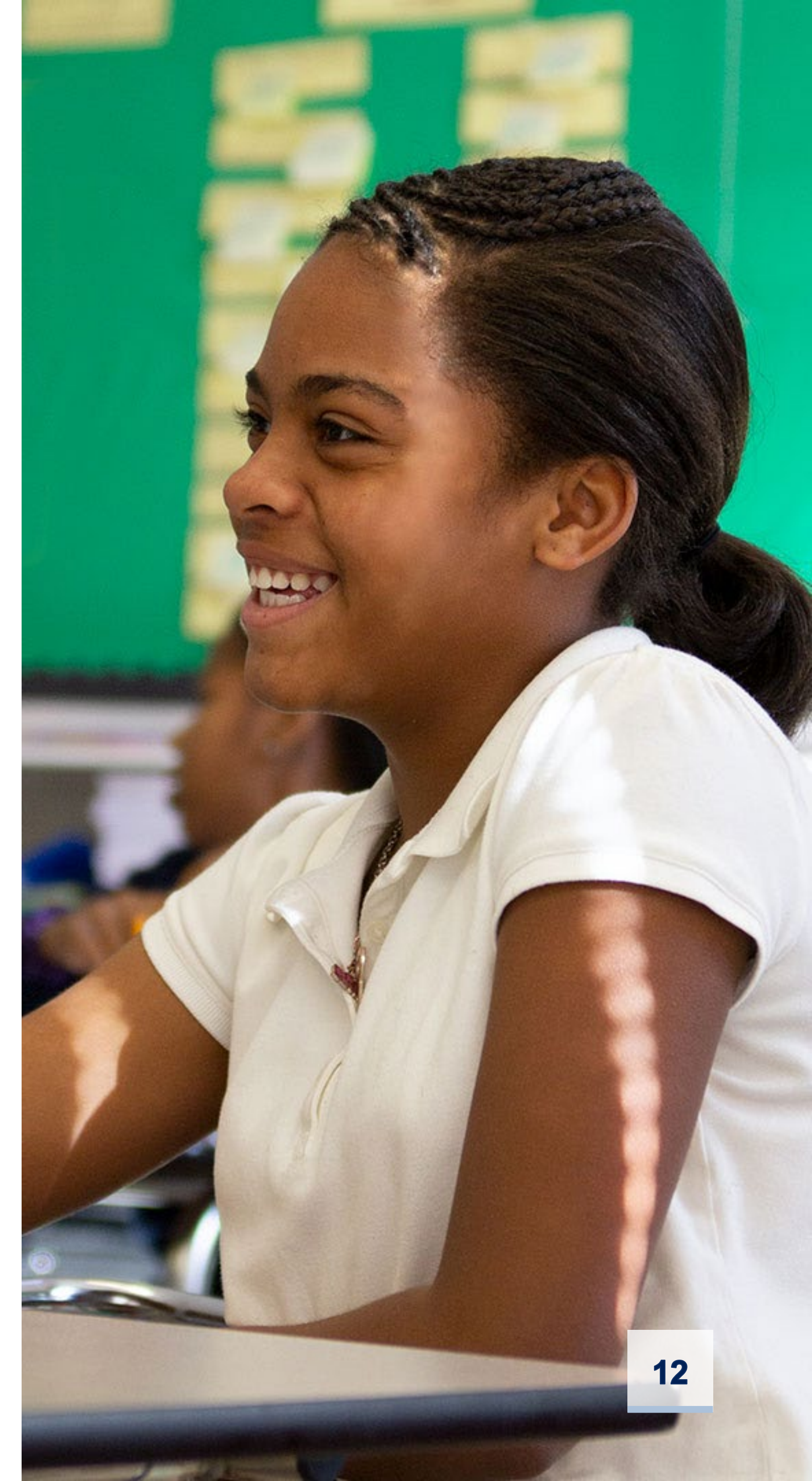
# Conflict May Arise, and That's OK.

Conflict is natural and may still arise despite good communication efforts.

