

# **PARENT ENGAGEMENT IN ALTERNATIVE DISPUTE RESOLUTION**



# PARENT/FAMILY ENGAGEMENT

Family engagement is a shared responsibility in which schools and other community agencies and organizations are committed to reaching out to engage families in meaningful ways and in which families are committed to actively supporting their children's learning and development.

- National Family, School and Community Engagement Working Group, 2010

# PARENT/FAMILY ENGAGEMENT IN EDUCATION

Research shows positive outcomes in academics, school attendance, and behavior linked to parent involvement

*“The evidence is consistent, positive, and convincing: families have a major influence on their children’s achievement in school and through life.”*

Henderson & Mapp, 2002

# PARENT/FAMILY ENGAGEMENT IN SPECIAL EDUCATION

These positive effects also apply to special education student outcomes:

- greater generalization and maintenance of treatment gains
- greater continuity in intervention programs
- higher levels of parent satisfaction
- more effective strategies for resolving problems

# PARENT/FAMILY ENGAGEMENT IN SPECIAL EDUCATION

Meaningful parental participation in IEP meetings facilitates quality programming and strategies for resolving problems, increases parents' satisfaction, and results in positive outcomes.

Perceptions of IEP meetings were more positive when the parent felt their input was valued and when they felt they were treated as equal decision makers.

When parents felt they had a clear understanding of the IEP process and special education law, they had a more favorable perception of the IEP meeting.

# PARENT PARTICIPATION IN IDEA

In the 1997 reauthorization of IDEA, Congress emphasized the importance of parent participation by including:

**(5) Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by—**

(A) having high expectations for such children and ensuring their access to the general education curriculum in the regular classroom, to the maximum extent possible, in order to—

(i) meet developmental goals and, to the maximum extent possible, the challenging expectations that have been established for all children; and

(ii) be prepared to lead productive and independent adult lives, to the maximum extent possible;

**(B) strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home;**

(C) coordinating this chapter with other local, educational service agency, State, and Federal school improvement efforts, including improvement efforts under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.], in order to ensure that such children benefit from such efforts and that special education can become a service for such children rather than a place where such children are sent;

(D) providing appropriate special education and related services, and aids and supports in the regular classroom, to such children, whenever appropriate;

(E) supporting high-quality, intensive preservice preparation and professional development for all personnel who work with children with disabilities in order to ensure that such personnel have the skills and knowledge necessary to improve the academic achievement and functional performance of children with disabilities, including the use of scientifically based instructional practices, to the maximum extent possible;

(F) providing incentives for whole-school approaches, scientifically based early reading programs, positive behavioral interventions and supports, and early intervening services to reduce the need to label children as disabled in order to address the learning and behavioral needs of such children;

(G) focusing resources on teaching and learning while reducing paperwork and requirements that do not assist in improving educational results; and

(H) supporting the development and use of technology, including assistive technology devices and assistive technology services, to maximize accessibility for children with disabilities.

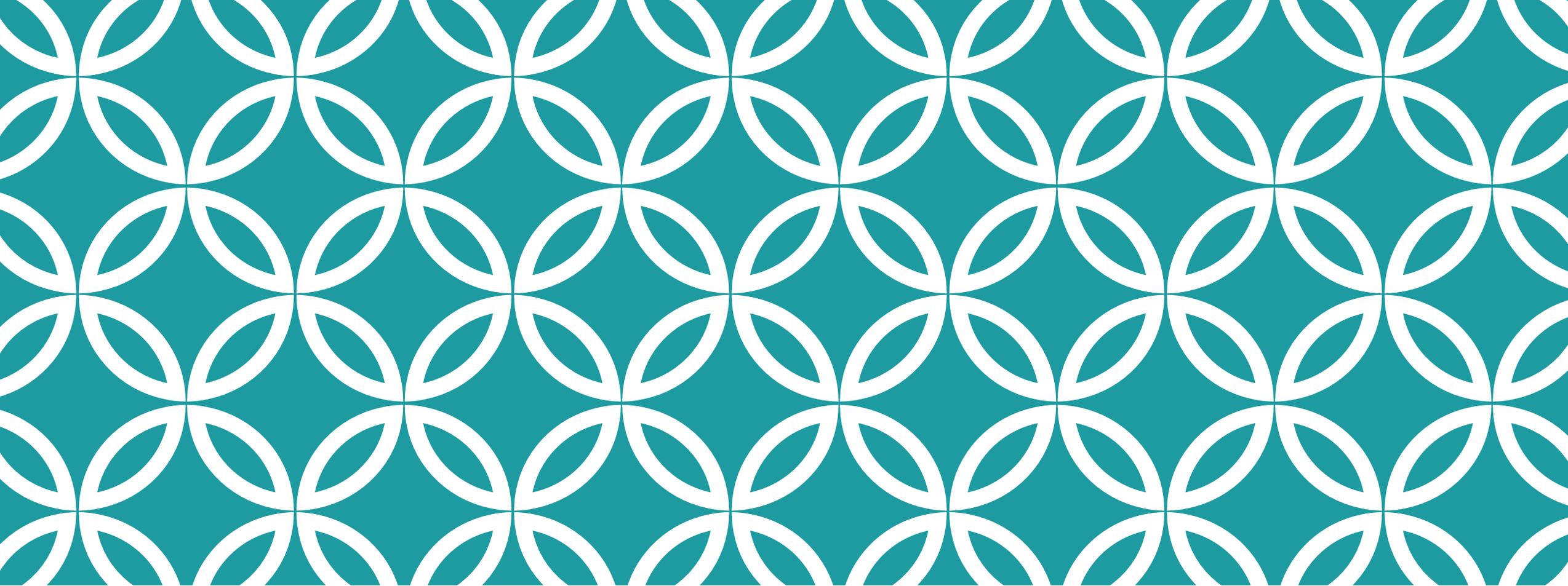
# PARENT PARTICIPATION IN IDEA

Accordingly, regulations were added to increase parent participation

Examples:

