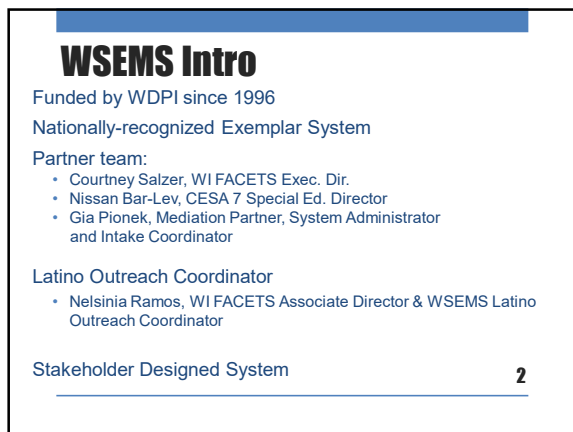
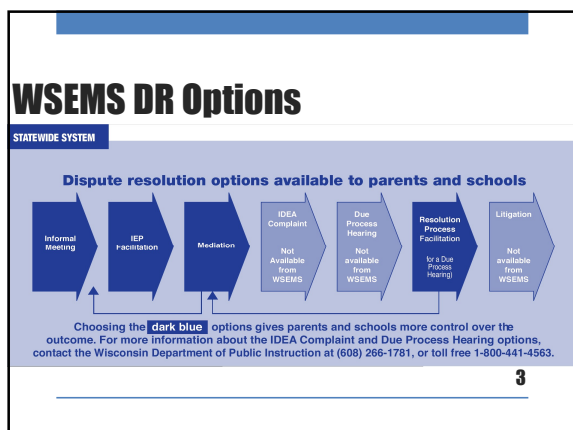


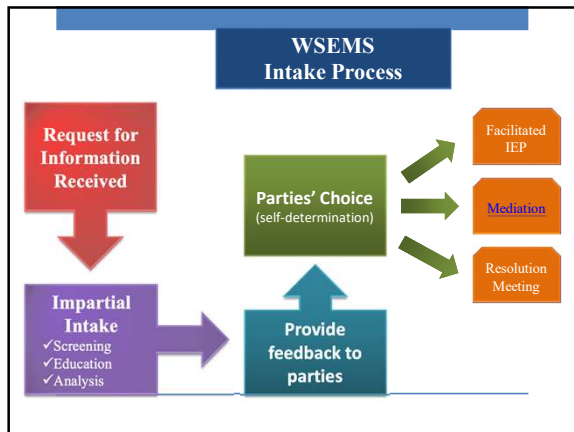
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WSEMS Roster

- Roster/list of neutrals
- Impartiality
- Selection
- Professional diversity
<http://www.wsems.us/mediators.html>
- 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



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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)

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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 non-facilitated IEPs
- WSEMS Facilitator (is not a member of IEP team)



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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



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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



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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 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...

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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)



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Resolution Process

WAIVER OF RESOLUTION SESSION FOLLOWING RECEIPT OF DUE PROCESS HEARING REQUEST

If you filed this waiver in a different language or communication or different way, or have questions about this agreement, please contact _____ at _____.

When I file a request for mediation, I agree to participate in a mediation session. I understand that the mediation session is a confidential process. I understand that the mediation session is a confidential process. I understand that the mediation session is a confidential process.

The district is not required to hold this meeting if the parents and the school district agree to waive the meeting. If the parents and the school district agree to waive the meeting, the mediation session will not occur. An agreement to waive the mediation session is not binding.

I agree to waive the mediation session and use mediation to resolve the due process hearing request. I agree to waive the mediation session and use mediation to resolve the due process hearing request. I agree to waive the mediation session and use mediation to resolve the due process hearing request.

- 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>

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CADRE Exemplar Video: Patricia Williams, WI DPI

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

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CADRE: Voices from the Field

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

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Questions?



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