Dr. Thomas Gordon, a pioneer in teaching communication skills and conflict resolution methods says,

*“A conflict is the moment of truth in a relationship—a test of its health, a crisis that can weaken or strengthen it, a critical event that may bring lasting resentment, smoldering hostility, psychological scars.”*

*“...or healing and a deeper understanding of each other when we work together on overcoming it.”*





# 4 Steps to Resolve Conflict: CARE

**C**ommunicate: Open communication is key in a dispute.

**A**ctively Listen: Listen to what the other person has to say, without interrupting.

**R**evue Options: Talk over the options, looking for solutions that benefit everyone.

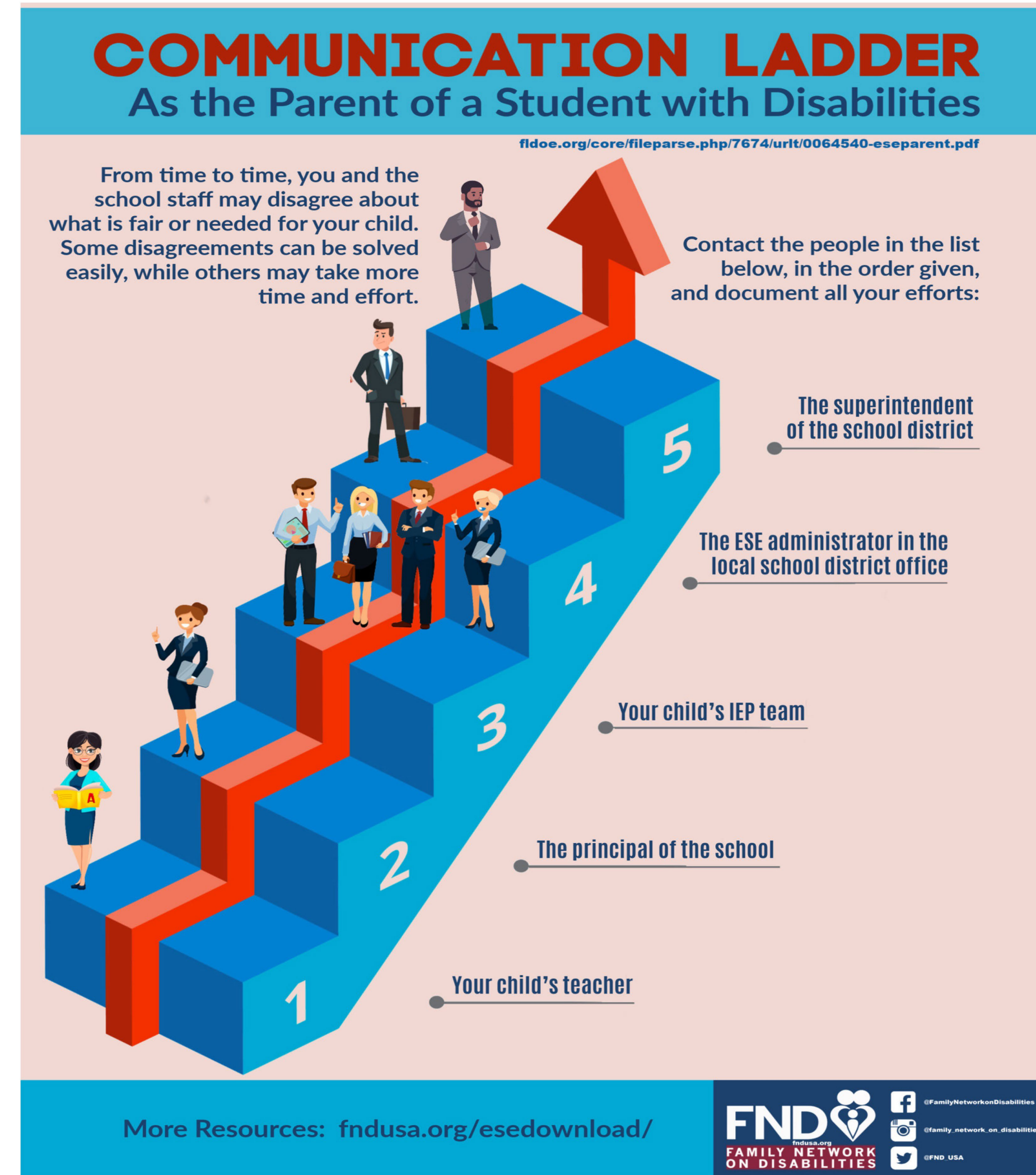
**E**nd: With a Win-Win Solution.





