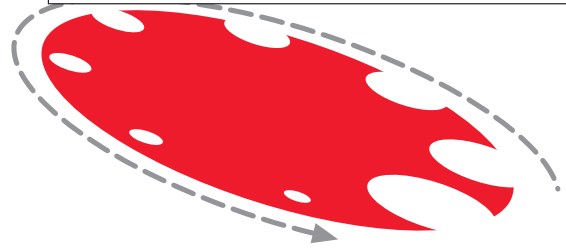




CADRE

Center for Appropriate Dispute
Resolution in Special Education



*Wisconsin ~
An Exemplary
Dispute Resolution
System in
Special Education*

Profiled in June 2010

*Center for Appropriate Dispute Resolution
in Special Education (CADRE)*

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CADRE

*Helping Parents and Educators
Create Solutions That Improve Results
for Students with Disabilities*

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Wisconsin Dispute Resolution in Special Education

One of Four Exemplary State Systems



Introduction

Between Fall 2008 and Summer 2010, CADRE, the National Center on Appropriate Dispute Resolution in Special Education, undertook a process to identify state special education dispute resolution systems that are particularly effective and to characterize those systems and their components in ways that will be useful to other states that are considering improvement activities. Four states — Iowa, Oklahoma, Pennsylvania and Wisconsin — were identified as exemplars using the process described below. Profiles were developed so that these states' dispute resolution systems could be viewed in their entirety and used as potential models. Additionally, CADRE is cataloguing items from each of these systems (policies, training materials, forms, brochures, evaluation instruments, etc.) so that they are available for states and others who wish to implement practices or utilize materials that are being successfully used elsewhere.

CADRE used a systematic approach to identify the characteristics of effective dispute resolution systems and the underlying practices and functions that contribute to their successful use by state education agencies. As a first step, fourteen states were identified through the application of the following criteria:

- compliance on State Performance Plan/Annual Performance Report (SPP/APR) Indicators Part B 16–17 and Part C 10–11 for Federal Fiscal Year 2006 (written state complaints investigated and due process hearings completed within timelines);
- levels for performance Indicators Part B 18–19 and Part C 12–13 for Federal Fiscal Year 2006 (resolution meeting written settlement agreement and mediation agreement rates);
- support and utilization of stakeholder involvement in the design, development, and management of their dispute resolution activities;
- investment in and support for innovative dispute resolution processes at the “early stages,” including capacity building/prevention, early disagreement assistance, and alternative conflict resolution methods;
- history of using a broad range of required and alternative dispute resolution processes;
- integration or coordination across dispute resolution options;
- evaluation of dispute resolution activities to inform system improvements;
- involvement with CADRE's Dispute Resolution Community of Practice activities (e.g., dispute resolution coordinator listservs, national symposia, other CADRE activities); and,
- characteristics of organization and demography that would provide some variation among exemplar states.

No four states fully met all these criteria. Therefore, the criteria were applied as preferences for the purpose of nominating states for OSEP approval. CADRE's Director met with staff from OSEP to review the criteria and scoring and consider other factors that might suggest worthiness of identification as an exemplar state. The final four “exemplar states” were selected jointly by the Office of Special Education Programs (OSEP) and CADRE. CADRE communicated with the State Director of Special Education in each of these states to advise them of their selection, gauge their interest in participating, and secure a commitment of the staff time needed to successfully conduct this project. Each state enthusiastically agreed to participate.

Dispute resolution practices exist within the context of a larger system, including the history and culture of the state with respect to dispute resolution. Each profile presents an overview of the state's dispute resolution system, focusing on some common aspects of system performance and emphasizing the organizational characteristics that seem to be critical for successful operation. While each of the four exemplar states is unique, it is worth noting that they share common attributes. Among these are high levels of stakeholder involvement, investment in early upstream dispute resolution processes, use of technical and content expertise, active participation in the CADRE Dispute Resolution Community of Practice, engagement in continuous quality improvement practices, and thorough documentation of systems.

In addition to the profiles, CADRE is now working with representatives from the exemplar states to identify and document elements and features of dispute resolution practices that are effective and contribute to those states' success. An online searchable repository that will catalogue and provide easy access to resources that inform state improvement efforts is also part of CADRE's activities related to exemplary dispute resolution systems.

While these descriptions were being completed the partner state systems adjusted their operations as a part of their improvement efforts: they rewrote awareness materials, modified evaluation systems, and adopted new procedures. The profiles are, then, merely "snapshots" of these state systems at a point in time. This work begins an effort to capture and communicate what works well and what will help states learn from one another rather than "reinventing the wheel." CADRE looks forward to participating in a continuing discussion about how states can design and implement dispute resolution systems that capably support parents and educators to design effective programs for students.

This document was developed by CADRE as a project for Direction Service, Inc., pursuant to Cooperative Agreement CFDA H326D080001 with the Office of Special Education Programs, United States Department of Education. This system profile was compiled by CADRE staff members (Teresa Coppola, Anita Engles, Philip Moses, Marshall Peter and Richard Zeller) in partnership with state representatives. Any inaccuracies contained herein are the sole responsibility of CADRE. Opinions expressed do not necessarily reflect the views of the U.S. Department of Education. CADRE gratefully acknowledges the significant contributions of the following people, whose insight and expertise were of great assistance:

Wisconsin: Jack Marker, Patricia Williams, Patricia Bober, Jan Serak, Jane Burns and Nissan Bar-Lev

