



Special Education

Alternative Dispute Resolution (ADR)

FISCAL YEAR 2013 Report

TABLE OF CONTENTS

TABLE OF APPENDICES	ii
INTRODUCTION.....	1
HISTORY OF SPECIAL EDUCATION DISPUTE RESOLUTION	1
PURPOSE OF REPORT.....	1
PROCEDURE FOR EVALUATION	1
EXECUTIVE SUMMARY	2
CASE STATISTICS.....	3
DATA PERTAINING TO REQUESTS FOR ADR OPTIONS	3
CASE AND SESSION DATA	7
OUTCOME DATA.....	9
FOLLOW UP DATA	13
CONCLUSIONS	16
Requests for ADR Processes.....	17
Case and Session Data	17
Outcomes and Follow Up.....	17
RECOMMENDATIONS FOR CONTINUOUS IMPROVEMENT OF ADR SERVICES.....	17

TABLE OF APPENDICES

Appendix 1 - Case Statistic Comparison FY13.....	A-1
Appendix 2 - Mediators' Views of Factors Leading to Dispute FY13.....	A-2
Appendix 3 - Facilitators' Views of Factors Leading to Dispute FY13.....	A-3
Appendix 4 - Student Classifications in FY13 Mediation Requests.....	A-4
Appendix 5 - Student Classifications in FY13 Facilitated Meeting Requests	A-5
Appendix 6 - Mediation Issues FY13.....	A-6
Appendix 7 - Facilitated Meeting Issues FY13.....	A-8
Appendix 8 - Satisfaction Rates FY09-FY13	A-10
Appendix 9 - Five-Year Comparison of Requests and Agreements.....	A-11
Appendix 10 - Facilitated Meeting Participants' Reactions FY09-FY13	A-12

INTRODUCTION

HISTORY OF SPECIAL EDUCATION DISPUTE RESOLUTION

Minnesota initiated mediation as a dispute resolution option in special education in 1992, five years before it was included in the Individuals with Disabilities Education Act (IDEA). While some states only offered mediation as an alternative to a due process hearing, Minnesota offered the process any time there was a dispute related to special education services. In addition, Minnesota began offering the option of a neutral facilitator for education planning meetings for the Individual Education Program (IEP), the Individual Family Service Plan (IFSP) and the Individual Interagency Intervention Plan (IIIP) in 2001. These are referred to as “facilitated meetings” in this report. The documents resulting from these meetings are referred to as “special education plans.” Both mediation and the facilitated meeting process are alternative dispute resolution (ADR) options for conflict resolution and have proven to be effective in resolving a variety of issues.

Since the program’s inception, parties resolved some or all of their issues in 87 percent of the mediations. Facilitators promoted effective communication and assisted teams in developing education plans in 93 percent of the meetings facilitated since January, 2001.

PURPOSE OF REPORT

The purpose of this report is to inform stakeholders of FY13 data and historical data collected from program evaluation; to review the use of and response to the ADR options over the last year; to compare parent school relationships before, during, and after an ADR process; and to make recommendations for improvements of Minnesota’s Alternative Dispute Resolution Services.

PROCEDURE FOR EVALUATION

The Minnesota Department of Education Division of Compliance and Assistance offers third-party assistance to school districts and parents for resolving conflicts related to a student’s special education services. Thirteen independent contractors, located around the state, provide the services. At the end of a mediation or facilitation session, the contractor completes a survey that identifies the issues raised, their perception of what led to the request for an ADR process, the results, and what may have contributed to the outcome. Immediately following the mediation or facilitated meeting, the participants also have the opportunity to answer an online survey about the process, their general satisfaction, the skills of the mediator/facilitator, what they liked and did not like about their experience, the impact on the parent/school relationship, and how the Minnesota Department of Education (MDE) can improve ADR services.

Two months after a session, a short follow-up evaluation is mailed to parents, an advocate, if appropriate, and the district representative. The evaluation includes questions to assess whether the process influenced the communication and/or the relationship between the parents and school. It also gives participants an opportunity to discuss the outcome and, if there was an agreement, indicate what helped to ensure that the parties involved would follow it. Finally, the evaluation provides a means for participants to express whether they believe the process made a positive difference in the student’s education. This report addresses the results of these evaluations.

EXECUTIVE SUMMARY

Usage of the Minnesota Department of Education's (MDE) special education Alternative Dispute Resolution (ADR) Services of mediation and facilitated education planning meetings increased by 17 percent, reversing a downward trend in requests over the last two years. From the perspective of the ADR professionals, the increased requests for ADR services were due to a lack of trust, of communication and of focus among education planning teams and due to disagreements about students' needs. Over 380 participants needed to resolve issues surrounding the development of appropriate education plans, specifically settling differences around goals.

The mediators, facilitators and participants achieved a high rate of agreement in resolving the issues brought to the table. According to the ADR professionals, the agreements were due to the participants' desire to succeed and their willingness to clarify concerns, issues and facts. To maintain this successful program and improve ADR Services for parents and district personnel, continuous improvement is key. This improvement is fueled by the input received in participants' evaluations. The data reveal program strengths and areas for improvement which are summarized below.

Strengths

- The number of requests for ADR processes increased in FY13.
- Both parents and districts were comfortable requesting an ADR process.
- Most ethnic groups increased usage of ADR Services.
- Participants and ADR professionals achieved a high agreement rate for both mediation and facilitated meetings.
- Skilled mediators and facilitators are impartial, respectful, assist parties in focusing on issues, and encourage effective communication.
- Facilitators of education planning meetings have a positive impact on participants' well-being and their relationships.
- Nearly all participants would use the same process again and would recommend it to others.
- Several individuals took the time to offer suggestions for improving ADR Services.

Areas for Improvement

- Increase usage of ADR Services in Greater Minnesota.
- Increase the return rate for evaluations.
- Decrease the length of time between the date of a request and the first session.
- Increase use of technology in ADR processes.

