

WSEMS & DISPUTE RESOLUTION OPTIONS

Nissan Bar-Lev & Courtney Salzer

Wisconsin Special Education Mediation System

IEP Facilitation ■
Mediation ■
Resolution Process ■



Wisconsin
Special Education
Mediation System

Parents and Schools Working Together

WSEMS Intro

Funded by WDPI since 1996

Nationally-recognized Exemplar System

Partner team:

- Courtney Salzer, WI FACETS Exec. Dir.
- Nissan Bar-Lev, CESA 7 Special Ed. Director
- Gia Pionek, Mediation Partner, System Administrator and Intake Coordinator

Latino Outreach Coordinator

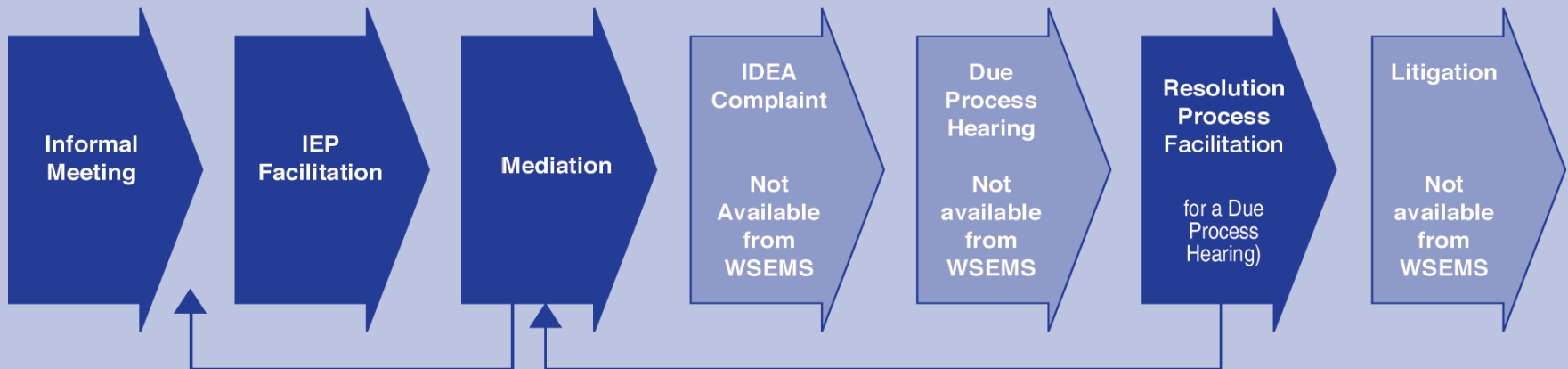
- Nelsinia Ramos, WI FACETS Associate Director & WSEMS Latino Outreach Coordinator

Stakeholder Designed System

WSEMS DR Options

STATEWIDE SYSTEM

Dispute resolution options available to parents and schools



Choosing the **dark blue** 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.

WSEMS Intake Process

**Request for
Information
Received**

Parties' Choice
(self-determination)

Facilitated
IEP

Mediation

Resolution
Meeting

**Impartial
Intake**

- ✓ Screening
- ✓ Education
- ✓ Analysis

**Provide
feedback to
parties**

WSEMS Roster

- Roster/list of neutrals
 - Impartiality
 - Selection
 - Professional diversity
<http://www.wsems.us/mediators.html>
 - Training
 - Used for both mediation & facilitation
-



WSEMS IEP Facilitation

- Option for early conflict resolution
- Trained, impartial professional (facilitator) attends IEP meeting to help IEP team with the process
- Free




When to Request IEP Facilitation

- Early in IEP Process
 - If you think an IEP meeting will be difficult (trust issues, communication issues)
 - For any IEP meeting (initial, annual, re-evaluation, review/revision)
-

IEP Facilitation Request Form

- Contact WSEMS:
888-298-3857
- Complete Request for Facilitated IEP form
(wsems.us/forms)
- Joint or individual request
- Voluntary process
- Case intake & screening

