

Exploring Options to Resolve Disagreements within Juvenile Courts, Education, and Special Education

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THE SUPREME COURT *of* OHIO **2020**
Dispute Resolution
Conference

Office for Exceptional Children

Dispute Resolution Options



Due Process



State Compliant



Mediation



Facilitation

Due Process

- Most adversarial option
- Impartial Hearing Officer decides outcome
- Costly for districts
- Can be appealed to State Level Review Officer
- Additional appeal to court



Formal State Complaint

- Filed by any individual or organization
- Can be resolved through mediation or facilitation
- 60-day investigation
 - Documentation
 - Interviews
 - On-site observations
- Letter of Findings assigns corrective action when necessary

Ohio | Department of Education

COMPLAINT FORM

Office for Exceptional Children
Attn: Assistant Director of Dispute Resolution
25 South Front Street, 4th Floor, MS 409
Columbus, OH 43215

This is not the form to use to file for a due process hearing.

Note: The use of this form is not required. You may submit your own complaint, but your request must include all the required information below.¹

SECTION 1

Complainant Information (Please print or type.)

Name(s): _____

Relationship to student(s) (Check below):
 Parent Attorney Advocate
Other _____

Address: _____

City, State and Zip Code: _____

Phone number (Home): _____

Phone number (Work): _____

Phone number (Cell): _____

Email: _____

My preferred method of contact is:
 By phone (Please note which of the above numbers): _____
Best time during normal business hours to call: _____

By email: _____

¹ Per Federal Regulation 34 C.F.R. §300.153 [Filing a complaint]

Page 1 | Complaint Resolution Form | April 2017

<http://education.ohio.gov/Topics/Special-Education/Dispute-Resolution>

Mediation

Neutral third party works with the district and parents to **reach agreement** on a variety of issues.

Mediation can resolve a written state complaint or a due process hearing request.



Mediators

- Chair the meeting
- Ensure conversations are respectful
- Ensure everyone has an opportunity to speak
- May caucus if needed
- Trained in mediation and Special Education Laws

Neutral third party
works with the IEP team
or the evaluation team to
reach consensus

Facilitation



Facilitators

- Do not chair meetings
- Are not part of the team
- Only step in if the team is no longer productive
- Do not allow recorded meetings unless required by ADA or both parties agree
- Do not make decisions
- Trained in alternative dispute resolution techniques and Special Education Laws

Why use mediation or facilitation?

Improve communication	Manage expectations
Strengthen relationships	Avoid (or resolve) Due Process and Complaints
Keep the solution local	Free to districts and families
Focus on the student	

When to Use Mediation or Facilitation

Special education disagreements

Evaluation or Individualized Education Program Team dysfunction

Both parties agree to the process

How to Request Mediation or Facilitation



Call 877-644-6338 and ask for the special education mediation coordinator



OECMediationFacilitation@education.ohio.gov



Access the direct request form at education.ohio.gov

Who should attend the meeting?