- Increase meeting outcomes that make a positive difference in a student’s education
- Improve the communication and working relationship between parents and educators after participating in an ADR process modeled by ADR professionals. ADR professionals’ influence on improved communication and working relationships

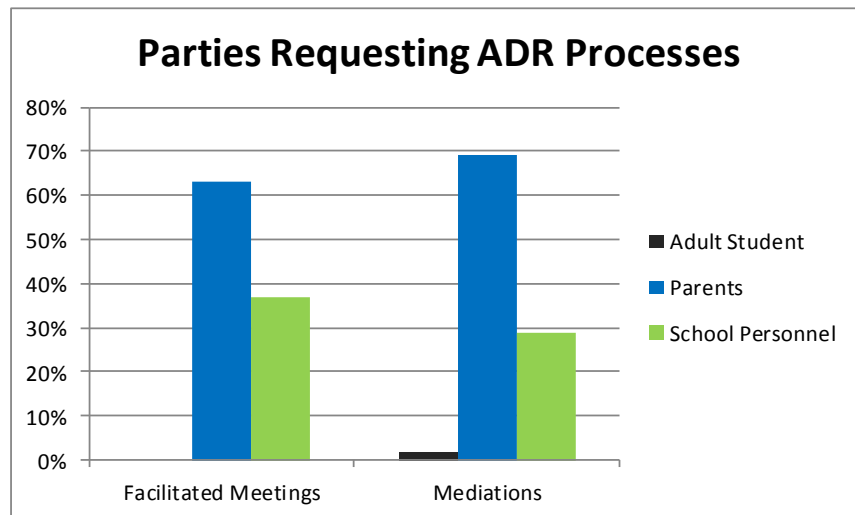
This report explains data charts that give detailed information collected from participants’ and ADR professionals’ evaluations. In addition, it compares data from mediation and facilitated meetings in three categories: requests, cases and outcomes. Readers can find the conclusion and recommendations at the end of the report.

CASE STATISTICS¹

DATA PERTAINING TO REQUESTS FOR ADR OPTIONS

In FY13, 89 parents and district personnel requested mediation or facilitated meeting services to resolve conflicts in special education. This is a 17 percent increase from FY12 requests with mediation having the higher increase. Mediation requests had been decreasing the two previous years. To see the trend over the last five years, see Appendix 9.

Figure 1



Parents in FY13 requested both ADR processes more frequently than school personnel.

As detailed in Appendices 4 and 5, ADR processes were requested most frequently for students with autism.

¹ See Appendix 1 for more details.

Table 1A

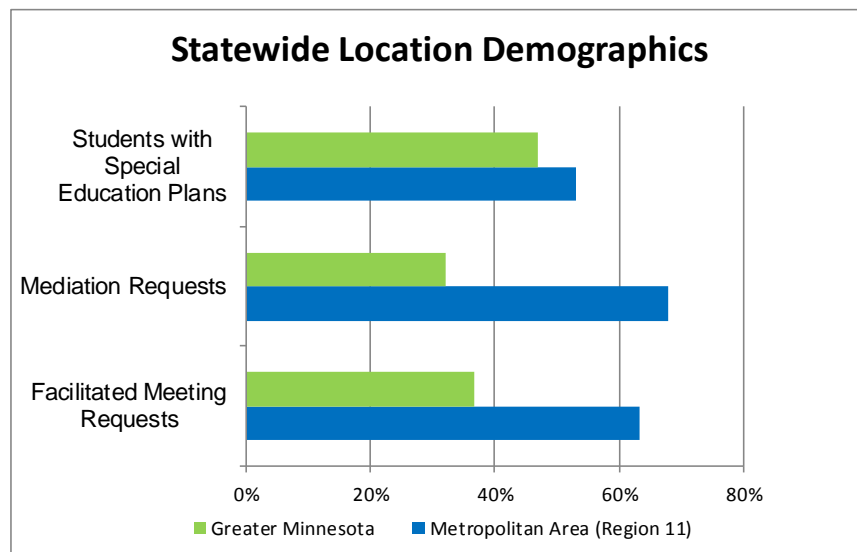
Mediators' Views of Factors Leading to Mediation Requests	Mediation	Percentage of Total Mediation Cases
Lack of trust between the parties	26	79%
Disagreements on student's needs	21	64%
Neutral third party needed to manage communication between the parties	20	61%

Table 1B

Facilitators' Views of Factors Leading to Facilitated Meeting Requests	Facilitated Meetings	Percentage of Cases
Neutral third party needed to keep meeting focused	18	86%
Disagreements on student's needs	17	81%
Lack of trust among team members	16	76%

Mediators identified three main reasons for parties' requests for mediation: lack of trust between the parties, disagreement on the students' needs, and a neutral third party was needed to manage communication between the parties. (See Table 1A).² Facilitators also identified the first two factors, but more prevalent was the need for a neutral third party to keep the meeting focused.³ (See Table 1B)

