



There is another option.

Evaluative Conciliation Conference (ECC) gives parents and educators a unique perspective about their disagreement.

An experienced consultant provides evaluation of the issues and the parties' positions, and helps them explore creative resolution, which could avoid the need for a due process hearing.



OFFICE FOR DISPUTE RESOLUTION

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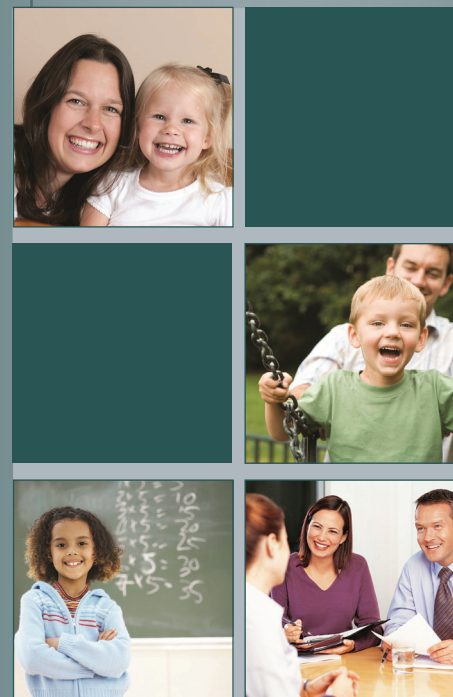


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Office for Dispute Resolution

Evaluative Conciliation Conference



An alternative
for resolving
disagreements about
special education

What is ECC?

ECC is a new, voluntary option for resolving special education disputes.

When parties have a disagreement, a neutral individual, who is experienced in special education law and due process, offers a confidential risk assessment of the issues in a dispute and helps to facilitate settlement discussions between the parties.

This neutral individual, called a consultant, provides an analysis of the issues, a perspective on current interpretations of the law, and encouragement to the parties to explore creative solutions that may not be possible without the input of an objective evaluator.

What are the benefits of ECC?

Evaluative Conciliation Conference (ECC) is designed to . . .

- Offer a confidential risk assessment of each party's position
- Provide a unique perspective for both parties to consider in resolving the conflict
- Encourage parents and educators to identify new options to address the issues
- Help the parties maintain their relationship and focus on the child's special education needs

Who can request ECC?

Either the parent or school person – LEA (local educational agency) – can request an Evaluative Conciliation Conference (ECC). However, both sides must agree to participate in ECC because it is a voluntary process.

When can ECC occur?

ODR anticipates that ECC will typically be requested early in the process of resolving a special education dispute, but ECC may be requested at any time.

Does “stay put” apply during ECC?

Because ECC is outside any statutory or regulatory authority, there is no provision for pendency during ECC unless due process or mediation is also pursued. However, parties may always agree on a child's pendent placement.

How does ECC differ from mediation?

These two available options are quite different. The ECC Consultant has extensive experience in due process hearings and special education law. And, although he or she can facilitate conciliation discussions between the parties such as a mediator does, the ECC Consultant will be able to go well beyond facilitating communication between the parties through engaging in confidential discussions about the issues and the applicable law and providing a unique perspective on the issues for the parties to consider.

How is the ECC process started?

When parents and educators agree to use ECC, they contact ODR to complete the request form.

ODR coordinates a date for the ECC, and the consultant then asks the parties to submit confidential memoranda and any relevant documents to help him or her understand the issues.

The consultant then conducts joint and individual conferences with the parties and/or their counsel on the scheduled date.

What is the consultant's role?

The consultant . . .

- Maintains impartiality and neutrality
- Maintains confidentiality of all discussions with individual parties and contents of confidential memoranda
- Provides a perspective of the case by a special education hearing officer
- Offers an evaluation of the parties' positions, without making any written evaluation or decision, or writing any settlement agreement reached
- Remains aware of existing timelines
- Recognizes that every case is different