Mediation

Parent/Student

A district representative

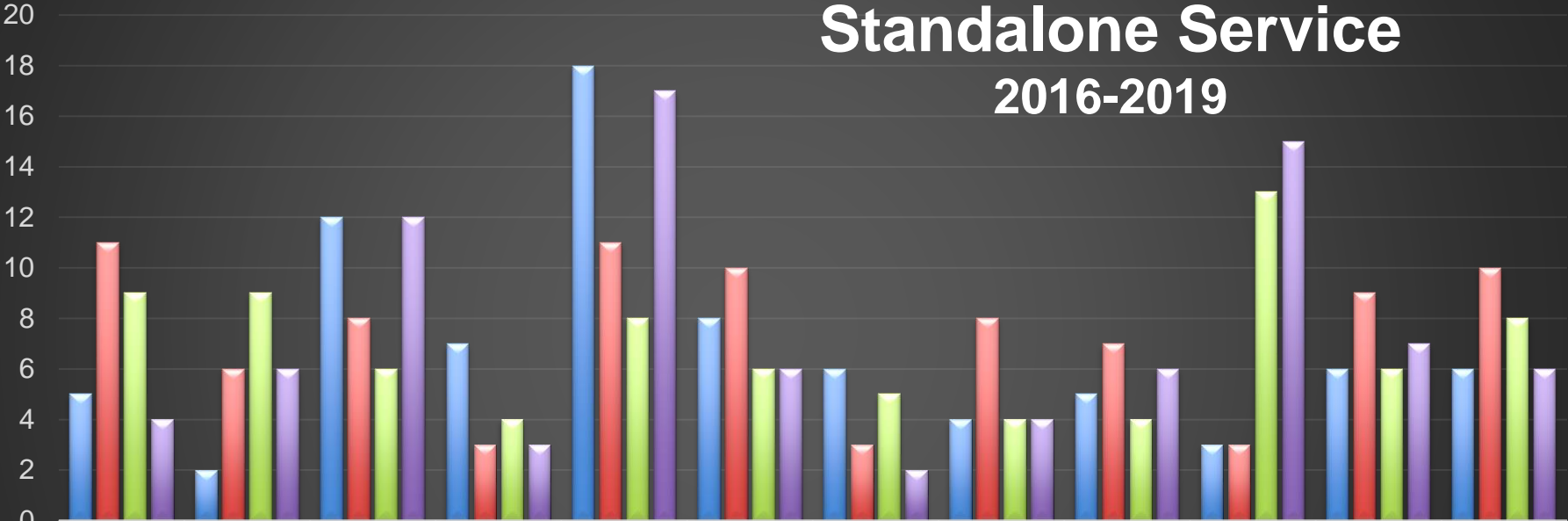
Others related to the specific issue requiring mediation