Figure 2

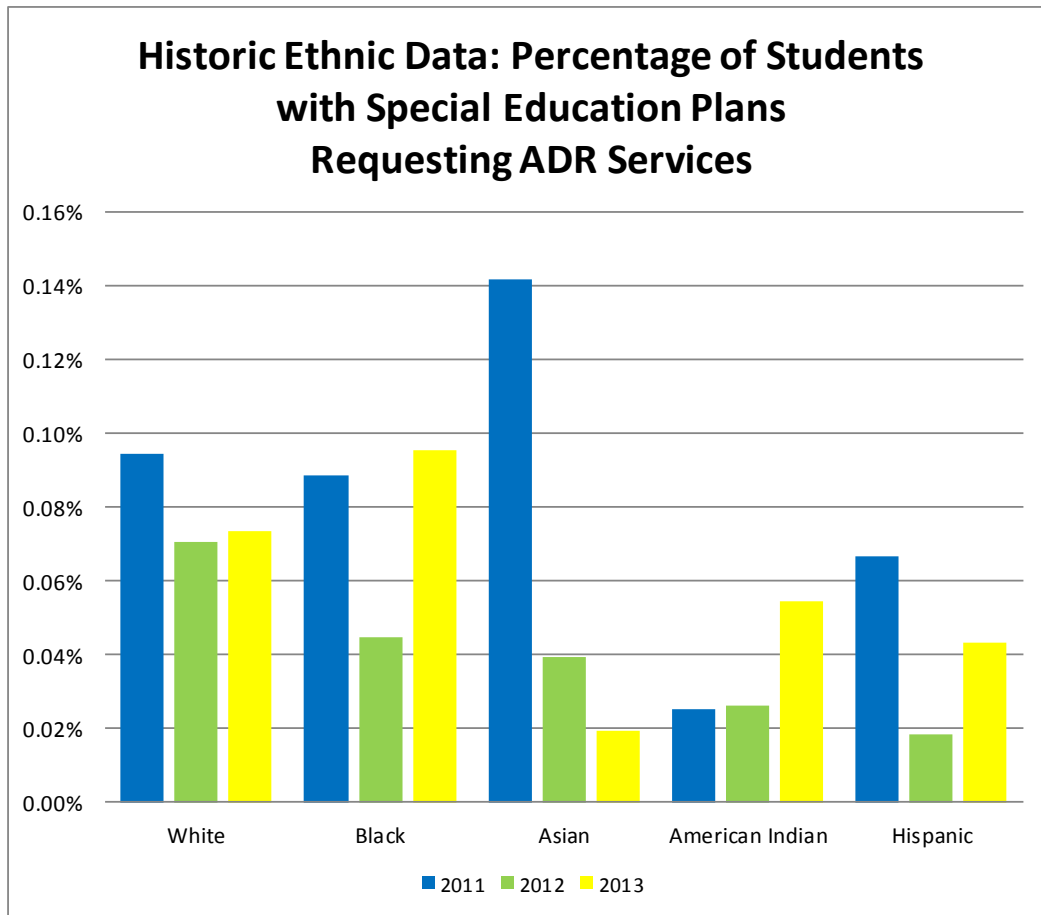


² See Appendix 2 for more details.

³ See Appendix 3 for more details.

The majority of families (66 percent) who requested ADR processes in FY13 live in the Twin Cities metropolitan area and its suburbs (see Figure 2) where 53 percent of the students with special education plans reside.⁴

Figure 3



The ethnicity of the majority of students who have special education plans is White (71%).⁵ Of those White students with education plans, 9% requested an ADR process in FY13, a slight increase from last year. All other ethnic groups, except for Asian families, requested ADR processes more frequently than the previous year. In FY13, Black families were more likely to use an ADR process compared to Asian, Hispanic and American Indian families.

⁴ Region 11 includes Minneapolis and St. Paul and each city's suburbs.

⁵ On December 1, 2012, MARSS data shows 124,304 public school students with special education plans in Minnesota and the number of White students with IEPs is 88,138.

Figure 4 Percentage of Facilitated Meeting Requests that Result in a Meeting

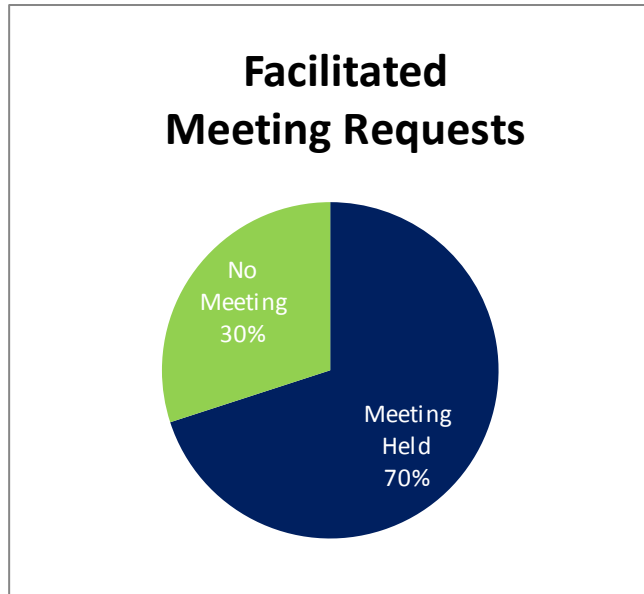


Figure 5 Percentage of Mediation Requests that Result in a Session

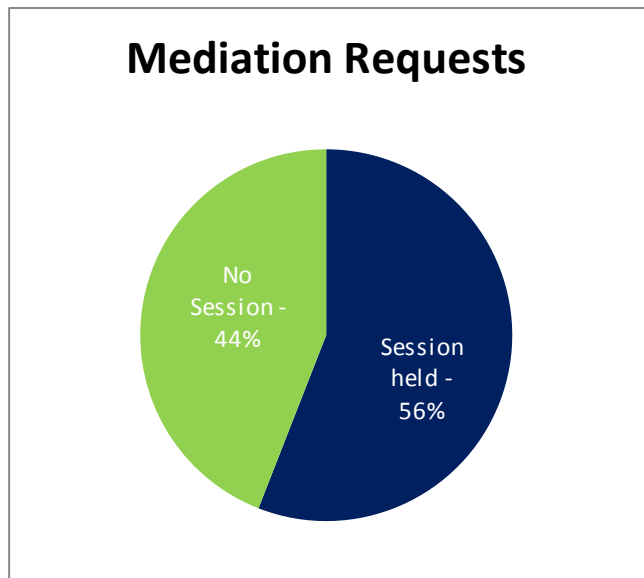
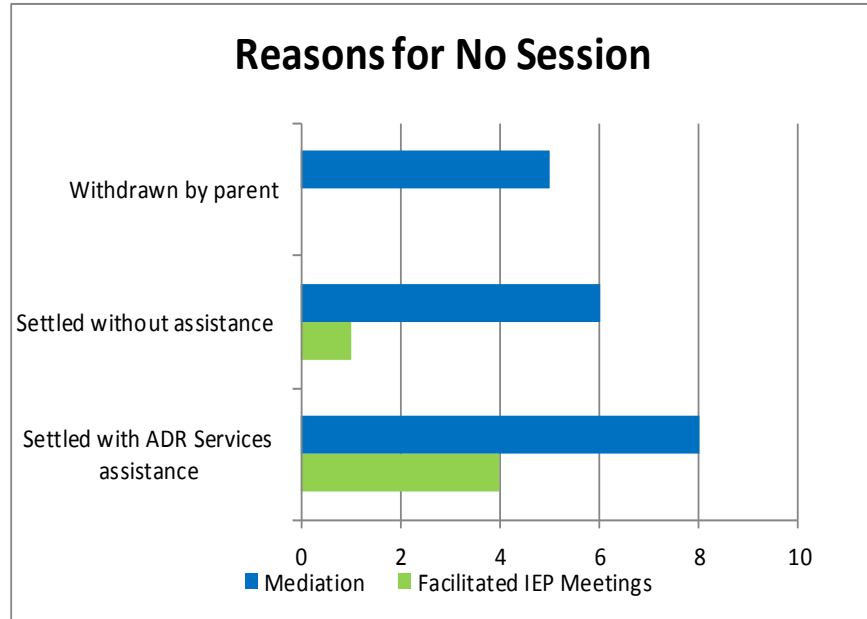