 WSEMS Wisconsin Special Education Mediation System (WSEMS)		INSTRUCTIONS: Complete and submit one (1) signed copy. Retain a copy for your records. Submit signed form to: WISCONSIN SPECIAL EDUCATION MEDIATION SYSTEM			
REQUEST FOR A FACILITATED IEP MEETING		Gla Pionek 6650 W. State Street, #D 168 Wauwatosa, WI 53213 PHONE: 1 - 888 - 298 - 3857 Website: wsems.us Email: gla@wsems.us			
Instructions					
<p>1. Either the parent or school district may initiate the facilitated IEP process by completing this form and mailing, emailing, or faxing the completed form to the contact information provided above.</p> <p>2. Both the parents and school district may jointly complete one form. This form should be sent or faxed to the contact information provided above. The WSEMS, with input from the parties, will appoint a facilitator for the IEP meeting from a list of trained professionals.</p> <p>3. Parties should try and contact the WSEMS at least two weeks prior to the IEP meeting. Both parties must agree to the IEP facilitation in order for the process to take place. The WSEMS will keep the parties notified about the progress of the request.</p>					
We understand and agree to the following:					
<p>1. We are requesting that the WSEMS work with the parties to choose a neutral facilitator from its roster.</p> <p>2. We understand that the WSEMS pays the fees of the facilitator.</p> <p>3. We understand that signing this request gives the WSEMS facilitator, Intake Coordinator, and System Administrator access to information about the student, including information from the IEP document, disability information, and school day schedule.</p> <p>4. We understand that the facilitator is not a member of the IEP team.</p> <p>5. We understand that the facilitator cannot provide legal advice to any participant.</p>					
GENERAL INFORMATION					
Name of School District Administrator		Name of Student	Date of Birth		
Name of School District		Name of Parent/Guardian			
Address		Address			
City	State	Zip	City	State	Zip
Telephone Area/No.	E-mail		Telephone Area/No. (Daytime)	E-mail	
Check One <input type="checkbox"/> The date and time are set for the IEP meeting. Date/Time: _____ <input type="checkbox"/> The date and time are NOT set yet for the IEP meeting. I (we) am (are) requesting a Facilitated IEP meeting because: _____					
SIGNATURES					
We understand that Facilitated IEP is a voluntary dispute resolution option. We understand and agree with the five (5) items noted above.					
Signature of School District Administrator		Date Signed	Signature of Parent/Guardian/Adult Student		Date Signed
<small>The Wisconsin Special Education Mediation System (WSEMS), CFDA #64-027A, acknowledges the support of the Wisconsin Department of Public Instruction in the development of the system and for the continued support of this federally-funded grant project. There are no copyright restrictions on this document; however, please credit the Wisconsin DPI and support of federal funds when copying all or part of this material.</small>					
<small>August 2019</small>					

IEP Facilitation Participants

- Facilitated IEP participants are the same as in non-facilitated IEPs
- WSEMS Facilitator (is not a member of IEP team)



Facilitator's Role

- Role is to assist in the IEP process
 - Keeps team focused on developing the IEP document
 - Clarifies points of agreement and disagreement and maintains open, respectful communication
 - Helps team discuss specific steps of what will occur after the IEP meeting
 - Offers ways to address/resolve conflicts
 - Makes no decisions for the IEP team
-

Participant Surveys - IEP Facilitation

2004 – 20 (n=2,377)

- Satisfied with the IEP Facilitation process - 90.5%
- Felt that the facilitation gave them an opportunity to be a part of the IEP process (89%)
- Thought IEP Facilitation will improve future IEP meetings – 82%
- Would use the same facilitator again – 88.5%
- Thought the facilitator was impartial throughout the process – 88%

Facilitator Surveys 2004-2020 (n=448)

- Most common disabilities - Autism (39.5%); EBD (21%)
- Most common subject matter issues – placement, accommodation, behavior intervention plans

WSEMS Mediation

- Option for early conflict resolution
- Trained, impartial professional (mediator) helps parties reach their own agreement
- Confidential
- Free




When to Request Mediation

- Early in the process (specific dispute, impasse)
 - A referral for special education must have been made
 - For issues dealing with: evaluation, placement, disability identification, IEP, provision of FAPE
 - Other reasons to request:
 - ✓ Need for creative, flexible solutions
 - ✓ Need to be able to be forward-looking
 - ✓ Save costs (resolve quickly, avoid time/expense of preparing for/participating in due process hearing)
 - ✓ Allow the parties to be the decision makers
 - ✓ Encourage the parties to preserve good relationships
 - ✓ Need for privacy
-