Facilitation

The entire ETR or IEP team, including the student when appropriate

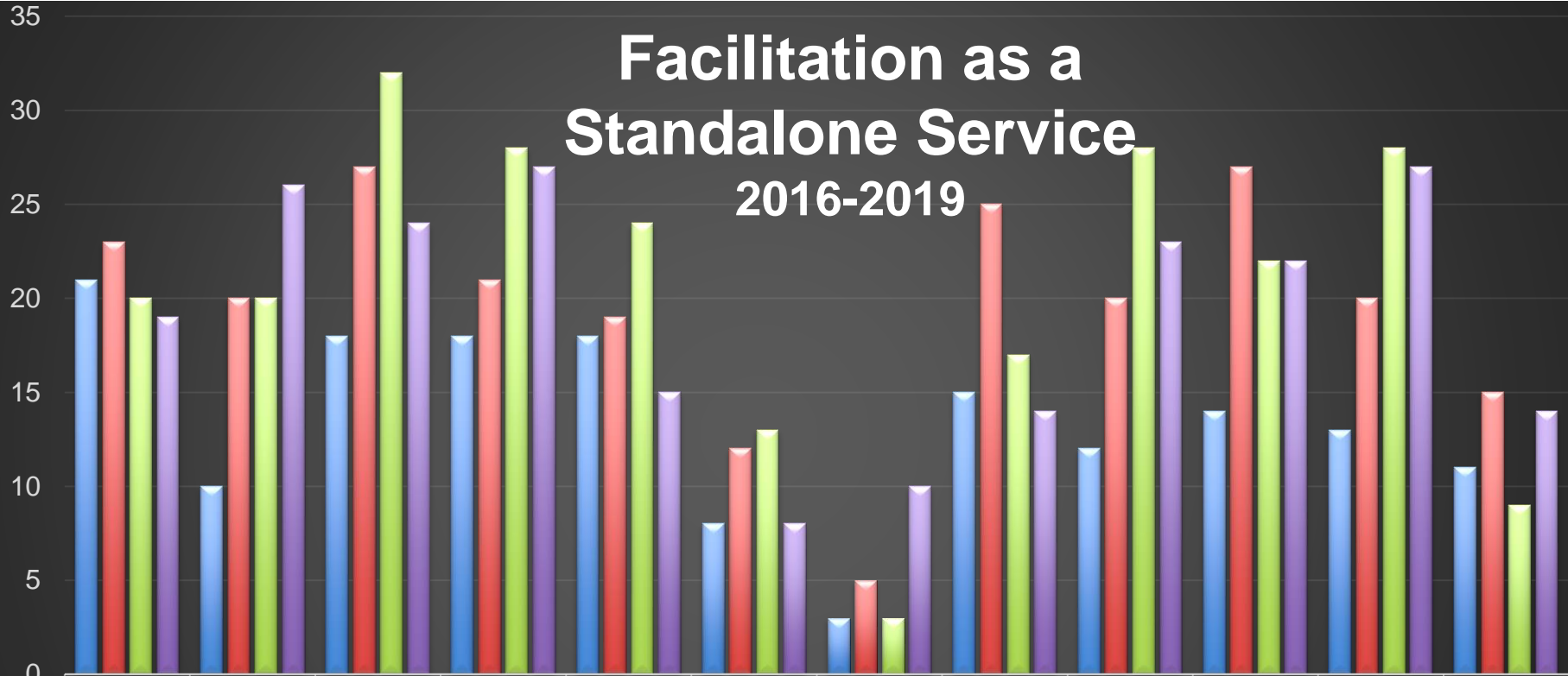
Mediation as a Standalone Service

2016-2019



	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2016	5	2	12	7	18	8	6	4	5	3	6	6
2017	11	6	8	3	11	10	3	8	7	3	9	10
2018	9	9	6	4	8	6	5	4	4	13	6	8
2019	4	6	12	3	17	6	2	4	6	15	7	6

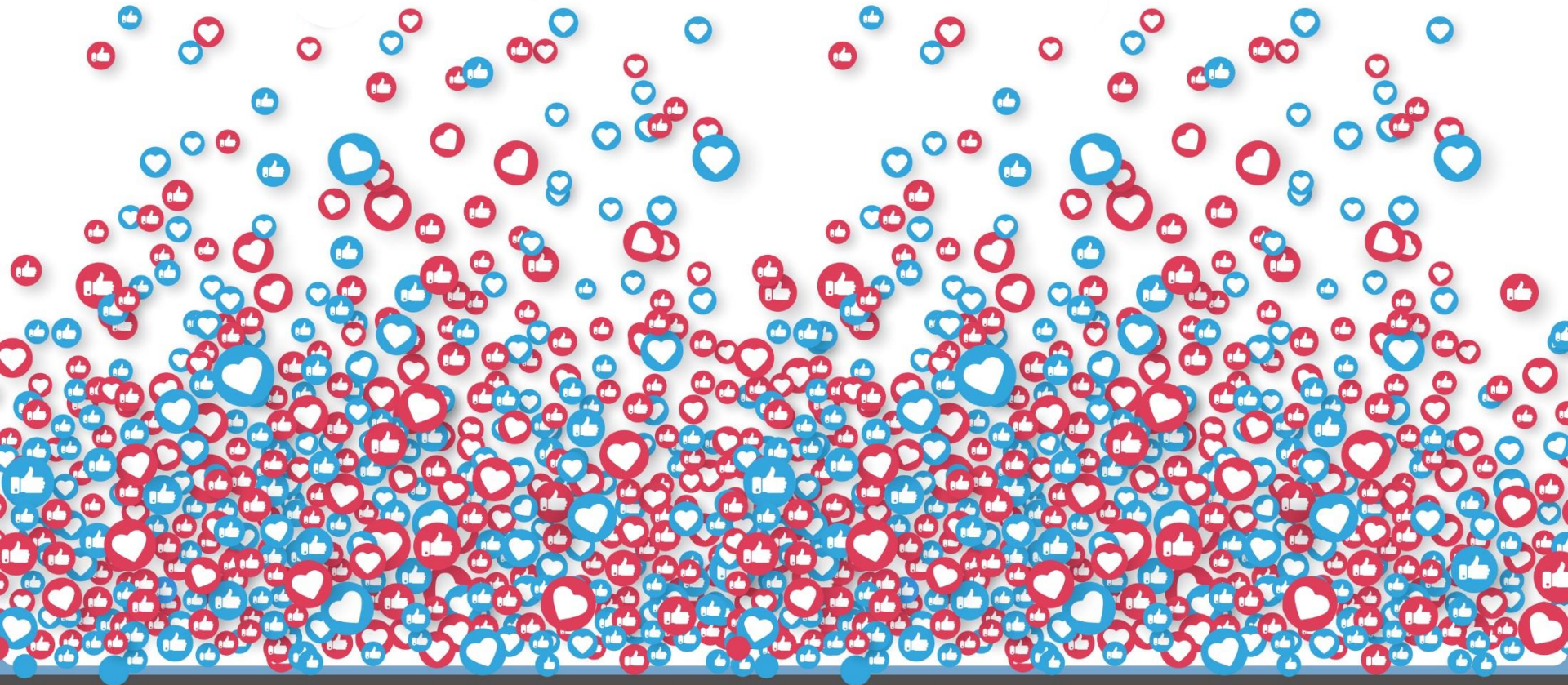
Facilitation as a Standalone Service 2016-2019