Figure 6



Not every request results in a scheduled session. Overall, more than 60 percent of the ADR requests resulted in a meeting or session held. Sometimes the request is not appropriate for the program. For example, one party may refuse to participate in the voluntary process, change his/her mind or withdraw the request. The most frequent reason for not scheduling a mediation session was that over half of the parties settled their disagreements.

CASE AND SESSION DATA

Session Timeliness and Participants

Table 2A	Mediation	Facilitated Meetings
Average Number of Days from First Signature on Request to First Session	34 calendar days (90% of cases held within 27 calendar days)	30 calendar days (90% of cases held within 26 calendar days)
Total Participants	180 participants	203 participants
Average Participants	5 participants	9 participants

Ninety percent of mediations and facilitated meetings took place within 26-27 calendar days of MDE receiving a request from one party (Table 2A). While scheduling began within two to three days of receiving the signed requests from both parties, attendees' availability, location and other logistics accounts for the total length of time. Parties need to clear a full day for mediation and teams need to reserve a minimum of three hours for a facilitated meeting. Over three hundred eighty people participated in the processes; an average of five participants in mediation and nearly twice as many participants attended facilitated meetings.

Session Length

Table 2B	Mediation	Facilitated Meetings
Total Sessions	37 sessions for 33 cases	27 sessions for 21 cases
Average Length of Case	5.1 hours	6.8 hours
Table 2C	Mediation	Facilitated Meetings
Average Length of Session	3.8 hours	5.3 hours
Average Number of Sessions/Case	1.1 sessions	1.3 sessions

Both processes may require more than one session. The case time, session time, and number of sessions is greater for a facilitated meeting request. (Table 2B).

Most Frequent Issues Addressed in over half of ADR Processes*

Table 3 Categories of Issues	Mediation⁶ (N=33)	Facilitated Meetings⁷ (N=24)
Appropriateness of IEP: Services and Content	55% Goals and objectives	86% Goals and objectives
Process/Procedure Issues	52% Education plan development	81% Education plan development
Adaptations/Related Services	n/a	71% Accommodations/ modifications
General Issues	n/a	62% Implementation of education plan
General Issues	n/a	57% Discipline/behavior intervention
General Issues	n/a	57% Identification/evaluation /reevaluation

⁶ See Appendix 6 for more details.

⁷ See Appendix 7 for more details.

Table 3 Categories of Issues	Mediation⁶ (N=33)	Facilitated Meetings⁷ (N=24)
Appropriateness of IEP: Services and Content	n/a	57% Present Level of Education Performance
Adaptations/Related Services	n/a	52% Assistive Technology

*Each case may have more than one factor indicated, so the total percentage of issues will be greater than 100 percent.

Table 3 indicates that discussions about goals and objectives and development of an education plan were the most frequent issues addressed in both facilitated meetings and mediation.

OUTCOME DATA

Results

Table 4A	Mediation	Facilitated Meetings
Results Agreements Reached Agreement Rate	29/31 Agreements Reached 94% Agreement Rate	19/21 Agreements Reached 90% Agreement Reached

Both processes continue to have high agreement rates. For a five year comparison of agreement rates in both processes, see Appendix 9. ADR Services program staff define an agreement in facilitated meetings as the team completing the entire education plan and reaching a tentative agreement on the document. According to state law, parents are allowed 14 calendar days to review the draft of the plan. Some participants report the final outcome in a follow up survey.

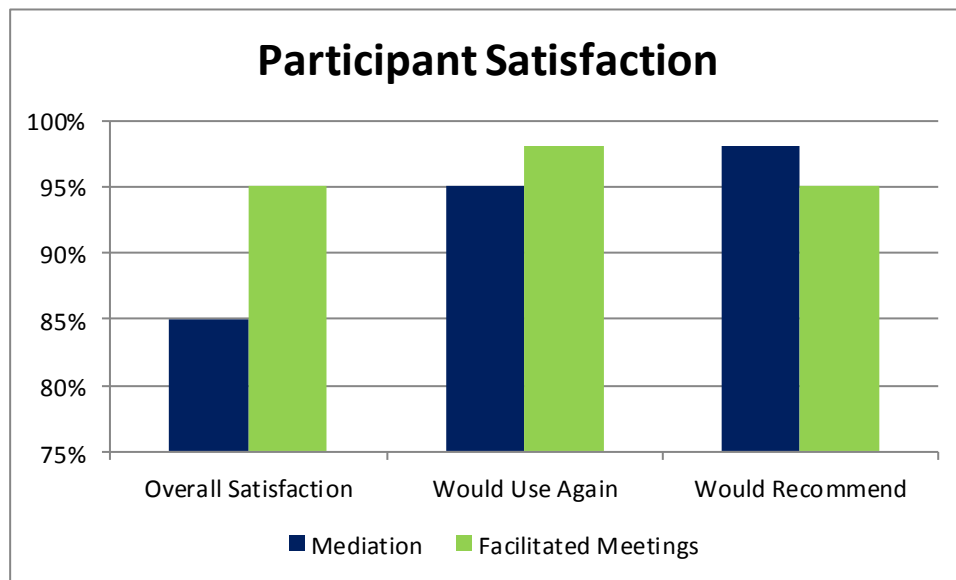
Reasons for Agreement/Non-Agreement

Table 4B	Mediation	Facilitated Meetings
*Most Frequent Reasons for Agreement in 31 Mediations Cases and 19 Facilitation Cases	48% Desire to reach agreement 48% Issues or facts clarified	73% Concerns identified 73% Issues or facts clarified 68% Desire to reach agreement
Reasons for Non-Agreement in 2 Mediation Cases and 2 Meeting Facilitations	1 Lack of acceptable options 1 One party would not negotiate 1 Lack of trust	2 Emotions too high 2 Lack of trust among team members 2 Lack of acceptable options to resolve issues 2 Misunderstandings continued among team members 2 Session too short

*Each case indicates more than one factor so percentages will be greater than 100 percent.

