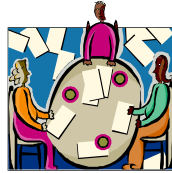


DISPUTE RESOLUTION PROCESSES

Promoting Collaboration Preventing and Resolving Special Education Disputes



Under the Individuals With Disabilities Education Act, every effort should be made to resolve differences between parents and school staff through mediation or some other informal step. The Hawaii Department of Education offers three voluntary options of **Conciliation, Facilitation, and Mediation** to help parents and schools work through differences.

What is Conciliation?

- Conciliation is an informal process that can and should be used at the earliest stage of disagreement between school professionals and parents of children with special needs.
- Conciliation focuses on communication, cooperative problem solving.
- The conciliator helps parents & school professionals define the problem, explore and learn about each other's interests, and work together to develop a solution, plan of action, or agreement for future behavior or interactions.

When do I use Conciliation?

- As soon as Personality differences create tension between parent and a school professional or other team member;
- Communication problems arise between parents and other IEP Team members; or
- Disagreements result in anger, frustration and prevent members of the Team from moving forward

What is facilitation?

- Facilitation is a process designed to help IEP meetings be more productive.
- Prior to the meeting, the facilitator works with the parents and school to create a clear agenda, purpose and desired outcomes of the meeting
- During the meeting, the facilitator ensures everyone participates, no one dominates and the Team stays on track, addressing the agenda items, accomplishing the purpose and ending on time.

What is mediation?

- Mediation is a voluntary, confidential process where a neutral third party (the mediator), helps parties come together to talk and decide how to resolve their dispute.
- The mediator does not take sides or make decisions.
- The mediator assists the parties to reach an agreement they both can live with
- Mediation may not be used to deny or delay parents right to a due process hearing.



Key components underlying **conciliation, facilitation and mediation**, include assisting the participants to communicate, collaborate and resolve differences. However, there are also distinct differences between the processes.

Conciliation

- Informal process
- Use at earliest stage
 - Personality clash
 - Communication
 - New school, new Team
- Neutral third party
 - Conciliator
 - Facilitates dialogue
 - Everyone together
- No Pre-planning
- No attorneys
- No advocates
- Only parents & key professionals involved
- Focus on improved communication
- Best method for communicating
- Improved working relationship
- No discussion of laws
- No IEP decisions
- Focus on the future

Facilitation

- Structured meeting
- Use when meetings aren't productive
 - Go too long
 - Goals aren't accomplished
- Neutral third party
 - Facilitator
 - Manages productive IEP meetings
- Pre-planning is key
- Attorney/advocates may participate
- IEP Team
- Focused on making meetings productive & collaborative
- Purpose & outcomes of IEP meeting
 - Review goals & objectives
 - Create new goals & objectives
 - Placement
- Complete IEP

Mediation

- Informal process
- Use at early or later stage in disagreements over
 - Services
 - Placement
 - Reimbursement
- Neutral third party
 - Mediator(s)
 - Facilitates discussion
 - Private & joint sessions
- No pre-meetings
- Attorneys/advocates may attend
- Only parents & key professionals involved
- Focus on
 - Problem-solving
 - Communication
 - Written resolution of issues
- Confidential
- Focus on issues, interests & future

How do I find a conciliator, facilitator or mediator?

- The school should fax a request form to the community mediation center on their island [Oahu: 538-1454; Maui: 249-0905; Kauai: 245-7476; West Hawaii: 887-0525; Hilo: 887-1861]
 - Parents and school should agree to conciliation, facilitation or mediation prior to faxing the referral form
- Parents may contact the mediation center on their island directly [Oahu: 521-6767; Maui: 244-5744; Kauai: 245-4077; West Hawaii: 885-5525; Hilo: 935-7844]
 - Upon receiving a request from a parent, the case manager will contact the school to determine if they agree to participate in the requested process.