

**A CADRE Webinar  
Part C Dispute Resolution:  
Customizable Hearing Officer Training Resources  
Amy Whitehorne  
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Transcript**

**Marshall Peter:** It's 11:30 so we're going to go ahead and get started. Hello. I want to thank you for joining CADRE's webinar on Part C Dispute Resolution: Customizable Hearing Officer Training Resources. Today's webinar is one in a continuing series of CADRE webinars. I'm pleased that our presenter today is CADRE's very own Policy Analyst, Amy Whitehorne. Amy Whitehorne has her doctorate of juris prudence and joined CADRE in October 2011, coming from Vermont where she practiced education law and was involved in numerous aspects of the compliance and dispute resolution provisions of IDEA. Amy provides policy analysis and technical assistance on the procedural safeguards and the dispute resolution provisions of IDEA for CADRE, including preparing the annual SPP/APR analyses for the dispute resolution indicators and leading CADRE's efforts in early intervention. Having worked with a broad array of individuals and organizations on educational issues ranging from elementary to postsecondary special education and workforce training in addition to being herself an individual with a disability, Amy brings a wealth of knowledge and experiences that support the technical assistance CADRE provides to state education agencies, lead agencies and parent technical assistance centers. So it's a real pleasure then to turn the webinar over to Amy.

**Amy Whitehorne:** Thanks, Marshall. Thank you, everyone who's with us today. Really excited to share these resources with you. As Marshall mentioned, we invite you to put questions or comments in the chat box as we go through and if something comes to light in the process of going through the presentation that makes sense to address it during the presentation, I'll pause and do that. Otherwise, I think what we'll do...the notion here is we're showing you tools that have been developed for states to actually use and I think it might make sense to go through the tools and then address questions maybe more towards the end. But, please, if you have any burning questions, pop them in there. I'm going to share, share my desktop here. For this presentation I'm going to be going back and forth between, essentially, two PowerPoint presentations. The first is going to be our presentation today and then I'm actually going to pop into one of the four modules that we've developed. So you'll get to see, live and in person, what one of the four tools we've developed looks like.

So with that, here we go. [laughter] So these...what we have here are four modules that came out of a development process that came out of a needs assessment that CADRE did a couple of years ago with great support from the Infant Toddler Coordinator's Association. And from that needs assessment there were certain dispute resolution needs that were identified and six states who stepped forward and really wanted to be a part of working together on these things. So you'll see the six lead agencies that participated there, Connecticut, Colorado, Massachusetts, Mississippi, Texas and Utah. In addition, we were fortunate enough to have our friends from the ECTA Center, the Early Childhood Technical

Assistance Center, formerly NECTAC, as well as participation from folks at the Western Regional Resource Center join in the workgroup and also support from ITCA and from Sharon Walsh, who worked with us on this workgroup and on this project, as well. So many appreciation, much appreciation to all those who were involved in the development process.

What came from the process, from the workgroup, are a set of four training modules that are intended to be tools for states to build upon to use to train hearing officers and administrative law judges, ALJs, that really should have cross applicability with regard to bringing mediators or complaints investigators or new staff members, or you know you could probably think of other folks that once you see these modules and what the information that is contained within you may think of other folks that you can use these tools with to help them understand some of the important pieces of Part C procedural safeguards and specifically dispute resolution. And finally, out of our lead agency workgroup Connecticut was the first to actually pilot these modules and in the course of showing you the states, the module that is developed as a template for states to build upon I'll show you a couple of slides that Connecticut actually where they took the cues that are planted throughout the modules, the templates, and they built upon to kind of show you what it looks like from a finished perspective, on their end. We won't be going through an entire, we won't be going through their entire presentation, but again just a couple of slides.