	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2016	21	10	18	18	18	8	3	15	12	14	13	11
2017	23	20	27	21	19	12	5	25	20	27	20	15
2018	20	20	32	28	24	13	3	17	28	22	28	9
2019	19	26	24	27	15	8	10	14	23	22	27	14



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Breakout Session B (Part 2)

Jennifer Batton, MA, Conflict Education Consultants

THE SUPREME COURT *of* OHIO **2020**
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Bridging Divides: What To Do When People Disagree

Developed by

**Jennifer Batton, MA, Conflict Education Consultants,
conflicteducationconsultants@gmail.com**

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Opening: Interest-Based Problem Solving

Traditional Approach

Goal: Win

Process : Adversarial

Attack problem and people

Focus on position

Come with “the” solution

Interest-Based Approach

Goal: Win-Win

Process: Collegial

Concentrate on the Problem

Focus on interests

Willing to explore options

Fisher, R., Ury, W. & Patton, B. (2011). *Getting to Yes, Negotiating Agreement Without Giving In, Third Edition.* New York, NY: Penguin Books.

Opening: Interest Based Problem Solving

Process

1. Agree on the problem or decision to be made
2. Engage in dialogue to exchange information and to increase understanding of other points of view.
3. Generate options for mutual gain based on shared interests.
4. Develop an integrative solution.
5. Reach final agreement that all parties can accept.

Preparing for the Conversation: Framing the Problem

Goal: Describe the problem so both sides agree

- Remove the judgment – neither side is “right or “wrong”
- Describe it as a difference between the two
- Acknowledge each story as legitimate
- No need to agree
- Have a willingness to explore their perception

Problem Solving: Positions v. Interests

Positions v. Interests

Position = what you want

Interest = why you want it (needs, hopes, desires)

Preparing for the Conversation: Framing the Problem

Examples:

1. City council member - We must build this jail to prevent overcrowding!

Residents - We don't want criminals in our backyard!

2. School board member - Physical ed. is essential for the health of our children, we can not cut it.

Another school board member - We don't have the financial resources to support it! And our children need to perform better on state tests!

Preparing for the Conversation: Reframing Examples

Statement 1: Resident where jail may be built: “We don’t want criminals in our backyard!”

Try reframing the problem:

- as an interest(s) v. position(s)
- by testing perceptions
- as an individual component(s) of the problem
- by the needs not being met for this person

Preparing for the Conversation: Reframing Examples

Statement 2: School board member, “Physical education is essential for the health of our kids, we can not cut it!”

Try reframing the problem:

- as an interest(s) v. position(s)
- as an observation v. inference
- by intentions v. impact

Understanding Conflict: Meetings Gone Wrong



Also Known As –

Why these skills are important!