In both processes, a desire to reach agreement and the opportunity to clarify issues or facts influenced the ability to reach agreement. In addition, having time to identify concerns helped teams reach agreements in education planning meetings. Reasons for non-agreement were more diverse. While lack of trust and not enough options were reasons for no agreement in both processes, two facilitators reported the same additional reasons for non-agreement in education planning meetings: emotions were too high, misunderstandings continued and the session was too short.

Figure 7



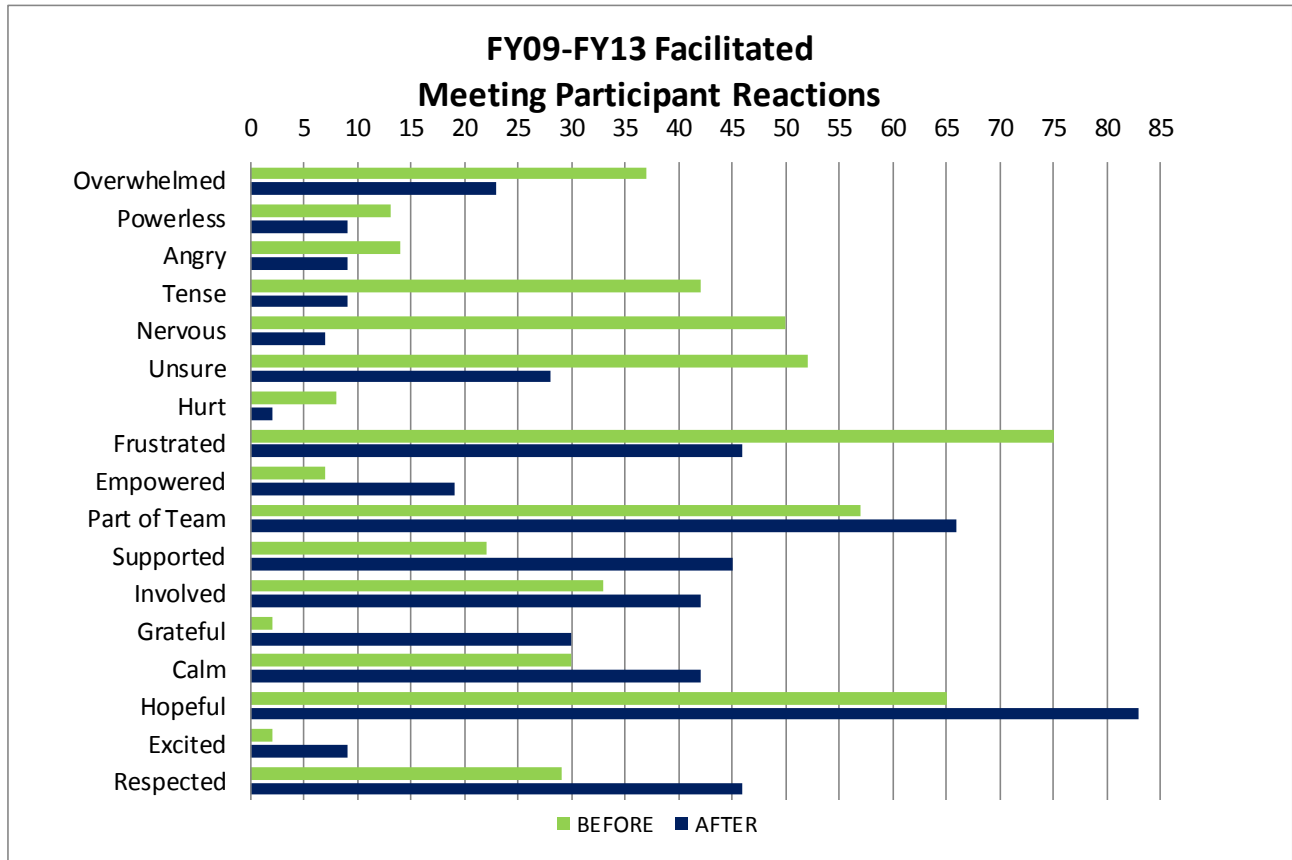
Besides the mediator and facilitator feedback, participants complete an online evaluation after their session. The ADR practitioners give out a paper copy of the survey if a participant prefers it. If at least one person submits an evaluation for a case, it is used in calculating the return rate. In FY13, the return rate for mediations was 64 percent and for facilitated meetings, 67 percent.

These participant evaluations reveal their satisfaction rate for the processes. The overall satisfaction rate for mediation stayed the same as FY12 at 85 percent and the rate for facilitated meetings increased from 74 percent to 95 percent.⁸ Of the participants who completed evaluations, nearly all of them said they would recommend the process they used to others and would participate in the same process again themselves.

⁸ See Appendix 8 for historical data on satisfaction rates.

Another measure of satisfaction is the participants' outlook before and after a facilitated meeting. Figure 8 compares participant reactions over the last five years.⁹

Figure 8



There was more than a 50 percent increase in parties' positive feelings of being grateful, excited, empowered, supported and respected after a facilitated meeting. In addition, there was more than a 50 percent decrease in feelings of being nervous, tense, and hurt after their meetings.

Participant Likes and Dislikes about their ADR Experience

Table 5A	Mediation (Most frequent responses)	Facilitated Meetings (Most frequent responses)
Dislikes	<ul style="list-style-type: none"> No computer or printer in the room (23%) 	<ul style="list-style-type: none"> Meeting was too long (35%)
Likes	<ul style="list-style-type: none"> Mediator kept parties focused (72%) 	<ul style="list-style-type: none"> Facilitator Was Impartial (58%)

⁹ See Appendix 10 for numerical data.