So the training modules are intended, as I said, to be customizable for your, each state to really take what we've provided, which is a foundation of the federal dispute resolution provisions from the procedural safeguard from Part C of the IDEA and build upon that with state regulations, policies and procedures that relate to each of the parts of that, of that, of the procedural safeguards and the dispute resolution regulations under Part C. So as we go through the module, the sample module that I'll show you today, you'll note that there are placeholder slides included throughout the module sort of as a cue to lead agencies where you could drop in specific things. Although, I wanted to emphasize right from the very get-go that these are really designed as tools for states, for lead agencies, to really take and use and mold to build as really works for you. So by no means are these considered fixed products that, you know, people may like to actually use them as they are but they're really intended for you to build upon them and make them your own.

So again, I sort of touched on this a little bit before, the real intent from the workgroup's perspective was to develop these tools to help Part B hearing officers in particular. Part C has, you all probably know this, very little dispute resolution activity, and for probably lots of reasons, we won't talk about those today. But there's very little activity in the dispute resolution realm in Part C and so even though there isn't a lot of activity lead agencies, states, are still required to have hearing officers, mediators, complaint investigators at the ready to respond when a due process complaint or hearing request or a written state complaint or a mediation request comes in. And so, in particular, the workgroup identified hearing officers, potentially from Part B, as a resource to tap into to make sure that they are at the ready when a due process complaint comes rolling in the door. So thinking that Part B hearing officers sort of have already got some experience with hearings, most likely, and

understand, probably, Part B of IDEA, hopefully. And that here we built on their knowledge of Part B and really highlighted the Part C requirements, the processes and procedures and note that the key differences between the two, between the two parts of IDEA. One of the four modules, and I'll, I won't, we'll, I'll outline the four modules in just a moment, but one of the four modules is as an example, is the IE, the EI early intervention...I'm tripping over my own tongue...early intervention process which is different from Part B process, especially with regard to child find and identification. And so just as an example, there will, you know, be a significant difference for a hearing officer to be aware of if identification is in a complaint. So we've actually put signals in that help a hearing officer link both to the Part B regulation and then have available to them the Part C information. So it's really meant to be a hands-on, quick handy resource as well as training resource generally.

In addition, there's, again the real importance that states, especially lead agencies, Part C is so different from Part B. And there are some real differences state to state on how things, how things go, what things look like, whether due process complaints are on the same track as Part B in a state versus whether Part B has its own dispute resolution track, due process track. So it's really important that states, you know, make their hearing officers aware of the differences in your, in your state, your lead agency. And really, generally, as I said to help folks locate resources quickly. Hearing officers are very grateful when they don't have to spend a lot of time searching for information, especially considering, golly, Part B has a much shorter due process track, generally than Part B. So, sort of, there...

The four modules that we developed sort of took the dispute resolution and...actually let me back up a second. We sort of looked at the regulations and looked at, you know, birth to three and then three to twenty-one generally and tried to give hearing officers a real, you know, overview look at the two and, specifically with regard to C here and thinking again that this was developed specifically with the audience of a Part B, or experienced Part B hearing officer or ALJ who, who's needing to learn about Part C. So it's really taking a look at Part C, not just at the dispute resolution pieces but at Part C as a whole. So we've broke, we broke the training modules into four different templates, four modules. The first is an overview and it's really sort of a 50,000 foot perspective of Part C and gives a quick overview on the law, the lead agencies - how they're selected, which is different from Part B, etcetera. And then the second module is, as I mentioned earlier, the early intervention steps. And that, that module, which we won't be, we'll be looking at Module C specifically today, but Module B follows the same early intervention steps that were developed by NICHCY and OSEP as part of the training materials that are available through NICHCY. And part C focuses on procedural safeguards and then another significant difference between C and B, the administrative areas, the insurance stuff, the money stuff that is a part of Part C that does not exist, well not to the same degree in Part B. So what we'll be looking at today is Module C. This is a slide that's actually taken from Module A that shows an overview of what Module C is. And we'll look at the general responsibility of each lead agency, confidentiality and records, parental consent, prior written notice, surrogate parents and the dispute resolution options.