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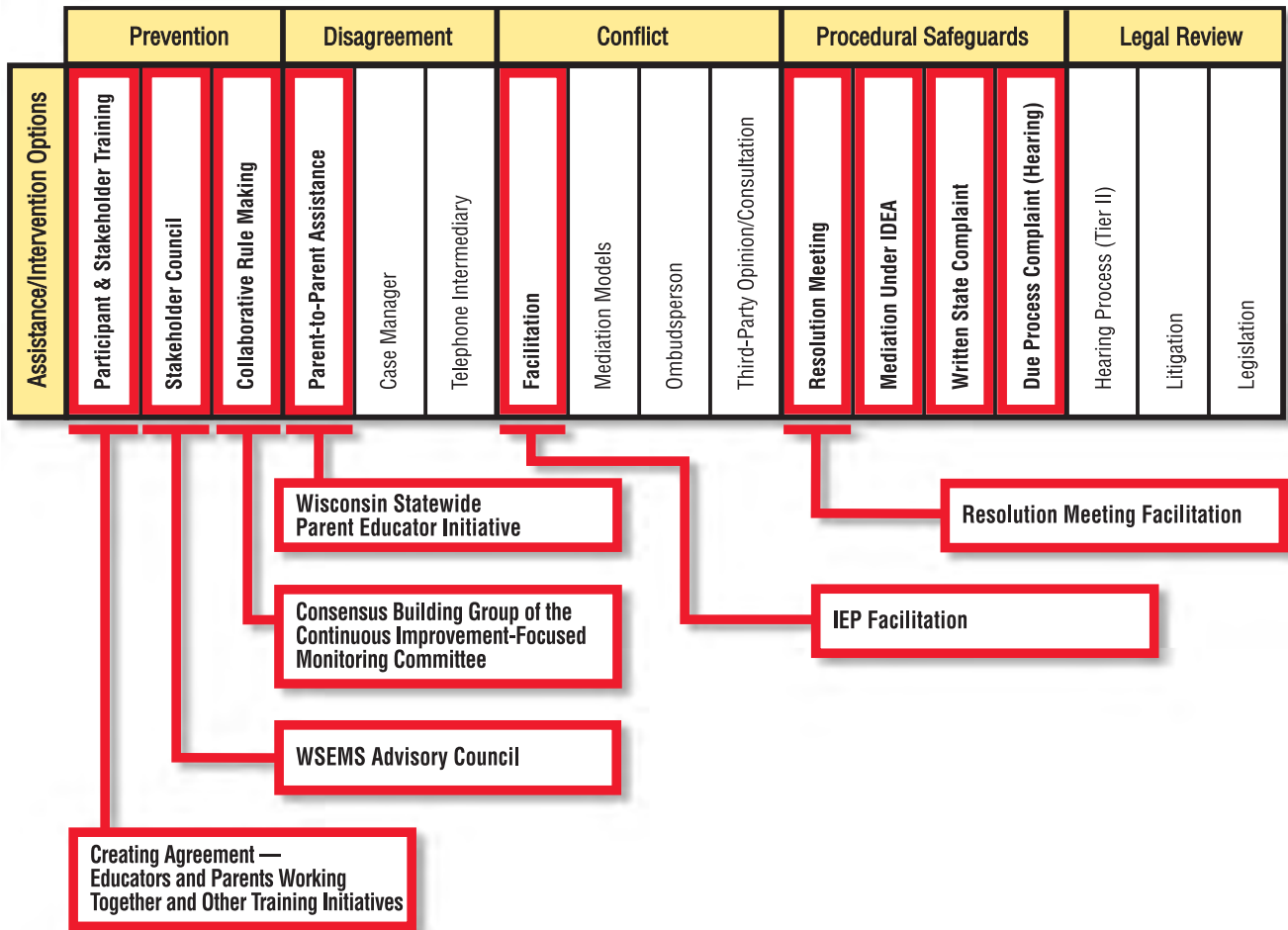
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CADRE Consultants: Art Stewart, Tom Kelly and Donna Dickerson

*Wisconsin ~ An Exemplary Dispute Resolution System
in Special Education
Profiled June 2010*

