

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

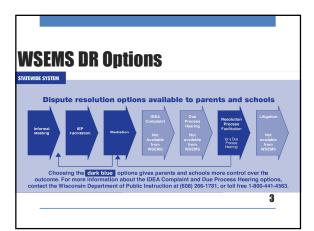
Latino Outreach Coordinator

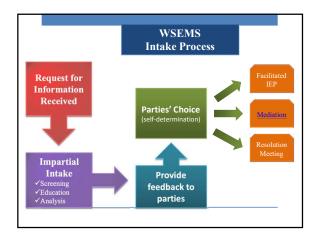
· Nelsinia Ramos, WI FACETS Associate Director & WSEMS Latino **Outreach Coordinator**

Stakeholder Designed System

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WSEMS Roster

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

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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, reevaluation, review/revision)

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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

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IEP Facilitation Participants

- Facilitated IEP participants are the same as in nonfacilitated 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

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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

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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

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Mediation Request & Scheduling

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

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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



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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

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Mediation Agreement

- Parties work together to <u>write</u> the **Mediation Agreement** (details of how they decided to resolve their dispute)
 - ✓Important to be specific
 - \checkmark Indicate whether other pending processes (DPH, IDEA or OCR complaint, litigation) are withdrawn as part of the Agreement.
 - $\checkmark \text{Include a provision to go back to mediation if needed}$
 - ✓ 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 o 2000-20 92.4% (n=3,171)
- Would use same mediator again
 - o 2000-20 90.7% (n=3,171)
 - · Rate of written agreements
 - o 2000-20 89.7% (n=3,171)
- Ave. number of sessions per case o 2000-20 1.4 (n=3,171)
- Ave. length of a mediation session
 - o 2000-20 4.0 hours (n=3.171)



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Resolution Process

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- 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

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Outreach

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



http://wsems.us