How not to be “that other person”!

Council Meeting - Agenda Setting, June 4, 2012 (3:44), Maine

<https://www.youtube.com/watch?v=58oR7gjqwQE>

Enhancing Communication Strategies: Communication Obstacles

- Advising
- Arguing
- Criticizing
- Judging
- Probing
- Interrupting
- Long speeches
- Repeating
- Acting superior
- Accusing/Blaming
- Complaining
- Nagging
- Threatening
- Punishing
- Bribing

Enhancing Communication Strategies: Seven Caring Habits (Glasser)

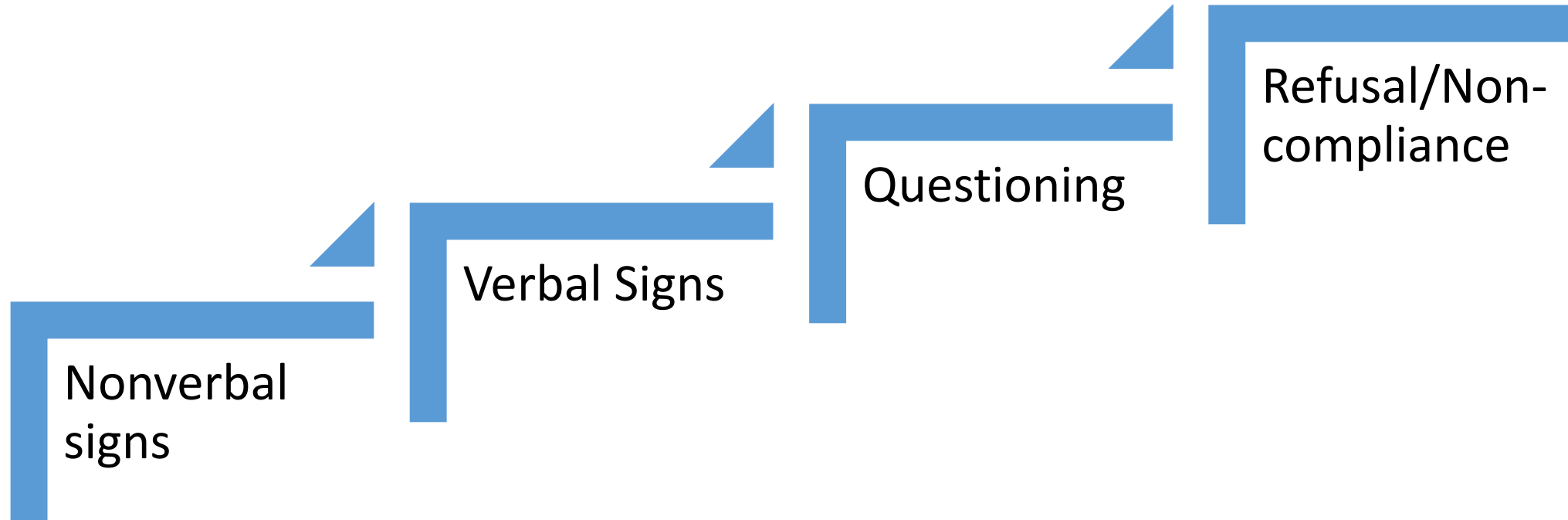
Seven Caring Habits (Glasser)

1. Supporting
2. Encouraging
3. Listening
4. Accepting
5. Trusting
6. Respecting
7. Negotiating Differences

Glasser, W. (2017, July 7). *Choice Theory*. <http://wglasser.com/the-glasser-approach/choice-theory>

Enhancing Communication Strategies Practice

De-Escalating Angry Individuals



The Ohio Commission on Dispute Resolution and Conflict Management (OCDRCM) and the Ohio Department of Education (ODE). (2007). *Conflict Management Training for Adults, Practical Skills and Strategies*. Columbus, Ohio: OCDRCM. (pp. D-4 to D-9).

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