And now I'm going to switch screens here for a second and pop into our Module C. So the way that, the way that each of these modules is setup is really information on a blank

canvas for you. There's really no formatting, it's white backgrounds, there's no branding and at the beginning of each of the four modules you'll have this slide and the next slide as introductory slides, which you may, you may decide to keep or you could, or you could completely take out. But the first is an overview of how the module came to be, which is what I was sharing with you all earlier and then the acknowledgments of the individuals who helped to build the tools. And so while we would love to have this included in your presentation, it's up to you where you want to put it. But each of the modules has a similar format. This is the really introductory first slide for each module. And you'll see how its setup - it's consistent. And then at the bottom Module C there in brackets.

So I'm going to go through pretty quickly, so hopefully nobody gets motion sick through this. I won't move too quickly. And then as you, as we are going through, if you think of questions whether they relate to formatting or content or use or just anything you can think of, please put those questions in the chat box and we will go through them. We'll be sure to allow a bit of time at the end to do Q and A. And I didn't say this at the beginning so I want to be sure to get this in here now and we'll reiterate it at the end. But CADRE is really invested in helping lead agencies make these tools your own and make them as useable as possible and so anyone one of you who are interested, and again this is really designed for lead agencies to be using as a tool to build, it definitely has potential for others. So I don't want to exclude others, but please, recognizing that this is really designed as a tool for state lead agencies. So for lead agencies who are interested and would like support or help or would like to talk more about using these, certainly invite you to please get in touch with us here at CADRE with me and we will, we will figure it out for you...or with you rather.

So at the beginning of each of the modules we have a purpose and disclaimer slide. Certainly we...none of us technical assistance folks are in a position to provide interpretation of the law and I imagine many of you out there are in a similar position. That's the job of hearing officers, right? [laughter] So we have a purpose and disclaimer slide at the beginning of each module, it's identical, and it is encouraged that states, you know take this to your own counsel, modify this to your own boiler plate or what not. Add to it as needed. But it's there for you, it's there for you for protection if nothing else.

We begin with the federal statutes and I want to point out, you may have noticed this in a couple of the earlier slides, but anywhere you see the blue - these, these things are hyperlinks. Any citations or potentially sections of, in this case the law, the IDEA, anywhere you see the blue with an underline is a hyperlink that will take you immediately to another resource. Now for...I won't do that right now, we may jump to one later to show you how it works...one that's a quickie. But, but this is one of the, really this is one of the biggest pieces of putting this tool together, was linking it directly to the law to the regs, again thinking that a hearing officer who maybe has looked at this once or twice before as a training resource and then is suddenly in a due process case and, and during the hearing needs access to things quickly, this is really designed to be a resource for them to be able to jump to stuff quickly. And we have chosen resources around the law, we have chosen neutral resources. So you're either going to go to the government, excuse me, to the government sites where the legal resources are located, actually they all, pretty much all go to the government sites. So this is not linking for example to Westlaw or Lexis or something like

that. This is actually linking to the US education and, ooh I'm losing my, my vocabulary...but anyway to the federal register in some cases, etcetera. So these are federal resources.

So this is the same list that we saw a little bit earlier, this is the breakdown of the six different sections of this module. Similar to hyperlinking the regulations or the law, these actually can take you right to the section of the presentation. So thinking for example a hearing officer who may be just looking at prior written notice and who has used this resource before, they can simply, you know, instead of having to click all the way through, just click right to prior written notice and get to that section. Does everybody see that? I'll do that again. So they actually have the option to just click right there and it'll take them to that section of the presentation which we'll get to in a minute and you can see we've jumped a number of about twenty slides. So...And that's true for each of these. Each of the modules is set up this way so someone can jump to the different sections of the tool.