# Conflict Resolution

- Understanding the right steps can help promptly resolution at the lower level.
- The graphic on the side illustrates the communication process in special education.
- Documenting this process through written communication can be beneficial for everyone to follow up effectively and timely.





# Examples of Proactive Communication

Maria didn't understand why her son kept bringing the same list of words for homework. Instead of assuming things, she called the teacher. The teacher explained her why and helped her understand how to help at home.



Charles and Chris get prepared for their child's parent-teacher conference. They listen to the teacher and bring ideas and suggestions on how to provide support at home.





# Next Steps: Procedural Safeguards

When things don't work out, it's time to take the necessary next steps.

No one wants conflict to turn into a dispute. In these cases, the law protects both children with disabilities & their families and school districts through Procedural Safeguards.

A great resource to learn more about this continuum of Dispute Resolution and Processes is:

- CADRE - The Center for Appropriate Dispute Resolution in Special Education funded by the U.S. Department of Education.

<https://www.mdek12.org/OSE/Dispute-Resolution>

<https://www.cadeworks.org/>





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## Question 4

Do you know who to go to if you have questions about procedural safeguards?

A. Yes

B. No



# CADRE Continuum

The CADRE Continuum offers a searchable database of dispute resolution practices in special education.

Users can move from broad process descriptions to specific practice details and can learn about information related to:

- Program design and oversight;
- Professional standards;
- Public awareness and outreach; and
- Evaluation.

CADRE Continuum of Dispute Resolution Processes & Practices																																														
Stages of Conflict	Stage I				Stage II			Stage III			Stage IV				Stage V																															
Levels of Intervention	Prevention				Disagreement			Conflict			Procedural Safeguards				Legal Review																															
Assistance/ Intervention Options	Family Engagement  Participant & Stakeholder Training  Stakeholder Council  Collaborative Rule Making				Parent to Parent Assistance			Case Manager			Telephone Intermediary			Facilitation			Mediation Models			Ombudsperson			Third Party Opinion/Consultation			Resolution Meeting			Mediation Under IDEA			Written State Complaints			Due Process Hearing			Hearing Appeal (Two-Tier Systems)			Litigation			Legislation		
					Third-Party Assistance			Third-Party Intervention																																						
					Decision Making by Parties									Decision Making by Third-Party																																
					Interest-Based									Rights-Based																																
	Third-Party Assistance				Third-Party Intervention																																									



# Stage IV: Procedural Safeguards

**CADRE states at stage IV in the continuum of dispute resolution and processes that, *"Fully evolved conflicts may be formally addressed by parents and school districts through utilization of legal procedural safeguards."***

- Resolution Meetings
- Mediation
- Written State Complaints
- Due Process Hearings





# Resolution Meetings (1 of 2)

**Resolution meetings, often referred to as “resolution sessions”, are required under federal law as an opportunity for families and schools to resolve issues raised in a due process complaint, in a less formal process and setting.**





## Resolution Meetings (2 of 2)

**While this process occurs at the local level and is the responsibility of LEAs to convene, State Education Agencies have the ultimate responsibility for this process under the general supervision requirements and are required to ensure that the process meets the statutory and regulatory requirements.**





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# Mediation (1 of 3)

**This process refers to special education mediation required under federal law. While states are required to offer a process that meets the statutory and regulatory requirements, there is considerable flexibility as to how states provide mediation services.**





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## Mediation (2 of 3)

**This flexibility includes the selection, training and evaluation of practitioners who serve in the role of mediator and the manner in which the program is administered.**





# Mediation (3 of 3)

**State education agencies typically provide this process through one of the following approaches:**

1. Most states contract individually with private practitioners.
2. A few states contract with their state-wide network of community mediation programs.
3. Others contract with an organizational provider, such as a different state agency or institution of higher learning, often accessing institutional expertise in mediation and dispute resolution.