The CADRE Continuum of Processes and Practices

Wisconsin's Dispute Resolution Options in Bold

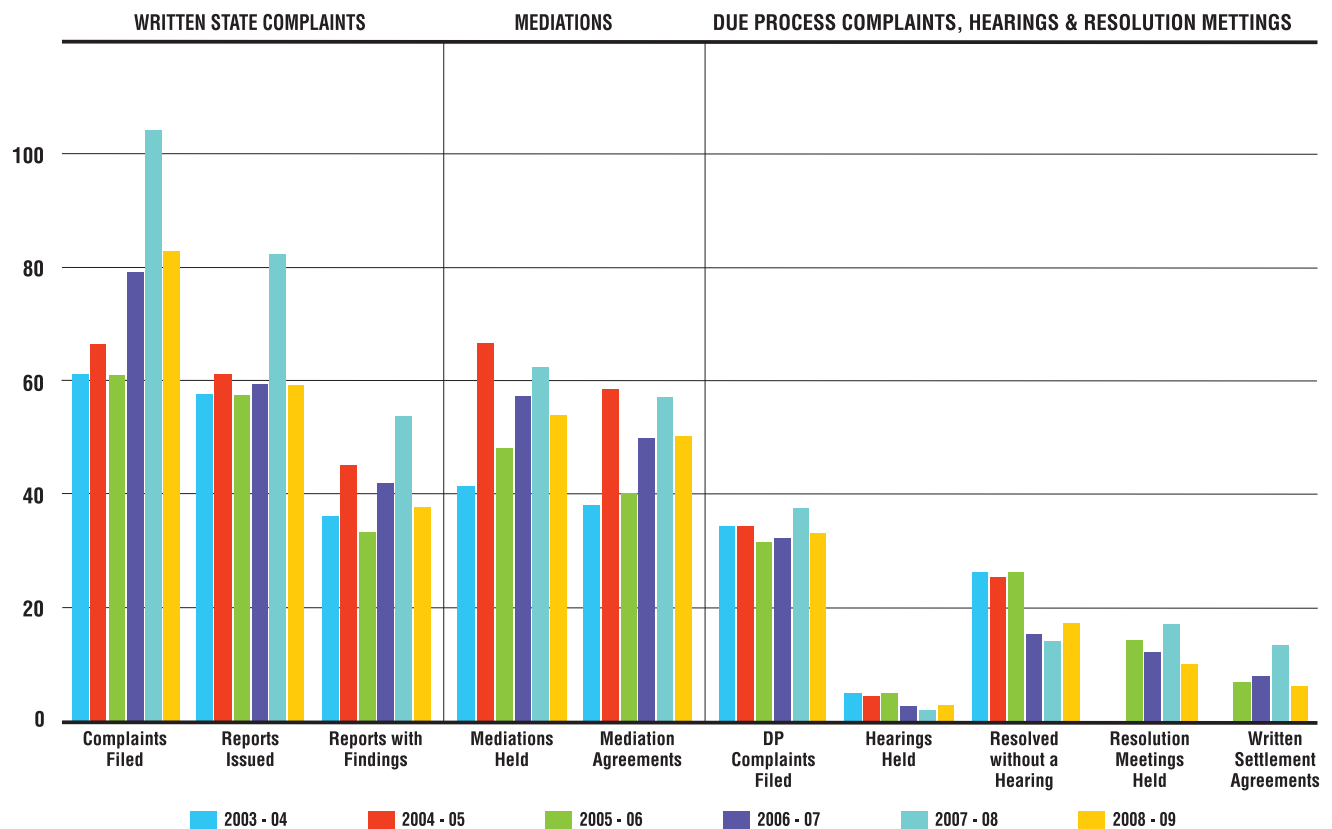


*For more information about the CADRE Continuum, see:
<http://www.directionservice.org/cadre/aboutcontinuum.cfm>*

The Wisconsin Department of Public Instruction (WDPI) serves as an excellent example of a state education agency that has historically engaged stakeholders in the planning, design, and management of its dispute resolution system, especially of mediation and facilitation services. Additionally, this SEA has, since 1996, had a grant with an external entity to provide mediation and facilitation services for its special education program. While it maintains ultimate responsibility for the coordination of procedural safeguard activities found in IDEA, a collective established by statute in 1997, the Wisconsin Special Education Mediation System (WSEMS) manages three components of the

state special education dispute resolution system: mediation, IEP facilitation, and resolution meeting facilitation. WDPI continues to directly manage both the state written complaint and due process hearing components of the dispute resolution system. In this role, WDPI has also used a dispute prevention process, collaborative rulemaking, to reach consensus on state special education laws prior to public hearings on them. Through WDPI's arrangement with WSEMS, Wisconsin became one of the first states to implement a statewide IEP facilitation program. WSEMS has made highly trained facilitators available to LEAs during the resolution meetings required after requests for a due process hearing. Both WDPI and the WSEMS assisted the Wisconsin Department of Health Services (DHS) in developing the Birth to 3 Mediation System. Through DHS, mediation became available on July 1, 1998.

Figure 1. Wisconsin — Dispute Resolution Events per Year
Source: APR Table 7 and Section 618 Data



The terms used in the figures in this document are either drawn directly from or are shortened versions of data element terms from Table 7, the dispute resolution data reported by states in their APR. Instructions and definitions of all terms used for Table 7 reporting are available at: <https://www.ideadata.org/documents.asp#collection>

Intake Process

When family members, educators, service providers, or others have a question, concern, or specific difficulty with a child's educational services, they can contact the WDPI through either a general or toll-free telephone number. A WDPI office operations associate will refer them to someone on the special education team. Additionally, the team receives referrals from the Wisconsin Family Assistance Center for Education, Training, and Support (FACETS). The member of the special education team informs the caller about dispute resolution options and, depending upon the circumstances, may contact the school district and inform them that WDPI has been contacted by a parent. The special education team member often attempts to resolve the matter directly through the use of "shuttle diplomacy." The team's stated mission is "to promote collaboration among parents, educators, students, communities, and other agencies to ensure that all children with disabilities have available to them a free appropriate public education."

Optional Processes

Stakeholder Training

WDPI invested in several different stakeholder training initiatives. WSEMS developed the training manual *The Resolution Meeting: A Guide for Parents and Educators*. The manual's purpose was to help parents and schools resolve their disagreements during a resolution meeting to forestall the necessity of a due process hearing. Another objective was to help establish a good partnership between parents and schools and to help children get needed services. A website with a link to the manual can be found at <http://www.wsems.us/resmeeting/index.html>.

WDPI has also made available a new web-based resource, *Creating Agreement: Educators and Parents Working Together*, which was designed to train IEP team members in methods to enhance communication, conflict management, and meeting effectiveness. For information about this resource, see the website <http://dpi.wi.gov/sped/agreement.html>. These and other resources have been provided to help educators and parents prevent or reduce the likelihood that miscommunication or conflict will escalate into disputes. They can be used to help IEP teams evaluate their own interactions and improve team functioning.

Stakeholder Involvement

WSEMS was formally established in July 1996 but traces its origins to two founding partners, a parent and a special education director, who had seen the special education system from their own perspectives. They were only too familiar with traditional methods used to resolve issues — complaints, due process hearings, and civil trials. They found these to be expensive, time-consuming, polarizing, adversarial, and often without satisfactory results for either side. The partners' aspirations for a non-adversarial system, where parents and schools would be able to work out solutions together, led to their writing a discretionary grant proposal to plan a mediation system in Wisconsin. In 1996, WSEMS convened an advisory council, facilitated by an experienced mediator from the Marquette University Center for Dispute Resolution Education. The Advisory Council was comprised of representatives from key stakeholder groups, including parents, schools, legislators, advocates and attorneys. The council helped develop legislative language for special education mediation in Wisconsin and continues to advise the system today. Wisconsin Act 164, Chapter 115.797, unanimously passed by both the assembly and senate and signed into law by then Governor Tommy Thompson in 1997, established the Wisconsin Special Education Mediation System.