So I again, this is, I'm going to start to cruise through a little bit, starting with general responsibility here we have the cites to the, to the regs, to the regulations, or regulation in this case. And then the regulation is verbatim here. This...there has been no interpretation, no modifications to the language. This is, this is straight talk coming right from, from the register, from the, from the code so...Links here to different sections and as I mentioned before, comparisons and links to Part B where a hearing officer can quickly jump to take a look at, you know, what are the general responsibilities, in this instance, of the SEA. And they can jump to these sections here. We've got confidentiality and the opportunity to examine records and for sections that are longer, like, like this one, we have taken the subsections and broken them into individual slides. As you can imagine, some of these regulations are rather lengthy. And so wanting to be very precise and keep with the, the literal language of the regs we've decided that this is the better way to lay this out. So we've got subsections here instead of, just as an example, the last one we had the subsections all on this slide, so...Here's b and you'll note that this section references FERPA and so here we've given links to FERPA as well. We've got more of b, c, d, and then because this section, again, goes pretty long we've provided the hearing officer with a touchstone at the beginning with the various sections and subsections of 401 and then for 402 thru 409 and then 410 thru 417. We've sort of give, we've given, I don't know rather than we'd probably be looking at about a thousand slides at that point...no I'm just kidding. Instead of, instead of killing their eyes with a...here we've given links because it may not be that they need access to all of this information and instead they can jump right to the regs and then comparisons to where to find related information or comparable information in Part B.

So this is, this is the first slide that we're looking at that is one of those cues to an LA, a lead agency, that okay now it's your turn. So we've given you the federal basics and you can see how we've laid it out...now the times that you will want to be filling in the blanks for how it works in your world and we've given some tips so every one of the state cue slides will look like this. It has this little state specific cue on it and you won't see hyperlinks on these. So these are basically going to be black and white slides, which is kind of a nice cue that oh, this is us, you know. And there's a recommendation, you know recommendations on the type of information that you might want to include and then at the bottom reminding you that, you know, if it's probably worth you putting a link in there to the comparable rules or

regulations in your state, or you may even have some statutes on certain parts, especially around confidentiality and records, you may even have some statutes that you want to link to, but to consider lining comparable pieces of your Part B system here so that your Part B hearing officer is like oh yeah I recognize that, that makes sense.

Now I'm going to switch back for a second to our other show and I'll show you what Connecticut did with that particular slide. So the one that we were just looking at. Connecticut rather than laying out bullets and a bunch of URL links to things they actually decided to pep up their presentation a little bit with some pictures and what you see here are actually hot linked, hyperlinked photos of their family handbook and parent rights brochures. They make all of these materials, as many of you do out there, they make all of these materials available on their website. As you can see, as I've got the little finger mousing over here this takes you to a direct link. And if you were to click on one of these, which I'm not going to do, again, some of these take a few seconds to open up because their large files, but if you're a hearing officer and somebody mentions one of these in the case or you need to get to this information fast this is a way that you can get to it quickly. And then this is their main site that has all of this information on it. But...so this is how Connecticut...and then I want to point out over here, I mentioned earlier that the slides that we've developed, the modules, templates, they're not branded in anyway and we encourage you to brand these with your lead agency's insignia or whatever. So this is the Connecticut Birth to Three insignia down here at the bottom and they also added that to the title page a little bit larger on that first slide, for example.

So we will switch gears here again, go back to our other presentation. So...Actually, I'll take a second since you all will be working with these as tools, let me, let me just show you...I imagine that a lot of people are probably familiar with PowerPoint but maybe not everybody, but, but the number of slides in the presentation here in the, in the, in the tool that we've developed, each of the modules varies. Module B, the EI steps module, is certainly the longest with those eight steps that NICHCY and OSEP developed as part of the EI process from entrance to transition to Part B or to out of Part C, but it's important to note that you're starting with forty-one and as I mentioned earlier, it's really up to you how much of this you want in or out. These were developed for you. So if you all decide, for example, that you would rather not have, you know, five or six slides for one, but you'd rather have them set up like this, you know, take advantage of that. Or if you feel like you'd rather flush them out and not have more of the, you know, menu options then we encourage you to do that. But these are developed as a model and you know, it's really a tool for you. I feel like a broken record but it's a, that's the name of this game. So let me go forward, so this is what we were looking at that Connecticut took this and put those three nice photographs of their brochures and hyperlinked their brochures directly to their website. They, they then at the bottom put in a link to their site. So this...we moved through confidentiality, we've got notice, again a state slide on how notice works, although here we do, I think I said earlier I may have misspoken, that the state specific slides are generally all black and white but here we do have a link.