# Written State Complaint

A Written State Complaint procedure must be available under IDEA in every state. Each State Educational Agency must have written procedures for: Resolving any complaint; the filing of a complaint with the State Educational Agency; and, widely disseminating the State complaint procedures.

In resolving a State complaint in which the State Educational Agency has found a failure to provide appropriate services, the State Educational Agency must address: the failure to provide appropriate services, including corrective action; and, appropriate future provision of services for all children with disabilities.



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# Due Process Hearings (1 of 4)

**A due process complaint is a request to a Local Education Agency (or school district) and the State Education Agency for a hearing before an impartial hearing officer. This quasi-judicial procedure, as a method for resolving a disagreement, involves a filing by either a parent (in most cases) or a school district challenging the other party over a matter concerning the provision of free appropriate public education to a child who needs or is suspected of needing of special education and related services.**

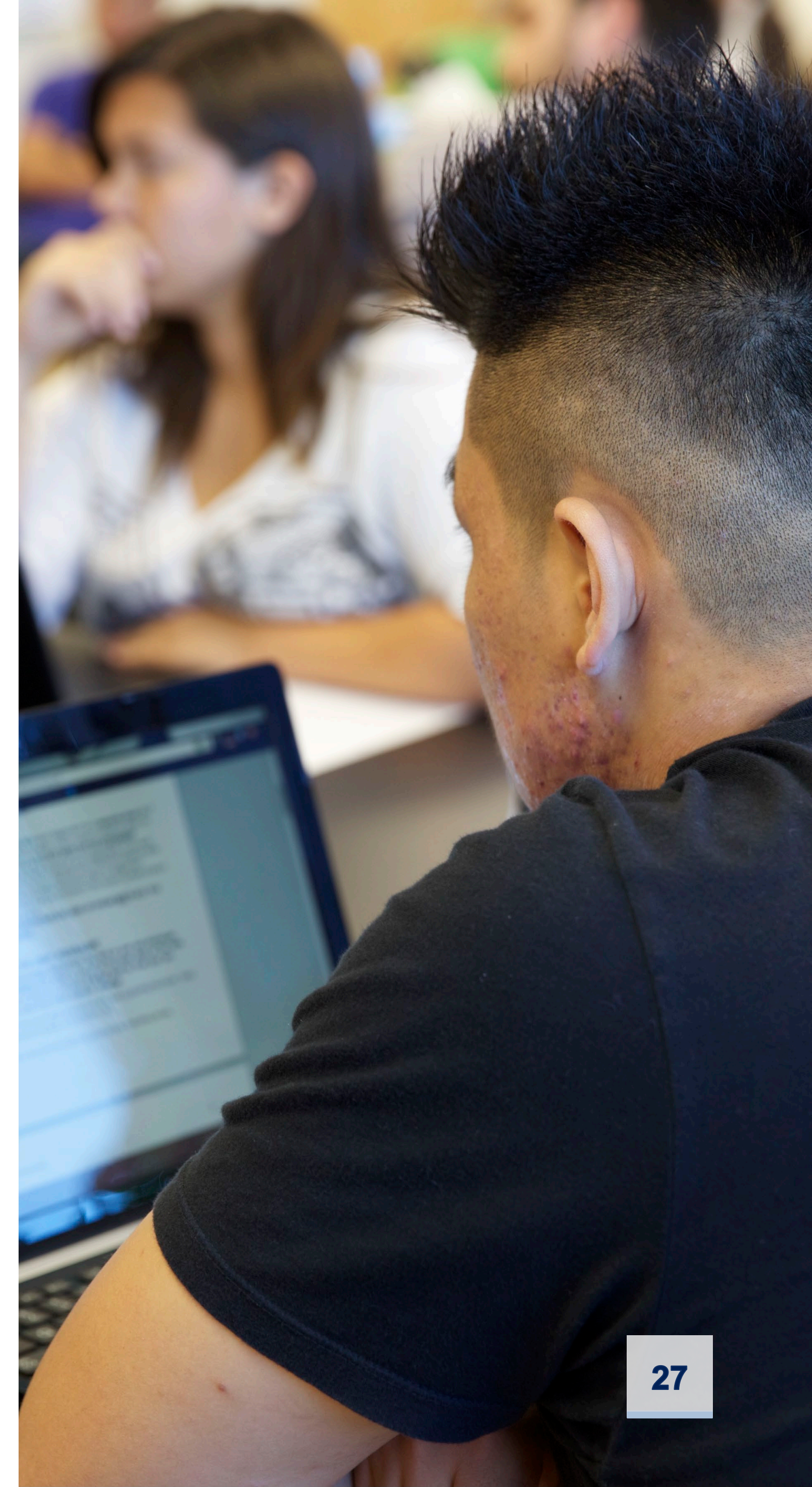




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## Due Process Hearings (2 of 4)

**Due process complaints are the most contentious and adversarial of required dispute resolution processes under IDEA. Most due process complaints do not end up in a fully adjudicated hearing. Negotiations between the parties, usually involving attorneys, resolve in one way or another about 80% of all due process filings nationally (and a much higher percentage than that in most states).**