Collaborative Rulemaking

In November 2004, the WDPI convened a diverse group of special education stakeholders, known as the Consensus-Building Group of the Continuous Improvement Focused Monitoring Committee, for the purpose of reviewing and establishing priorities for the WDPI's proposed focused-monitoring plan and establishing goals and targets for the state's performance report. In February 2005, the WDPI assigned a new objective to the group, specifically to establish a broad-based consensus on further legislation realigning state special education law with IDEA 2004 before it moved forward to a public hearing. With the help of a mediator, a subgroup of the committee reached consensus on the realignment in February 2006. Parents started with a "position" on about 33 items on the table, and the school group had a "position" of complete *federalization* or alignment with IDEA. The mediation process resulted in compromise from both sides. The group reached consensus on nine items and crafted language that all participants could accept. Consensus was reached on issues such as transition, timelines, and the IEP process. As a result of this collaborative process, all testimony at the public hearing held later that month reflected unanimous support by all stakeholders. The bill passed unanimously with a vote of 33-0 in the senate and 99-0 by the assembly and was signed by the governor on April 5, 2006.

- **Group Composition.** A mediator from the Wisconsin Employment Relations Commission staffed the group. Members included the co-director of FACETS; the president of the Wisconsin Council of Administrators of Special Services; an attorney from Wisconsin Coalition for Advocacy, the protection and advocacy center; the coordinator of the Wisconsin Statewide Parent-Educator Initiative (WSPEI); the special education director of the Milwaukee Public Schools; a Wisconsin School Board Association representative; and an attorney from the state teachers' union.

- **Evaluation.** One participant described participation in the small stakeholder mediation as "an awesome experience — frustrating, invigorating, anger-filled, surprise-filled." Another described it as "intense, eye-opening, and ultimately very satisfying."

Parent-to-Parent Assistance

The Wisconsin Statewide Parent-Educator Initiative (WSPEI) is a WDPI statewide discretionary project that serves parents, educators, and others interested in parent-educator partnerships for children with disabilities. One of the goals of WSPEI is to help parents and school districts find or create the resources that will help them build positive working relationships, share decision-making, and improve children's learning. It supports increased sharing of information among parents, schools, projects, organizations, and agencies through networking in the form of

Lesson Learned

The members of Wisconsin's Stakeholder Council are a cross section of interested participants, including advocates and attorneys who represent both parents and schools, and have meaningfully contributed to the quality of the dispute resolution system and the confidence that potential consumers have in its fairness.

meetings, conferences, person-to-person contact, and media. Wisconsin schools and families use the resources of WSPEI and the parent training and information center FACETS to reach out to each other and make use of information about special education in the various ways that they require. WSPEI and FACETS work together closely, holding bimonthly collaboration meetings that include a special education administrator. Regional service agencies and district parent liaisons from WSPEI also collaborate regionally and locally with FACETS staff and parent leaders. WSPEI's unique contribution to this collaborative structure is that the parent liaisons are parents of children with disabilities, selected and hired by LEAs and regional service agencies to work within LEAs to promote parent involvement. The unique contribution of FACETS is the focus on minority and underserved families, providing outreach and training to Wisconsin's communities of Native American, African American, Latino, and Hmong families. Both projects provide parent leadership on advisory committees and workgroups for WDPI's other major technical assistance initiatives. Because of this participation, WDPI is able to make available parent-focused training and materials that are consistent with those targeted to school staff. In addition, WDPI's technical assistance initiatives model family-school partnerships through the format of co-presentation at meetings by an educator and a parent to combined audiences. For more information about parent-to-parent assistance, see the website <http://dpi.wi.gov/sped/parent.html>.

- **Staffing.** One statewide coordinator and 21 regional service area parent liaisons collaborate with LEA staff, with more than 150 LEA-based parent liaisons, and with staff from FACETS to promote positive relationships between LEA staff and parents of children with disabilities.
- **Qualifications.** Parent liaisons either have their own children with disabilities or have experience working with other children with disabilities and their families. Regional and LEA parent liaisons are selected by their agency administration with assistance from WSPEI. Positive communication and conflict resolution skills are key qualifications.
- **Professional Development.** Parent liaisons receive ongoing training and mentoring through WSPEI and other WDPI initiatives.

Lesson Learned

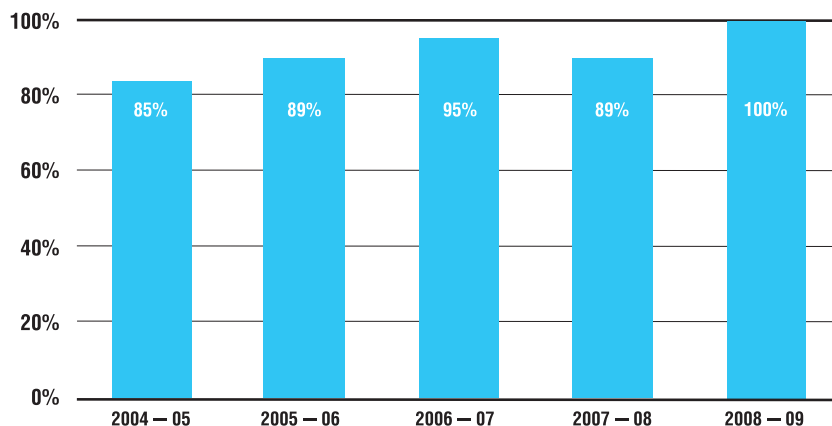
Data was collected from the SPP Indicator 8 survey, which asked parents whether schools facilitated parent involvement. Four years of data indicated a perception among parents statewide that schools did not inform parents of their options when they disagreed with a school decision. Parent-to-parent assistance through the statewide parent-educator initiative often yielded very early conflict resolution, but it fell short of helping schools inform parents in advance that, when disagreements occur, the school is willing to give parents information and help them to communicate with educators to reach agreement. Goals of the initiative now focus on assisting LEAs to use the indicator data to improve communication and facilitate parent involvement in decision-making. Web-based resources from the SEA build on the IDEA Partnerships' Creating Agreement National Community of Practice to help schools and parents identify and improve specific areas of communication.