Table 5A	Mediation (Most frequent responses)	Facilitated Meetings (Most frequent responses)
		<ul style="list-style-type: none"> • Facilitator encouraged team to make decisions (53%) • Worked together as equal members of the team (53%)

Participants disliked different aspects of their meeting, depending on whether they were in mediation or a facilitated meeting. Those in mediation wanted to have a computer or printer in the room and the team members in the facilitated meetings thought their meetings were too long. The length of the meetings did increase in FY13 to an average of 5.3 hours from an average of 3.0 hours in FY12.

What participants liked most often was mediators that kept the parties focused and facilitators that were impartial while encouraging team members to work as equal members and to make decisions.

Participant satisfaction with ADR Services staff and programs

Table 5B Program	Mediation	Facilitated Meetings
How satisfied were you in communicating with ADR Services staff?	97% Satisfied or Very Satisfied	87% Satisfied or Very Satisfied
Examples of participant recommendations (edited for space and clarity)	<ul style="list-style-type: none"> • Update all participants regularly when scheduling; consider online scheduling tool • Have the mediator address the tone of the meeting • Do more outreach so teams know what mediation is and when best to use it. • Make it clear that parties are expected to come to the table prepared to work- to bring data and copies for all, to make proposals based on relevant data, to be organized and to know what research based/evidence based instruction is related to disability 	<ul style="list-style-type: none"> • Be clear about the reason for meeting/ issues before the meeting • Explain the roles and responsibilities of the facilitator • Shorter meetings • Have a computer / printer available in the room • Be clear about the agenda • If parties share information with the facilitator, it's shared with the other party • Send notice of meeting earlier • Help parents prepare for their

Table 5B Program	Mediation	Facilitated Meetings
	<p>area of the student.</p> <ul style="list-style-type: none"> • Understand the "endurance" of the parties and pace the meeting so that all issues could be addressed. • Define the definition of a "binding mediation agreement" and how it relates to a corrective action in a complaint decision. • Take a closer look at where mediations are to be held so there aren't distractions. • Form a focus group of recent users of ADR services and mediators to work on program improvement issues. 	<p>meeting and be clear about their concerns and their viewpoint about their child</p>

Most participants (87-97 percent) were satisfied with their communication with ADR Services personnel and several individuals offered recommendations of how ADR Services could improve.

FOLLOW UP DATA

Two months after the session, program staff send a follow-up survey to parent(s), an advocate, if present, and a district representative. The response rate for these evaluations is 65 percent for facilitated meetings and 76 percent for mediation. The following tables summarize the data. Most respondents chose an answer somewhere in the middle, rather than on either extreme of the range of choices given.

Follow Up Survey Responses on Communication and Relationships

Table 6A	Mediation (N=25/33 cases)	Facilitated Meetings (N=15/21 cases)
How good is the communication between parent(s) and school now? ¹⁰	82% Good, Very Good or Excellent	77% Good, Very Good or Excellent
How much did the process influence communication after the meeting? ¹¹	46% Much or Very Much	39% Much or Very Much

¹⁰ Answers range from "very poor," "poor," "good," and "very good," to "excellent" and

Table 6A	Mediation (N=25/33 cases)	Facilitated Meetings (N=15/21 cases)
Did the process result in an improved relationship between parents and staff? ¹²	45% Much or Very Much	39% Much or Very Much

While 77-82 percent of those responding thought their communication was good, very good or excellent two months after their mediation or facilitated meeting process, less than half said it was the process that influenced their communication after the meeting. Also, less than half thought the process resulted in an improved relationship.

In addition, parties answered questions about whether they believe the agreement made a positive difference in the student's education and what the barrier may have been if no agreement was reached.

Follow Up Survey Responses on Outcomes

Table 6B	Mediation (Most frequent responses)	Facilitated Meetings (Most frequent responses)
The agreement/education plan has made a positive difference in the student's education. ¹³	47% Strongly Agree or Agree	61% Strongly Agree or Agree
If you have not reached an agreement (two mediations and two facilitated meetings), what stands in the way?	2 Neither side willing to negotiate / participate 1 One party not willing to negotiate 1 Tried to change agreement when it was time to sign "finished" document	1 Miscommunication continued 1 trust / relationship difficulties 1 Facilitator didn't push strongly enough to reach agreement 1 No definition of staff roles, responsibilities or adequate enforcement

Forty seven to sixty one percent believe the agreement made a positive difference in the student's education. If an agreement was not reached, several individuals noted some possible reasons such as an unwillingness to negotiate, miscommunication, lack of trust, relationship issues, the facilitator not pushing enough or because staff responsibilities are not defined or enforced.

¹¹ Answers range from "not at all," "very little," "some," and "much," to "very much."

¹² Answers range from "not at all," "very little," "some," and "much," to "very much."

¹³ Answers range from "strongly disagree," "disagree," "not sure," and "agree," to "strongly agree."

Matched Surveys Immediately Following and Two Months after Mediation - Communication

Table 7A	Two Months Later	Two Months Later
Do you think the mediation session has helped parent(s) and school personnel communicate better with each other?	How good is the communication between parent(s) and school staff now?	How much did the mediation influence communication after the meeting?
Yes	Good	Very Much
Yes	Very Good	Much
Yes	Good	Some
Yes	Good	Some
Yes	Good	Some
Yes	Good	Some

When comparing six surveys just after mediation and two months later from the same individuals, those that believed communication improved between parent(s) and school personnel during the session, also say that good communication continued into the future.

Matched Surveys Immediately Following and Two Months after Mediation - Relationships

Table 7B	Two Months Later
Do you think the mediation session will result in an improved relationship between parent(s) and school personnel in the future?	Did the mediation result in an improved relationship between parent(s) and school staff?
Yes	Some
Yes	Much
Yes	Very Much
Yes	No Answer

Table 7B	Two Months Later
Yes	Some

In addition, eighty percent of the individuals that predicted the relationship would improve between parents(s) and school personnel reported two month later that there was at least some improvement.