Parental consent and a link to the B comparisons. [pause] A cue for state specifics. Getting into prior written notice, pardon me, which has some nuance differences from B...and let

me see, I believe...oh we're not quite there yet, go down a few more...so the prior written notice state specific I believe I've got an example from Connecticut on that as well that I'll share with you. Yes, okay. So Connecticut for their state specific prior written notice slide actually inserted a linked to the form that's used in their EI system and, excuse me, by EI providers, and then also in the case that someone isn't able to open it they provided a link to that information on the web and again with the branding in the corner here. [pause]

So, native language, surrogate parenting. So if you can imagine, we've done this for each of the, for each of the four modules, broken out the different sections and here, again, we're talking about hearing officers, it's probably a really good idea to provide some extra special information on your dispute resolution system, because they're going to want to know, you know, what's going on with that. You want to make sure that you're hearing officers, they probably, hopefully are already aware by the time they get there, but what the track is in your state for due process or how people are able to get access to mediation or make requests for mediation, so we've provided the information here. Mediation and state complaints are pretty similar under Part C to Part B. But certainly when it comes to due process Part C has that option; lead agencies have the option to either adopt Part C hearing procedures or Part B hearing procedures. So, golly, if you're in a state where your lead agency has adopted Part B hearing procedures your Part B hearing officers are certainly...this is going to be a great tool for them because this, they're already going to be hearing Part B and for you states that are out there, I think there's ten or twelve states that have adopted Part B hearing procedures, our hope is that you'll be able to adopt this tool to really help them in understanding Part C, these four modules.

And again, for the, for the other Part C hearing procedures, there's a lot of states out there, as we said earlier, who really rely on Part B hearing officers to be ready and available for Part C even though the birth to three system may be housed in a different, under a different agency from their education agency. So things that are not considered complaints under the law, again it's verbatim; there's no adding extra stuff here with regard to the regulations and the law. We've really wanted it to be as true as a tool as possible. I'll go back one...let's see...yeah. So this would be, I would imagine that for states, especially states that have chosen a Part C hearing procedure system different from Part B, you probably are going to want to put in a lot of information here about how it works so that if you're working with a Part B hearing officer that they're aware that the timelines are shorter than they would be under Part C for things like, you know, the thirty day timeline potentially, or what not. The other thing, the big difference, that there's no resolution meeting requirement under Part C. That's a big difference between C and D. If those lead agencies opt for Part C hearing procedures. So this is probably going to be more than just one slide for you. And this information is really the kind of stuff that we would hope that you would be able to use in trainings before they actually get a case. So again, thinking dual purpose or multipurpose for these tools. Some of these things are going to be in advance of, you know, getting people prepared to be ready to take a case. In addition to being sort of a bookshelf resource for at hand resource for when they are in the case.

Each of the, each of the modules has a little, you know, we're here to help you slide at the end and then has a link to OSEP resources which hearing officers will want to know about

and other TA resources that could be potentially helpful to them as they're either training or in a case situation. So links to early childhood TA, to NICHCY, to the Infant Toddler Coordinator's Association and the division for early childhood and the CEC. So lots of good resources there as well as CADRE, we're on the, we're on there too. So let's see, what have I got? I talked really fast. Hopefully people were able to keep up with me, but this is basically the, this is it as far as looking at Module C. Now if you can envision again, there's four of these and we cruised pretty quickly through about 40 slides in Module C with lots of opportunities for you to make additions or substitutions or ins or outs or whatever. And the four modules cover different areas. So that Module C was for procedural safeguards, again Module A is your sort of fifty-thousand foot perspective overview of Part C. B, that's a pretty, that's a lengthy module. I think I recall there being about sixty, seventy slides that really lay out the key pieces in the federal regulations of the EI steps. From child find, and you know child find identification, all the way through to transition and then that Module D, very different from part B. So lots of administrative information regulations and places for you to put in your system of payment, I'm going to, system of payments, and your fee schedules and insurance information, how that works in your state. Lead agencies vary widely on those things. So I'm going to zip it for a second and open, open it up for you all. Please bring on the questions.