IEP Facilitation

After WSEMS gathered advice from a large group of stakeholders in the special education community, WSEMS began an IEP facilitation program in 2004. Since then, it has offered facilitation at no cost for any IEP team meeting, including initial, annual, and re-evaluation meetings. WSEMS pays the facilitator with grant funds from the WDPI. Parents, school administrators, or both may request facilitation. If only one party requests facilitation, WSEMS staff will contact the other party to ask for consent to the facilitation and explain the benefits of facilitation and how the process works. This process is voluntary; if either the parents or school say “no,” an IEP meeting will not be facilitated. In some cases, when parties have become very positioned on a certain issue, WSEMS may attempt to persuade that mediation is a more appropriate way to try to resolve the issue. As evidenced in figure 2, the program has achieved a very high rate of success in developing IEPs with the assistance of a facilitator. For more information about IEP facilitation, see the website <http://www.wsems.us/training/iepfacilitation.htm>.

- **Staffing.** The facilitation program housed at WSEMS is coordinated similarly to Wisconsin’s mediation system. WSEMS has a roster of approximately 20 trained professionals, most of whom serve both as mediators and facilitators. WSEMS assigns a facilitator to an IEP case after both parents and school administrators have agreed to facilitation.
- **Caseload.** Since its inception, the program has received over 200 requests for a facilitator.

Figure 2. Wisconsin Facilitated IEP Agreement Rate
Source: APR Table 7 and Section 618 Data



Lesson Learned

The school where my son was attending the early childhood program believed he would benefit from staying in it. They also told me that it was the decision of our school board whether to allow him into his home school kindergarten class. I, on the other hand, believed differently. Soon anger arose on both sides. The little things became big things. I soon learned to hate the system, and I'm sure feelings were mutual. After feeling alone and angry with nowhere to turn, I made phone calls to the Department of Public Instruction and the parent liaison. The parent liaison not only gave me the strength to succeed with what I believed in, but also taught our neighborhood school how to work with us for the sake of the children. The parent liaison provided me with the tools and training to advocate for my son in a collaborative way.

Parent of a child with autism

- **Evaluation.** All participants, including the facilitator, are asked to complete surveys after the facilitated IEP meeting. A research methodologist analyzes the data to give WSEMS feedback needed to keep improving the system. Information collected from 329 participant surveys since April 2004 indicated that: (a) 84% believed IEP facilitation provided a satisfactory IEP; (b) 86% were satisfied with the facilitation process used at the IEP meeting; and, (c) 88% would use the process again.

Required Processes

Mediation

Since 1996, WSEMS has been managed by a unique collaborative partnership; a special education director, a parent, and a mediator. The WSEMS team conducts outreach activities to promote the importance of resolving conflict at the earliest possible stage. The team also assists with development of system materials and models for collaboration that are used statewide. Each member brings unique expertise to the system. WSEMS also contracts with the mediator, a private consultant, to provide technical assistance to the program. For more information about the services provided by WSEMS, see the website <http://www.wsems.us/index.htm>.

Once mediation has been requested and parties agree to participate, they can nominate their own mediator or request that WSEMS work with them to nominate a mediator. If either (or both) parties object to the mediator, then WSEMS can suggest a different mediator. A mediator who is not on the list may be used, but at the parties' expense. The WSEMS intake coordinator/administrator asks both parties screening questions about the case to match the individual case to a mediator on the roster with appropriate training, education, and experience, and compatible personality. The mediation program has consistently attained a very high agreement rate, as can be seen in figure 3. For more information about WSEMS's work on mediation, see the website <http://www.wsems.us/mediation.htm>.

- **Staffing.** Along with the management team comprised of a special education director, a parent leader, and a mediator, WSEMS's day-to-day operations are carried out by an intake coordinator/administrator and outreach coordinator. The intake coordinator/administrator supervises a panel of approximately 20 mediators, all of whom are independent contractors and come from a wide range of professional backgrounds, including law, psychology, social work, business, and education. A consultant with the WDPI special education team at its

Lesson Learned

Much of the work of outreach, training, and materials development is done by a parent-special education director — ADR practitioner team.

The partners have learned much from each other, as well as from the bilingual outreach staff, and have carried important lessons to their respective constituents. Stakeholders have worked hard to build trust in the system, to deliver messages on the importance of neutrality and collaboration, and for resolving issues early.

Jan Serak, WI FACETS

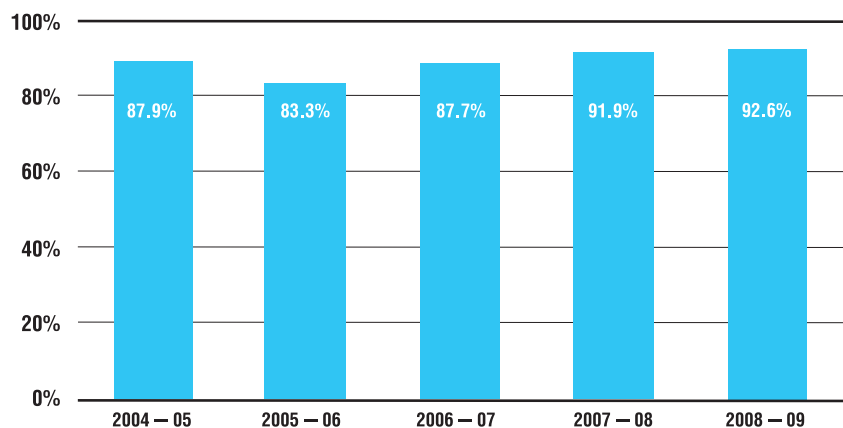
Division for Learning Support: Equity and Advocacy serves as the liaison between the SEA and WSEMS.

- **Qualifications.** Each mediator has completed a five-day training on special education mediation.
- **Professional Development.** Each mediator is required to complete one day of training each year in order to remain active on the mediator roster.
- **Hours per case.** WSEMS does not limit the length of the session or how many times the parties can meet. The parties work with the mediator to set the length of the first session.

- **Evaluation.** All participants, including the mediator, are invited to complete surveys after the mediation session. The information is given anonymously and remains confidential. A research methodologist analyzes the data, which measure participant satisfaction and issue trends, to give WSEMS feedback for

improving the system. Continual evaluation of the mediation system ensures that the WSEMS will remain effective and continue to meet its targets. Since 2000, information collected from 991 participant surveys indicated: (a) 83% of participants believed that mediation provided a satisfactory outcome; (b) 89% were satisfied with mediation; (c) 90% said that they would use mediation again; and, (d) 89.5% would use the same mediator again.