Matched Surveys Immediately Following and Two Months after Mediation – Positive Difference

Table 7C	Two Months Later
Do you think the mediation session will help team members be more effective in addressing the student's needs?	The agreement has made a positive difference in my child / our student's education?
Yes	Agree
Yes	Agree
Yes	Strongly agree
Yes	Agree
Yes	Not Sure
Yes	Not Sure
Yes	Not Sure
Yes	Not Sure

Last, those that believed team members would be more effective in addressing student's needs either said they weren't sure or believed the agreement has made a positive difference in the student's education.

CONCLUSIONS

This annual report compared mediation and facilitated education planning meetings data in three categories: requests, cases and outcomes. Conclusions may be drawn by reviewing the data in each category.

Requests for ADR Processes

Considering the number of public school students who have education plans in the State of Minnesota, very few families and districts request an ADR process, especially in Greater Minnesota. Those that do request mediation or facilitated education planning meetings do so most frequently because of non-substantive issues such as broken communication, distrust and damaged relationships. If the latter was strong, conflicts over the most frequent substantive areas of conflict: student needs, goals, and development of education plans may have been easier to resolve.

Case and Session Data

Data reveal that ADR processes take time to schedule and hold. Parties need time to agree to use a process, time to schedule it and decide who will participate, and time to clear up miscommunication and misunderstandings. In addition, it takes time to rebuild lost trust and improve communication so all participants feel heard and understood as they develop special education plans. Since development of the education plan, especially addressing goals and objectives, are the team's greatest concerns, it may mean that the time taken to improve communication about these issues is time well spent.

To ensure an accurate summary of the decisions made by the team and/or write the education plan together, through the use of a computer and LCD projector, facilitated meetings may continue to need more time than mediation sessions.

Outcomes and Follow Up

Data supports that the high volume of positive outcomes are attributed to skilled ADR professionals and willing participants. It may also be related to the increased efforts to schedule enough time to address misunderstandings, gain the perspective of others, and assure agreement on each part of the education plan before discussing the next section.

As reflected in the participants' evaluations, users of the system are pleased with the efforts of ADR Services personnel who routinely help participants choose an ADR process that will meet their needs, identify their concerns that need to be resolved and manage the logistics of scheduling the session. Overall, users are also highly satisfied with their respective process and the ADR professionals that consistently demonstrate their years of experience and training in conflict resolution.

The follow up data compiled from evaluations just after the session and two months later allows a comparison of predictions and actual outcomes concerning communication and relationships. Generally, a positive experience in mediation resulted in positive outcomes two months later.

RECOMMENDATIONS FOR CONTINUOUS IMPROVEMENT OF ADR SERVICES

Based on the conclusions in each category, the following recommendations may increase use of ADR Services and improve the individualized education plans for children with special needs:

- To increase marketing of ADR services, specifically in Greater Minnesota, focus on how ADR professionals design a safe, comfortable space for creative problem solving.

- To reduce the need for ADR Services due to non-substantive issues, share more resources for improving communication and relationships between parents and district personnel.
- To reduce the time between the request and the first meeting, focus on scheduling as soon as both parties agree to use an ADR process.
- To increase 67% return rate for evaluations, send reminders for follow up surveys.
- To increase use of technology in ADR processes, request district personnel bring a laptop, printer and LCD projector, as needed.

Appendix 1 - Case Statistic Comparison FY13

Cases	Facilitated Meetings	Mediations
Number of Requests	30	59
Cases: Closed	29	55
Cases: Closed with Sessions Held	21	33
Results for Closed Cases with Sessions		
Agreements Reached (full or partial)	19	31
Agreement Rate	90%	94%
Total Number of Sessions Held for Closed Cases *		
Sessions	27	37
Days Open to 1st Session for Closed Cases ^		
Average Calendar Days	34	30
90% Held within x Calendar Days	27	26
Average Length of Case for Closed Cases ^		
Average Number of Hours	5.1	6.8
Average Length of Session for Closed Cases *^		
Average Number of Hours	3.8	5.5
Initiating Party **		
Adult Student	0	<2%
Parent	63%	69%
School Personnel	37%	29%
No Session **		
Number of Cases	8	22
Reason for No Sessions **		
Refused by parent	1	0
Refused by school	0	2
Settled with ADR Services assistance	4	8
Settled without assistance	1	6
Withdrawn by parent	0	5
Withdrawn by school	2	0
Scheduled but not held	0	0
Closed/party not returning calls	0	0
Not appropriate for program	0	1
Cases Pending at time of Report Writing	1	4

^ Data from 29 facilitated meetings cases and 51 mediation cases closed

* Excludes data from cases with a "No Session" decision

** Includes data from open cases

Appendix 2 - Mediators' Views of Factors Leading to Dispute FY13

Factors Leading to Dispute	Number of Cases
Lack of trust between the parties	26
Disagreements on student's needs	21
Neutral third party needed to manage communication between the parties.....	20
Current placement concerns	16
Neutral third party needed to help parties focus	13
History of intense emotions between the parties	12
Adequacy of services	12
Personality conflicts	10
Parties not considering each other's viewpoints	7
Issues were extremely complex	6
Staff availability problems	4
Provision of school policies	3
Parties not listening to each other	2
Funding concerns	1
Interagency disagreements	0
Staff licensure problems.....	0
Total Cases:	33

*More than one factor is indicated for each case so the number of factors will be greater than the total number of cases.