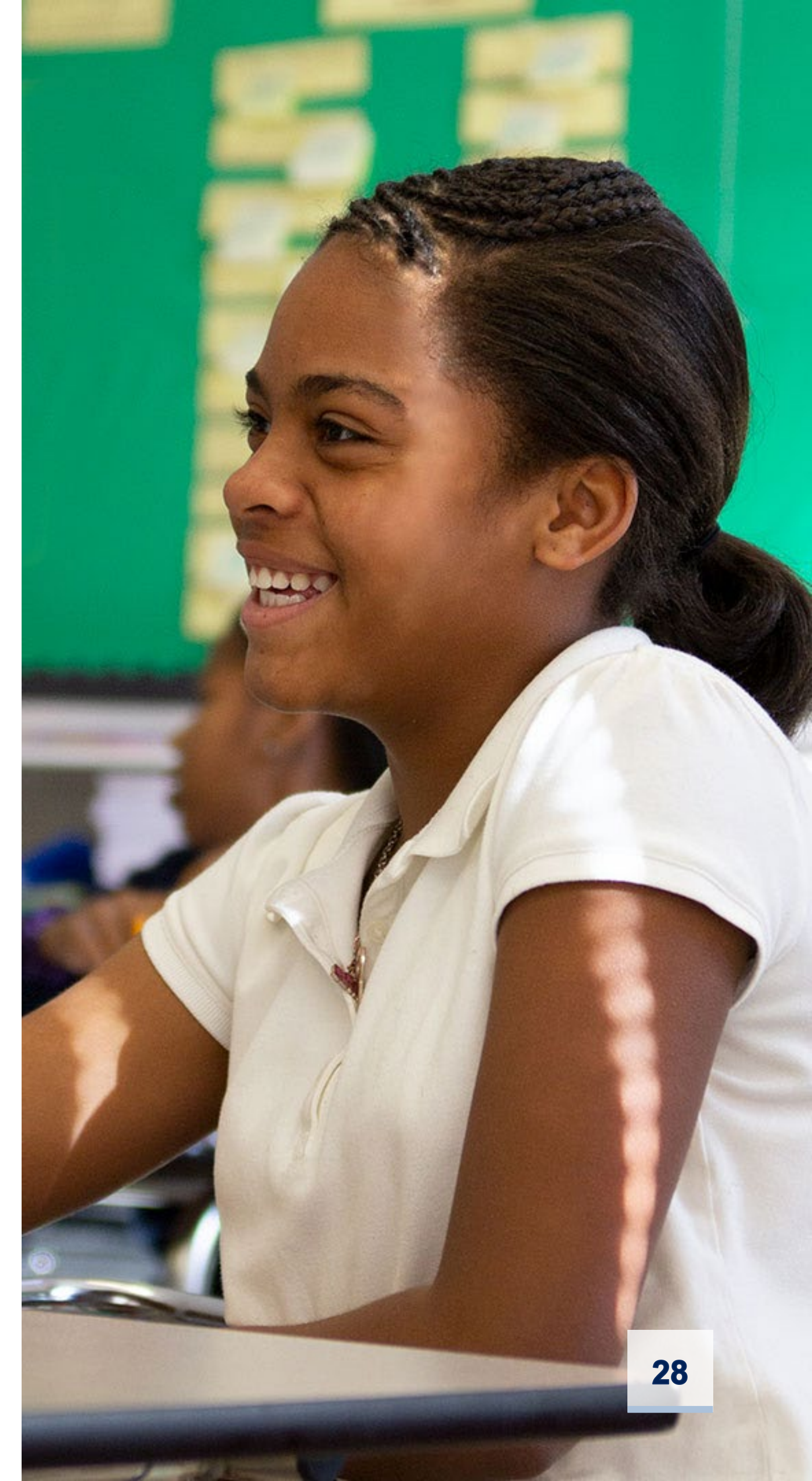


# Due Process Hearings (3 of 4)

## *What is Required of a Due Process Complaints System?*

**A Due Process Complaint (Hearings) System must be available under IDEA in every state. Each State Educational Agency must have in place mechanisms for:**

- Filing a due process complaint (a request for a hearing);
- A variety of options for the resolution of the complaint that involve the parent and the school reaching an agreement that addresses the basis of the complaint and obviates the need for a formal hearing; and,





# Due Process Hearings (4 of 4)

- A system for the conduct of an impartial hearing and the issuance of a legally binding decision, where one is needed.
- A system of appeal from that decision that will vary depending on state law and may involve either a state level review (where the initial hearing was conducted by a local agency) or an appeal to civil court.