**Figure 3. Wisconsin Indicator B19
Mediation Agreement Rate**
Source: APR Table 7 and Section 618 Data



Written State Complaints

As required, the WDPI has a formal management system for filing and resolving specific complaints under Part B of the IDEA or under Wisconsin special education statutes. A complaint alleging an agency's failure to implement a due process decision will also be resolved through the complaint procedures. WDPI sets aside an issue when that same issue is covered by a due process hearing request under Wisconsin's statute. Complaint issues that are different from hearing issues will be investigated without delay. If the issue set aside is not decided in the due process proceedings, the department will complete an investigation of the issue within 60 days of a final decision in the due process proceedings. If the issue set aside is resolved in the due process proceedings, the complaint consultant will prepare a letter for the state director's signature, to be sent to both parties, informing them that the issue has been decided and that the decision in the due process proceedings is binding. The department will not set aside the complaint if mediation is requested, unless the parties agree to extend the 60-day time limit to engage in mediation. For more information about written state complaints, see the website <http://dpi.wi.gov/sped/complain.html>.

- **Staffing.** The complaint coordinator oversees the progress of all complaints to ensure that timelines are followed and that reviews of such complaints are expedited. First, the complaint coordinator reviews the first draft of the decision from the investigator. Then, one of two department attorneys reviews the revised draft decision, and a draft with further revision goes to the director of the special education team. A final version is prepared for review and signature by the assistant state superintendent.

- **Case Tracking.** The complaint workgroup meets on a weekly basis to assign complaints to investigators, to review due dates for complaint decisions and for LEA correction of noncompliance, and to discuss investigations in progress. Each complaint investigator receives a calendar indicating when decisions are due. The calendar covers a two-month period and is shared monthly. The calendar tracks the availability of key people in the decision process to enable timely review while staff are in the office. Also, the complaint office operations associate sends an electronic prompt to the investigator noting when materials are due and the date when the decision is due. The investigator must reply to the prompt with the date the materials were received. The office operations associate follows up if the reply is late. The investigator replies to the prompt once the decision is final. If the decision requires the district to develop corrective action, another reminder is sent noting the date when the proposed corrective action is due. Finally, the office operations associate sends a reminder to the investigator to ensure that all corrective actions will be completed within one-year of the finding of noncompliance. The vast majority of investigations are closed substantially sooner, usually within 3 to 4 months of the decision. WDPI's implementation of program improvements and attention to case tracking have assisted in improving the rate of "complaints within timelines" over the last five years, as can be seen in figure 4.

- **Qualifications.** Anyone on the special education team can be assigned to the complaint workgroup, although the director chooses people based on a variety of factors, including familiarity with special education law, analytical skills, and writing ability. Current workgroup membership is fairly stable, with the most senior person having investigated complaints for 14 years, the most junior for two years, with the other four staff for over four years. Initial training is done by the complaint workgroup coordinator, with formal training continuing for as long as needed, but usually for about two months.

Lesson Learned

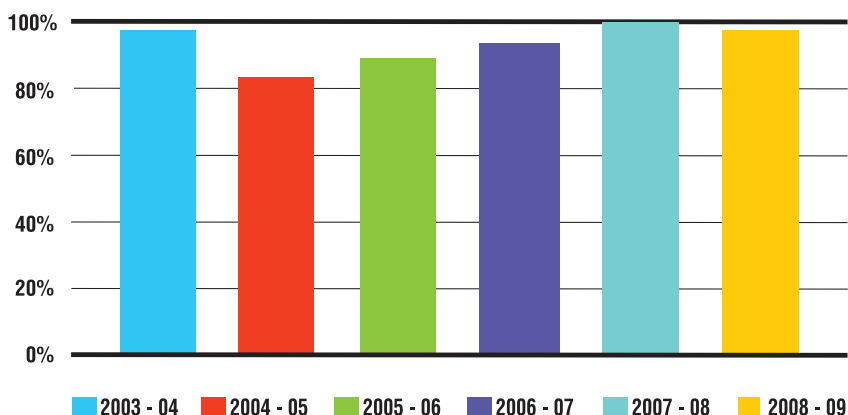
After administering our system for almost 13 years, I have realized the importance of an impartial system administrator and mediator roster. Having a person trained in dispute resolution, best practices, and ethics who is also an independent contractor (not an employee of the SEA) has improved all parts of the system, including effective education of potential users and participants; perception of a balanced and impartial system by stakeholders and users; and the development of an administrative process, including language. This has led to a very high rate of requests for mediation. By always putting an emphasis on impartiality, we have earned the trust of all potential users of the system.

Jane Burns, WSEMS

- **Professional Development.** Though not required, the complaint investigators often attend trainings provided to the hearing officers.

- **Related Activities.** Complaint investigators provide technical assistance to LEAs to ensure that corrective action is completed and noncompliance corrected within one year of identification. Established in January 2008, a notification system alerts complaint investigators two months prior to the one-year anniversary of the finding of noncompliance.

**Figure 4. Wisconsin Indicator B16
Written Complaints Within Timelines
Source: APR Table 7 and Section 618 Data**



Due Process Hearings and Resolution Meetings

Since 1996, WDPI has had an interagency agreement with the Department of Administration Division of Hearings and Appeals (DHA) to conduct due process hearings under IDEA. Also since 1996, WDPI has used a single-tier hearing system, with the LEA paying the cost of the hearing as required by state statute. When a hearing is requested, WDPI, by contract with DHA, appoints an impartial hearing officer to conduct the hearing and sends the parent a notice of the procedural safeguards and a list of free or low-cost legal and other relevant services available in their area. The department, after deleting any personally identifiable information, sends a copy of the hearing officer’s decision to the State Superintendent’s Council on Special Education. Many cases are settled informally or by settlement agreements rather than by hearing officer’s decisions. WSEMS can also provide a neutral person to facilitate a resolution meeting if requested by the parents and the school. For more information about due process hearings, see the website <http://dpi.wi.gov/sped/dueproc.html>.