Mediation Request & Scheduling

- Joint or single request
- Description of dispute
- Sign/fax/mail
- Scheduling

 WSEMS <small>Wisconsin Special Education Mediation System</small>		Wisconsin Special Education Mediation System (WSEMS) REQUEST FOR SPECIAL EDUCATION MEDIATION	
INSTRUCTIONS: Complete and submit one (1) signed copy. Retain a copy for your records. Submit signed form to: WISCONSIN SPECIAL EDUCATION MEDIATION SYSTEM Gia Pionek 6650 W. State Street, #D 168 Wausau, WI 53213 PHONE: 1 - 888 - 298 - 3857		Website: wsems.us E-mail: gia@wsems.us	
1. Either the parent or school district may initiate the mediation process by completing this Request for Special Education Mediation form and sending the completed form to the WSEMS. 2. Both the parents and school district administrator may jointly complete a single Request for Special Education Mediation form. The form should be mailed, emailed, or faxed to the WSEMS at the address or phone number shown. The WSEMS will arrange mediation at a location, date, and time convenient to both parties. 3. If a non-joint request, the WSEMS will notify the other party in writing of the request for mediation with a request that the other party notify WSEMS within five (5) business days after receiving the notice of their willingness to participate in mediation. If the responding party agrees to mediate, WSEMS will appoint a qualified mediator to arrange a mediation session. If the WSEMS does not receive a timely response or if the other party notifies the WSEMS of their refusal to participate in mediation, the WSEMS will so notify the requesting party.			
MEDIATION REQUEST (Attach additional page if needed)			
We wish to request that WSEMS will convene a special education mediation session regarding the following unresolved issues:			
GENERAL INFORMATION			
Name of School District Administrator (Superintendent)		Name of Student	
		Date of Birth	
Name of School District		Name of Parent/Guardian	
Address		Address	
City	State	Zip	City
			State
			Zip
Telephone Area/No.	E-mail	Telephone Area/No.	E-mail
SIGNATURES			
Signature of School District Administrator (Superintendent)		Signature of Parent/Guardian/Adult Student	
Date Signed		Date Signed	
<small>8/07/19</small> The Wisconsin Special Education Mediation System (WSEMS), CFDA #64.027A, acknowledges the support of the Wisconsin Department of Public Instruction in the development of the system and for the continued support of this federally-funded grant project. There are no copyright restrictions on this document; however, please credit the Wisconsin DPI and support of federal funds when copying all or part of this material.			

Mediation Participants

- Parents or competent adult student
- 2 school reps (can include an attorney as one of reps)
- Parties must agree on any other participants who may attend



Mediator's Role

- Schedule the mediation
- Helps school and district decide who will participate
- Helps participants understand how mediation works
- Facilitates and structures the discussion between participants
- Not a decision-maker
- No legal advice
- Help parties reach agreement



What Do We Do in Mediation?

- Mediation process is informal
 - All participants often in the same room but may have separate sessions
 - Mediator explains and all sign [Agreement to Mediate](#)
 - Mediator explains mediation process and mediator's role.
 - Participants explain why they are there and what positive outcomes they would like to resolve their dispute.
 - Mediator may ask questions to clarify, brainstorm, or create options.
 - No audio, video or written record of the session
-

Mediation Agreement

- Parties work together to write the **Mediation Agreement**
(details of how they decided to resolve their dispute)
 - ✓ Important to be specific
 - ✓ Indicate whether other pending processes (DPH, IDEA or OCR complaint, litigation) are withdrawn as part of the Agreement.
 - ✓ Include a provision to go back to mediation if needed
 - ✓ Mandatory language – *all discussions during mediation are confidential and may not be used as evidence in any hearing or civil proceeding*
 - ✓ How the participants plan to share information
 - Mediator can write the agreement as directed/phrased by the parties
 - Just the parties sign (can have lawyer review 1st – own expense)
 - Copies of Agreement...
-

Satisfaction with Mediation

- Satisfied with mediation process
 - 2000-20 90.4% (n=3,171)
- Would use mediation again
 - 2000-20 92.4% (n=3,171)
- Would use same mediator again
 - 2000-20 90.7% (n=3,171)
 - Rate of written agreements
 - 2000-20 89.7% (n= 3,171)
- Ave. number of sessions per case
 - 2000-20 1.4 (n=3,171)
- Ave. length of a mediation session
 - 2000-20 4.0 hours (n=3.171)



Resolution Process

WAIVER OF RESOLUTION SESSION FOLLOWING RECEIPT OF DUE PROCESS HEARING REQUEST

SCHOOL DISTRICT
[If you need this waiver in a different language or communicated in a different way, or have questions about this agreement, please contact _____ at _____.]