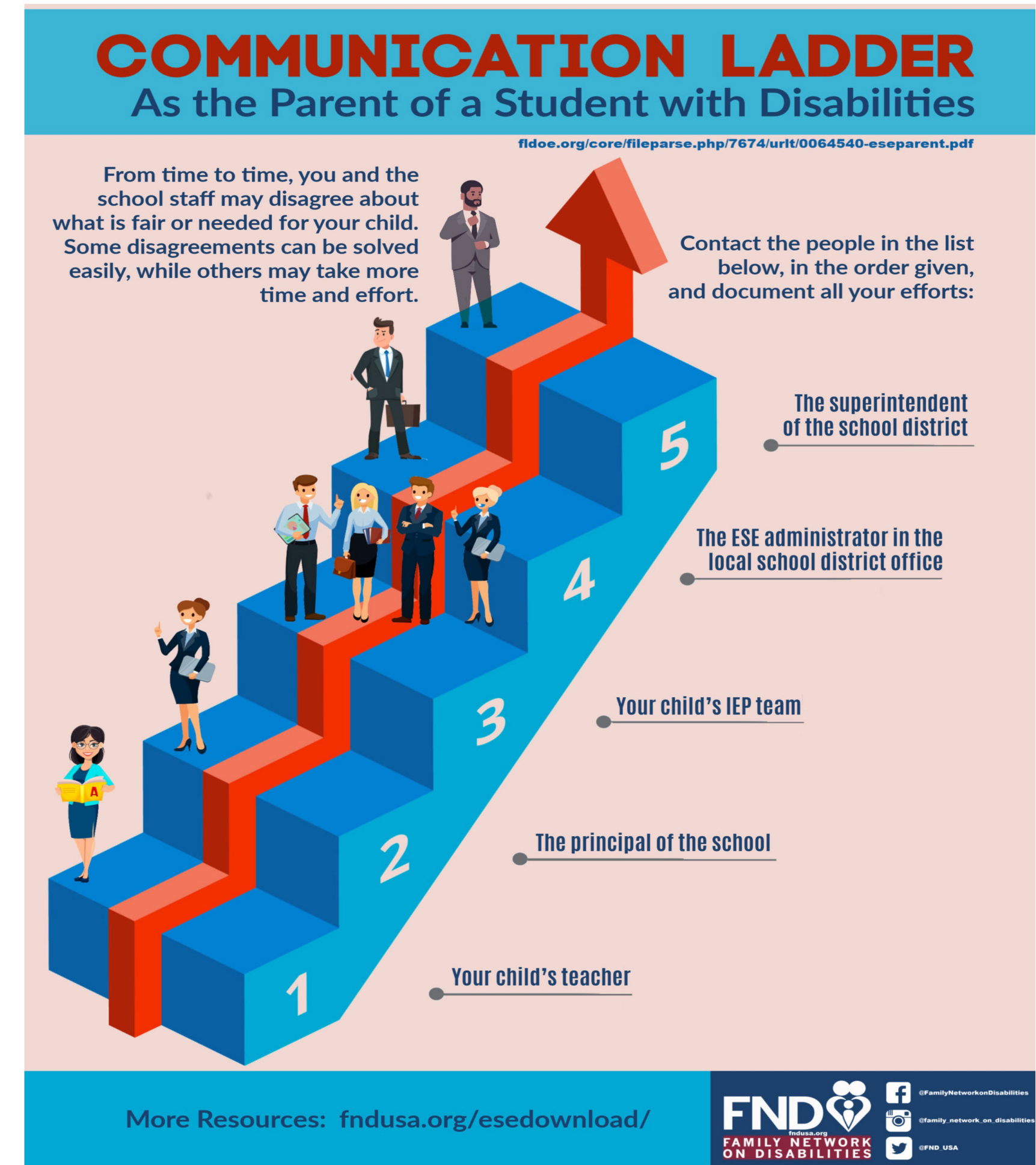
# A Final Reminder of the Power of Communication

**Communicate:** Open communication is key in a dispute.

**Actively Listen:** Listen to what the other person has to say, without interrupting.

**Review Options:** Talk over the options, looking for solutions that benefit everyone.

**End:** With a Win-Win Solution.







## Helpful Tools & Resources (1 of 2)

- **Center for Parent Information and Resources (CPIR):**  
<https://www.parentcenterhub.org/>
- **Individuals with Disabilities Education Act (IDEA):**  
<https://sites.ed.gov/idea/>
- **Policy guidance on IDEA / IEP terms (dyslexia, dyscalculia, and dysgraphia):**  
<https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcitrs/guidance-on-dyslexia-10-2015.pdf>





## Helpful Tools & Resources (2 of 2)

- The Center for Appropriate Dispute Resolution in Special Education <https://www.cadreworks.org/cadre-continuum>
- Family Network on Disabilities (FND):  
<https://fndusa.org/special-education-downloadable-resources/>





# Mississippi Resources

- **Mississippi Parent Training & Information Center:**  
<http://www.mspti.org/>, (601) 969-0601 or 1-800-721-7255
- **MDE Parent Hotline:** 1-877-544-0408
- **MDE Website – Information for Families:**  
<https://www.mdek12.org/OSE/Information-for-Families>
- **MDE Dispute Resolution Website:**  
<https://www.mdek12.org/OSE/Dispute-Resolution>
- **Disability Rights Mississippi:** <http://www.drms.ms/>  
or 1-800-772-4057



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# Questions & Answers





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# Contact Information

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**For information regarding your District's procedures and processes:**

**District's Special Education Department**

Directory: <https://www.mdek12.org/OSE/SES>



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# Thank you!