Appendix 3 - Facilitators' Views of Factors Leading to Dispute FY13

Factors Leading to Dispute	Number of Cases
Neutral third party needed to keep meeting focused	18
Disagreements on student's needs	17
Lack of trust among team members	16
History of intense emotions among team members.....	13
Adequacy of services	13
Neutral third party needed to manage communication among team members	11
Team members not considering others' viewpoints.....	7
Current placement	7
Issues were extremely complex	6
Staff availability problems	3
Team members not listening to each other	3
Provision of school policies	2
Funding concerns	2
Personality conflicts	0
Interagency disagreements	0
Staff licensure problems.....	0
Other.....	8
Total Cases with Sessions:	21

Appendix 4 - Student Classifications in FY13 Mediation Requests

Disability Classification	Number of Requests
Autism.....	16
Developmental Cognitive Disabilities	9
Emotional or Behavioral Disorders	8
Other Health Disabilities.....	7
Severely Multiply Impaired	3
Specific Learning Disabilities.....	3
Developmental Delay	3
Deaf and Hard of Hearing	3
No IEP/IFSP/IIIP, non-disabled student.....	2
Speech/Language Impairments	1
Physically Impaired	1
Deaf / Blind	1
Traumatic Brain Injury.....	1
Visually impaired	1
Total Mediation Requests	59

Appendix 5 - Student Classifications in FY13 Facilitated Meeting Requests

Disability Classification	Number of Requests
Autism.....	12
Other Health Disabilities.....	5
Developmental Cognitive Disabilities	3
Deaf-blind	3
Emotional or Behavioral Disorders.....	2
Severely Multiply Impaired	2
Specific Learning Disabilities.....	1
Developmental Delay	1
No IEP/IFSP/IIP, non- disabled student.....	1
Speech and Language.....	0
Deaf-Hard of Hearing.....	0
Physically Impaired.....	0
Traumatic Brain Injury.....	0
Visually impaired.....	0
Total Facilitated Meeting Requests	30

Appendix 6 - Mediation Issues FY13

Each Topics' Frequency of Discussion

GENERAL ISSUES

Implementation of IEP.....	13
Discipline/behavior intervention.....	12
Progress reporting	8
Transition	6
Identification, evaluation, reevaluation	5
General education teacher implementation	5
Independent education evaluation.....	3
Cost to parents/parent reimbursement/private placement	0
Transfer of parental rights	0
Other.....	11

PROCESS/PROCEDURE ISSUES

Education plan development.....	17
Team meetings/participation	6
Notice of proposed special education service/prior written notice.....	3
Procedural safeguards notice.....	3
Other.....	3
Data privacy/records access	1
Hearing system.....	1
Notice of team meeting	1

APPROPRIATENESS OF IEP: SERVICES AND CONTENT ISSUES

Goals and objectives.....	18
Present level of education performance	12
Placement/least restrictive environment.....	10
Service time	10

Conducive learning environment.....	9
Extended school year (ESY)	7
Change of placement (graduation, exiting, termination of special education services)	3
Other.....	6

ADAPTATIONS/RELATED SERVICES ISSUES

Accommodations/ modifications.....	15
Paraprofessionals	10
Service providers	9
Assistive technology	11
OT/PT/Other therapy.....	9
Transportation.....	5
Nursing/mental health services	7
Staffing/licensing.....	2
Other.....	2

OTHER ISSUES (Noted in two or more cases)

Communication	3
Trust	3

More than one factor is indicated for each case, so the number of factors will be greater than the total number of cases.

Appendix 7 - Facilitated Meeting Issues FY13

Each Topics' Frequency of Discussion

GENERAL ISSUES

Implementation of IEP.....	13
Discipline /behavior intervention	12
Identification, evaluation, reevaluation	12
Progress reporting	8
Transition.....	6
Other.....	6
General education teacher implementation.....	5
Independent education evaluation.....	5
FAPE	2
Cost to parents / parent reimbursement.....	0
Cost to parents / private placement.....	0

PROCESS/PROCEDURE ISSUES

Education plan development.....	17
Team meetings/participation	6
Notice of proposed special education service/prior written notice.....	3
Procedural safeguards.....	2
Hearing system.....	1
Data privacy/records access	1
Notice of team meeting	1
Other.....	3

APPROPRIATENESS OF IEP: SERVICES AND CONTENT ISSUES

Goals and objectives.....	18
Present level of education performance	12
Service time	10
Placement/least restrictive environment.....	10

Conducive learning environment.....	9
Extended school year (ESY)	7
Change of placement (graduation, exiting, termination of special education services)	3
Other.....	6

ADAPTATIONS /RELATED SERVICES ISSUES

Accommodations/modifications.....	15
Assistive technology	11
Paraprofessionals	10
Service providers	9
OT/PT/Other therapy.....	9
Nursing/mental health services	7
Transportation.....	5
Staffing/licensing.....	2
Other.....	4

OTHER ISSUES

(Noted in two or more cases)

Communication

More than one factor is indicated for each case, so the number of factors will be greater than the total number of cases.

Appendix 8 - Satisfaction Rates FY09-FY13

Overall, how satisfied were you with the process? (answered “completely” or “mostly”)

	2009	2010	2011	2012	2013
Mediation	75%	82%	72%	85%	85%
Facilitated meetings	71%	71%	77%	74%	95%

Would you participate in this process again? (Answered “yes”)

Mediation	97%	97%	96%	95%	95%
Facilitated meetings	100%	100%	98%	98%	98%

Would you recommend this process to others? (Answered “yes”)

Mediation	94%	94%	98%	95%	95%
Facilitated meetings	94%	94%	98%	92%	95%

Appendix 9 - Five-Year Comparison of Requests and Agreements

MEDIATIONS	FY09	FY10	FY11	FY12	FY13
Requested	73	76	73	47	59
Request Withdrawn	26	29	27	22	22
Held	47	47	46	25	33
Agreements Reached	42	43	42	22	31
Agreement Rate	89%	91%	91%	88%	94%

FACILITATIONS	FY09	FY10	FY11	FY12	FY13
Requested	27	31	41	28	30
Request Withdrawn	9	5	8	7	7
Held	18	26	33	21	21
Agreements Reached	18	25	30	18	19
Agreement Rate	100%	96%	91%	86%	90%

Appendix 10 - Facilitated Meeting Participants' Reactions FY09-FY13

Reactions	Before	After	Percentage Change after Meeting
Respected	29	46	+59%
Excited	2	9	+350%
Hopeful	65	83	+28%
Calm	30	42	+40%
Grateful	2	30	+1400%
Involved	33	42	+27%
Supported	22	45	+105%
Part of Team	57	66	+16%
Empowered	7	19	+171%
Frustrated	75	46	-39%
Hurt	8	2	-75%
Unsure	52	28	-46%
Nervous	50	7	-86%
Tense	42	9	-79%
Angry	14	9	-36%
Powerless	13	9	-31%
Overwhelmed	37	23	-38%