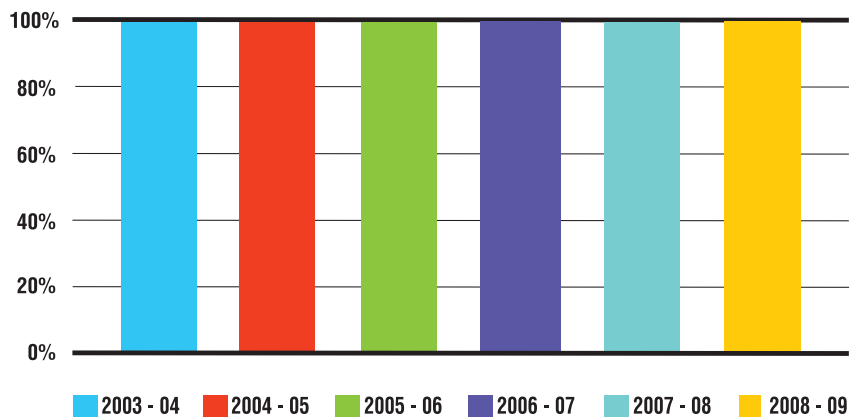
- **Staffing.** There are two administrators at DHA who are involved in WDPI’s due process hearing system. There are currently four administrative law judges (ALJs) serving as due process hearing officers.

- **Case Tracking.** DHA maintains an electronic tracking system that monitors decision due dates. Staff enter the case number assigned by WDPI, the student name, the district name, the attorney representing the district, the date WDPI received the complaint, and the date DHA received it. The data entry form also notes who the hearing officer is and the date that person was assigned to the case, and the system automatically enters the decision due date on the hearing officer’s electronic calendar. The system tracks extensions of the initial 45-day time limit and the dates when the hearing is to occur and the decision is due. If the original due date must be modified, the system requires entry of who made the request for a delay and for what reason, such as pursuit of mediation. Once changed, the new date appears on the hearing officer’s calendar and administrator’s tracking page. For many years, WDPI has maintained an electronic log of critical information related to receipt of due process hearing requests. The information includes such elements as the names of the parties, filing date, initial 45-day time limit, dates of extensions, and date of the decision. WSPI’s attention to case tracking has supported the attainment of a perfect ‘hearings within timelines’ rate over the last 6 years, as can be seen in figure 5.

- **Qualifications.** Hearing officers are required to be attorneys licensed to practice law in Wisconsin.

- **Training.** Hearing officers must have completed the hearing officer training approved by the DHA and attend an approved annual refresher course.

**Figure 5. Wisconsin Indicator B17
Due Process Hearings Held Within Timelines
Source: APR Table 7 and Section 618 Data**



**Dispute Resolution
System Administration
Oversight**

WDPI worked in collaboration with the National Center for Special Education Accountability Monitoring (NCSEAM) to develop a general supervision system focused on effective response to IDEA written state complaints and management of due process hearings and mediation. These components have been considered in designing self-assessment of procedural requirements required of all LEAs. Complaint and due process hearing decisions are posted to the WDPI website and can result in two types of responses from WDPI beyond the dispute resolution processes themselves. WDPI staff review decisions to determine whether patterns of noncompliance are emerging or whether particular decisions should be brought to the attention of LEA staff. When decisions do warrant attention, several options are available. The state director sends weekly e-mails to LEA administration and WDPI staff to notify them about important developments in special education and related areas. Brief descriptions of patterns in complaint decisions or recent due process hearing decisions can be included in these messages. WDPI staff can use the information during training events or during phone conversations with affected constituents. WDPI written materials can also be modified to incorporate pertinent information from dispute resolution decisions. Finally, WDPI staff consider recent complaint decisions when determining which LEAs to include in yearly procedural compliance self-assessments and which LEAs to include during validation phases of self-assessments.

Culturally Relevant Aspects of the DR System

The WSEMS Advisory Council includes parents of children having various disabilities across the school age span and is ethnically and racially diverse. WDPI has developed forms and outreach materials in Spanish and Hmong for complainants to use if they wish; however, they are not required to use them. WSEMS recruits experienced mediators who are bilingual. Additionally, WSEMS has developed the *Interpreter Manual for Special Education Mediation* to provide a broad overview of the WSEMS system. It includes a list of common terms in the fields of education and dispute resolution and their corresponding definitions, as well as a description of mediation and facilitation processes and an overview of the administrative portion of the process. The manual is available at http://www.wsems.us/pdf/Interpreter_Manual.pdf.

The WSEMS has made available, through a Spanish-language section of its website, a roster of mediators/facilitators with their biographies, which can be reviewed by Spanish-speaking individuals, as well as Spanish versions of the

forms “Agreement to Mediate,” “Request for a Facilitated IEP,” and “Agreement to Use WSEMS Facilitated IEP Process.” See also the activities of WSPEI above under “Parent-to-Parent Assistance” and the website <http://dpi.wi.gov/sped/parent.html>.

Public Awareness/Outreach

WDPI and WSEMS make available an array of resources to inform the public of special education dispute resolution options:

- **Print Materials.** Current versions of WDPI publications — *Procedural Safeguards Notice*, *Special Education in Plain Language*, *Introduction to Special Education*, and *Involving Families in Meeting Student Needs: A Guide for School Staff* — are disseminated to LEAs, families, and parent information organizations in print and electronic forms. During 2008–09, the *Procedural Safeguards Notice* document in English-, Spanish-, and Hmong-language versions received 15,593 hits on the WDPI website. *Special Education in Plain Language* received 27,421 website visits and 791,368 hits for various pages. *Introduction to Special Education* in three languages received 19,079 hits on the WDPI website. WSPEI printed 14,000 copies of these major publications for dissemination.
- **Presentations/Conferences.** WSEMS staff presents the training, *Creating Agreement*, developed by the National Community of Practice on Creating Agreement, at the annual Circles of Life Conference for families of children with disabilities. Also, as of September 2009, WSEMS staff had presented the training to 13 sites through videoconferences that WSPEI held quarterly for parent liaisons and FACETS personnel. For this venue, the training materials were provided electronically to participants for later use with parents and school staff, and they were also posted on both organizations’ websites. WSEMS offers a menu of training workshops, whose training modules can be customized to accommodate expected time available and audience composition. These workshops include:
 - *The Wisconsin Special Education Mediation System;*
 - *Federal and State Laws about Special Education Mediation;*
 - *Understanding the Dynamics of Conflict and the Dispute Resolution Spectrum;*
 - *Negotiation and the Principles of Problem-Solving Negotiation;*
 - *Applying the Principles of Problem-Solving to Special Education;*
 - *Preparing Participants for Mediation;*
 - *A Comparison Between Two Dispute Resolution Options: Due-Process and Mediation;*
 - *From the Mediator’s Perspective: How to Effectively Participate in the Mediation Process;*
 - *“Fish Bowl” Special Education Mediation Session;* and,
 - *Debrief and Panel Discussion on Mediation.*

The Circles of Life Conference is a WDPI co-sponsored event that has been in existence for 24 years. It is for families who have children of any age with disabilities or special health care needs and for the professionals who support and provide services for them. Circles of Life is a unique opportunity for participants to develop new skills, garner the latest information, and form lasting friendships. It includes nationally known keynote speakers, topical sections, parent listening sessions, family fun night, and roundtable discussions on such topics as individualized service plans and serving adolescents with Asperger’s Syndrome through social-communication intervention.

- **Web/Electronic Resources.** WSPEI and FACETS make parent training available through diverse media — including print, CD/DVD, online web casts, telephone, and videoconferencing — and in person. A new WDPI

webpage assists IEP team members to recognize circumstances that enhance communication, conflict management, and meeting effectiveness. See it at <http://www.dpi.wi.gov/sped/agreement.html>. The training Creating Agreement provides resources for educators and parents to prevent or reduce the likelihood of miscommunication or conflict escalating into disputes. The resources can be used to help IEP teams evaluate their own interactions and improve team functioning. As part of the improvement planning for meeting SPP Indicator 8 targets, training resources will continue to be developed and posted online over the next year. WDPI posted a video for parents, *Introduction to Special Education*, on YouTube.com. Within 6 months the video logged 6,101 hits. WDPI recently posted on SchoolTube.com another video depicting examples of improved communication and collaboration between schools and parents entitled IEP The Movie. FACETS conducted telephone conferences for parents on dispute resolution options and communication strategies.

Improvement Priorities

Communication and conflict prevention are key areas in need of improvement for Wisconsin to meet targets for SPP Indicator 8 “Schools Facilitate Parent Involvement.” WSPEI grant goals and parent liaison work plans have been realigned to address these areas, including development of parent resources and use of CADRE resources in structured training.

WDPI will provide training to those involved in resolution meetings and develop awareness of the option. WDPI will work with the WI-FACETS and through WSPEI to develop awareness among parents. WDPI will present information on resolution meetings to LEAs at the statewide leadership conference, on the WDPI website, and in WDPI publications. Surveys are used and analyzed to collect data about the work of WSEMS. These surveys, which measure participant satisfaction and issue trends, will continue to be reviewed, with procedures revised as necessary. Continual evaluation of the mediation system will ensure that the WSEMS will remain effective and continue to meet its targets, as well as other measures of a successful system.

Key Wisconsin Leadership at the time this Profile was Developed

Tony Evers, *Superintendent, WDPI*

Stephanie Petska, *Director of Special Education*

Jack Marker, *Former Complaints Coordinator and CADRE Exemplar Contact, WDPI*

Patricia Williams, *Complaints Coordinator and CADRE Exemplar Contact, WDPI*

Marge Resan, *Mediation Coordinator, WDPI*

Patricia Bober, *WSPEI Coordinator, WDPI*

Jane Burns, *Wisconsin Special Education Mediation System (WSEMS) Intake Coordinator/Administrator*

Nissan Bar-Lev, *WSEMS and Special Education Director, Cooperative Educational Service Agency No. 7*

Nina Meierding, *WSEMS Technical Assistance Consultant*

Nelsinia Ramos, *WSEMS Outreach Coordinator and Latino Coordinator, FACETS*

Jan Serak, *WSEMS and FACETS, Co-Director*

Wisconsin

Wisconsin Department of Public Instruction
Division for Learning Support: Equity and Advocacy

125 South Webster Street

Madison, WI 53707

Phone: (888) 267-0028

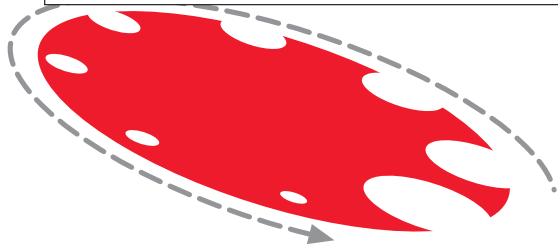
Website: <http://dpi.wi.gov/sped/index.html>

Wisconsin Special Education Mediation System

Hartland, WI 53029-0107

Phone: (888) 298-3857

Website: <http://www.wsems.us/index.htm>



The Center for Appropriate Dispute Resolution in Special Education (CADRE) works to increase the nation's capacity to effectively resolve special education disputes, reducing the use of expensive adversarial processes.

CADRE works with state and local education and early intervention systems, parent centers, families and educators to improve programs and results for children with disabilities.

CADRE is funded by the Office of Special Education Programs at the US Department of Education to serve as the National Center on Dispute Resolution in Special Education.

CADRE's Priorities

- *Identify effective, cost-beneficial dispute resolution practices and support their implementation*
- *Enhance collaboration between education/early intervention agencies and parent organizations*
- *Promote improved problem-solving skills across stakeholder groups*
- *Assist states to implement the dispute resolution provisions of IDEA'04*
- *Support integration of dispute resolution management and improved state system performance*
- *Compile State Performance Plan data and information on the characteristics of state systems*