**Marshall Peter:** Good. Yeah. So we haven't seen any questions yet in the, in the chat box. Before I say anything more...whew...I mean you could imagine that this represented an enormous amount of work for Amy and her colleagues on the team that developed it. So I...while it's a little bit sort of self-congratulatory since it's a CADRE effort, I just really, when Amy goes through this stuff I'm continually sort of knocked out by what a big and potentially important piece of work it is.

**Amy Whitehorne:** Thanks, Marshall.

**Marshall Peter:** So if you would like to ask a question over the phone, if you press pound six you should be unmuted and then after you ask your question, if you'll press start six you will be re-muted and it will keep noise off the line. So if you have a question press pound six and go ahead.

[pause]

**Amy Whitehorne:** I floored 'em. I could sing for you all but that would be torture. Do we have someone on with us?

**Marshall Peter:** So we have a question being entered into the chat box from Darla Griffin. Again, if you have a question you'd like to ask it over the line if you just press pound six you'll be live.

**Amy Whitehorne:** So I'll take this opportunity to just sort of reiterate that while this is designed as a tool for lead agencies to really build and use or build upon and use, it probably does have a broad application for others and so we would love to hear if anyone's interested in this product or these tools we would love to know maybe some other ways



that you think these might be useful, helpful to you in the work that you do if your outside the lead agency structure.

**Marshall Peter:** Yeah, also in addition to this opportunity if you have questions, you have Amy's contact information she would be delighted to respond over the phone or in email to your questions. CADRE is extremely committed to supporting Part C lead agencies as they work around their procedural safeguards. So if your lead agency has a particular need in this area please contact Amy and it's possible that we could provide you with some substantial assistance in terms of helping you to adopt this work. We did get a nice plug from Darla. Thanks, Darla, you're always such a treat to work with and I see that Lenita Hartman from Colorado is typing a message.

**Amy Whitehorne:** And a shout out to Lenita as she's typing. Lenita was one of the members of our workgroup. And again, really grateful to the workgroup that we had. Really some awesome folks we had working together on this product, these products, these tools and...

**Marshall Peter:** Can we go back to the credits slide?

**Amy Whitehorne:** Oh sure. So accessing the modules. So it is, it is our intention that we will be making the modules available but given their nature we really hope that you'll get in touch with us to let us know, you know, how it is that we can be of help to you to help use these best in your world. But, but they will be made available pretty soon on our website.

**Marshall Peter:** Credits page?

**Amy Whitehorne:** Oh let me...I'll jump back to the credits page so that...

**Marshall Peter:** A lot of people were involved on working on this. As Amy mentioned, Lenita and her...and the dispute resolution workgroup. We also got a lot of help from Sharon Walsh, from Western Regional Resource Center, from the Early Childhood Technical Assistance Center, from folks at OSEP and then you'll see the list of leaders in the area of Part C who Amy worked with to pull this off. So very much...you that, it takes a village might be a little overworked but we did have a village kind of apply themselves to getting this done. Any questions before I tell you about our next webinar? So what we're going to do...please don't leave. We're going to put up some polls that, and would really appreciate you just taking a minute and letting us know about your experience with this webinar, the extent to which it was relevant, useful and of high quality. While you're doing that let me tell you that CADRE's next webinar will be on October the 2<sup>nd</sup> at 11:30 Pacific Time. We're very excited that Dr. Tracy Mueller will be joining us. Her topic is Moving Research to Practice: Lessons Learned regarding meaningful home-school collaboration. I have to tell you Tracy has been a frequent collaborator with CADRE. She's the associate professor at the University of Northern Colorado where she specializes in interventions for children and youth with challenging behaviors, family school partnerships and appropriate dispute resolution. She's published widely in this area and we are very confident that she'll be delivering a tremendous webinar. So again, that is October the 2<sup>nd</sup> from 11:30-12:45. And I

think that that, I think that pretty much gets us to the end here. So Amy, thank you again. It was a very informative session. Your work in this has been great and for those of you who are on the call who helped put this resource together, thank you all very much and take care. We very much appreciate your interest.

**Amy Whitehorne:** Yes, thank you everyone.