Within 15 days of receiving notice of a parents' request for a due process hearing, and prior to the beginning of a due process hearing, the school district must convene a meeting with the parents and the relevant member or members of the individualized education program (IEP) team who have specific knowledge of the facts identified in the hearing request. The meeting must include a representative of the school district who has decision-making authority on behalf of that district. The meeting may not include an attorney of the school district unless the parent is accompanied by an attorney. The purpose of the meeting is for the parents of the child to discuss their hearing request and the facts that form the basis of the hearing request, so that the school district has the opportunity to resolve the dispute that is the basis for the hearing request.

The district is not required to hold this meeting if the parents and the school district agree in writing to waive the meeting or agree to use the mediation process to try to resolve the issues included in the hearing request. If the parents and school district do not agree to waive the resolution session and the district has not resolved the due process complaint to the parent's satisfaction within 30 days of the receipt of the due process hearing request, the due process hearing must occur. An agreement to waive the resolution session must be in writing.

Agreement to use mediation process rather than resolution session:

I agree to waive the resolution session and use mediation to attempt to resolve the due process issues.			
Signature of parent/legal guardian or adult student	Date	Signature of school district representative	Date

Agreement to proceed directly to due process hearing:

I agree to waive the resolution session and want to proceed directly to the due process hearing.			
Signature of parent/legal guardian or adult student	Date	Signature of school district representative	Date

- Resolution Meeting
- Timelines
- Can be held with or without a WSEMS neutral
- Participants: parents, school rep, relevant IEP team members(s)
- No confidentiality
- Waiver option
- Written agreement

Outreach

- Website
- Training
- Dissemination of System materials
- en Español
- Target audience: parents & school professionals



The screenshot shows the homepage of the Wisconsin Special Education Mediation System (WSEMS). At the top left is the WSEMS logo, which features a stylized map of Wisconsin with a person inside, and the text "WSEMS Wisconsin Special Education Mediation System". To the right of the logo is a search bar with the text "SEARCH" and a "Go" button. Further right is a link to "WSEMS en Español". Below the logo and search bar is a navigation menu with two rows of buttons: "Home", "About", "Mediation", "IEP Facilitation", "Mediators/Facilitators", "WSEMS Forms" in the first row, and "Calendar", "Recorded Workshops", "Publications", "Resources/Links", "FAQ", "Contact" in the second row. Below the navigation menu is a paragraph stating: "The Wisconsin Special Education Mediation System (WSEMS) helps parents and schools resolve disputes about special education." Below this paragraph is a photograph of four people (three women and one man) sitting around a table, engaged in a discussion. To the right of the photograph is a "Contact WSEMS" section with a speech bubble icon. This section includes the email address "Email: jane@wsems.us", the phone number "888-298-3857 (Toll Free Voice)", the TTY number "262-538-1618 (TTY)", the fax number "262-538-1348 (Fax)", and the physical address "Burns Mediation Services, PO Box 829, Madison WI 53701-0829". Below the address is a button that says "View All Mediators / Facilitators". Below the photograph and the "Contact WSEMS" section is a heading that says "Welcome to the Wisconsin Special Education Mediation System (WSEMS) website". Below this heading is a paragraph of text: "WSEMS is a grant-funded system that provides trained neutrals to parents and school districts for Mediation, IEP Facilitation and Resolution Process services. WSEMS services are free, private and confidential. WSEMS was founded in 1996 by a parent, a special education director, and a mediator. This collaboration continues today as an example of how parents, teachers, administrators, advocates and attorneys can work together in a cooperative way for the best interests of the students in Wisconsin's public schools." At the bottom of the page is a small line of text that says "Please contact WSEMS with any questions."

WSEMS Wisconsin Special Education Mediation System

SEARCH Go

[WSEMS en Español](#)

Home About Mediation IEP Facilitation Mediators/Facilitators WSEMS Forms

Calendar Recorded Workshops Publications Resources/Links FAQ Contact

The Wisconsin Special Education Mediation System (WSEMS) helps parents and schools resolve disputes about special education.



Contact WSEMS

Email: jane@wsems.us
888-298-3857 (Toll Free Voice)
262-538-1618 (TTY)
262-538-1348 (Fax)

Burns Mediation Services
PO Box 829
Madison WI 53701-0829

[View All Mediators / Facilitators](#)

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Please contact WSEMS with any questions.

<http://wsems.us>

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CADRE Exemplar Video: Patricia Williams, WI DPI

<http://www.directionservice.org/cadre/williamsinterviews.cfm>



CADRE: Voices from the Field

<http://www.directionservice.org/cadre/barlevinterviews.cfm>

Questions?