- §300.321 – Parents are members of IEP team
- §300.322 – Requirement to invite parents to IEP meeting early enough to ensure they have opportunity to attend and schedule meeting at mutually agreed on time and place
- §300.501(b) – Parent participation in meetings
- §300.501(c) – Parent involvement in placement decisions
- §300.513(a)(2) – Hearing officer may find denial of FAPE for procedural inadequacies if the LEA “significantly impeded the parent’s opportunity to participate in the decision-making process regarding the provision of a FAPE”

Is participation *meaningful*?



## CASE FILES



# MULTIPLE PROCEDURAL VIOLATIONS DENY PARENT PARTICIPATION IN IEP PROCESS

In re: Student with a Disability, 72 IDELR 169, SEA ME 01/08/18

- HO found the LEA violated state and federal special education law by failing to provide FAPE because of cumulative procedural violations of IDEA and by not appropriately implementing SDI
- Procedural violations included:
  - Failure to provide clearly articulated written notice about the refusal or denial of parent's requests regarding AT evaluation
  - Failure to conduct various assessments
  - Failure to train parents and student on the AT
  - Parent was not made aware that IEP team was amending IEP
- HO noted that *“an IDEA violation can occur if parents are not properly included in the decision-making process of designing or amending an IEP. If significant enough, such a violation could lead to a failure to provide a student with a FAPE. The IDEA clearly and unequivocally demands that a school district make every attempt to persuade parents to participate in the IEP process.”*
- HO ordered compensatory education

# PROPER NOTICE REQUIRED FOR NEW PLACEMENT

Global Impact STEM Academy, 72 IDELR 168, SEA OH 3/22/18

- HO found that even though the parent signed the IEP to consent to the placement change, she was not informed of the intent of the meeting prior to it occurring, which violated IDEA
  - Student with ED was accused of misconduct and was out of school for six days
  - Parent met with intervention specialist, director, and principal
  - At the meeting, the director suggested that “the IEP could be amended that day without a team meeting. As the parties were all amenable to his suggestion.”
  - Parent signed the amended IEP reflecting new placement
  - Parent then filed for due process asserting that she was not notified in advance of the IEP meeting, nor did she understand the location would be changed from general education classroom to educational services classroom.
- HO ordered district to conduct a meeting to determine placement and to conduct staff training

# PARENT PARTICIPATION TAKES PRECEDENCE OVER TIMELINE FOR IEP

Jackson v. Chicago Public Schools, 70 IDELR 33, (N.D. Ill. 06/13/17)

- U.S. District Court found that the LEA did not violate the IDEA or state law by taking more than 60 school days to finalize an IEP for a preschooler with developmental delays
  - Multiple attempts made to include the parent in the IEP development process
  - Parent repeatedly failed to attend any of the five IEP meetings the district invited parent to
  - Delay was outside of the timeline, however the judge determined that the delay stemmed from the district's efforts to include the parent in the IEP process and the district was correct to prioritize parent participation over state time frame

# PARENT'S RIGHT TO PARTICIPATE IN THE IEP PROCESS IS NOT LIMITED TO THE IEP TEAM MEETING

M.C. v. Antelope Valley Union High School District, 69 IDELR 203, 9<sup>th</sup> Cir. 03/27/17

- Found that district denied the student FAPE when it increased the number of service minutes in the IEP without his mother's knowledge or consent
  - Although IEP quadrupled the amount of services the student would receive, the parent did not learn of the change until the following month
  - The procedural violation deprived parent of her right to verify that her son was receiving the full amount of services required
  - Court pointed out that the parent had been forced to file a due process complaint and incur legal fees to learn what services the student was receiving; found the legal fees amounted to substantive harm and qualified as denial of FAPE
- Judge wrote, "When a parent is unaware of the services offered to the student- and, therefore, can't monitor how those services are provided- a FAPE ha been denied, whether or not the parent had ample opportunity to participate in the formulation of the IEP."

# IEP TEAM'S REFUSAL TO CONSIDER MOTHER'S PLACEMENT PREFERENCE YIELDS IEE

Philadelphia City School District, 119 LRP 9868, SEA PA 01/30/19

- Hearing officer determined that the LEA denied FAPE to a student with a SLD, speech-language impairment, and ADHD by denying the student's mother the opportunity to meaningfully participate in the IEP decision-making process
  - During the IEP meeting, parent expressed desire for the student to continue attending a private school
  - IEP team member told parent the IEP team "would not discuss an out of [district] placement for [the student] at the [IEP] meeting."
  - Parent filed for due process alleging that the district denied the student FAPE by failing to consider the private school placement
- Hearing officer noted that "while the [district] was not required to accede to the [mother's] and [student's] stated preference for another private school, it was obligated to give consideration to their concerns and input."
- Ordered the district to fund an IEE and re-conduct the IEP meeting

# DENIAL OF PARENT'S REQUEST TO RESCHEDULE IEP MEETING RESULTS IN IDEA VIOLATION

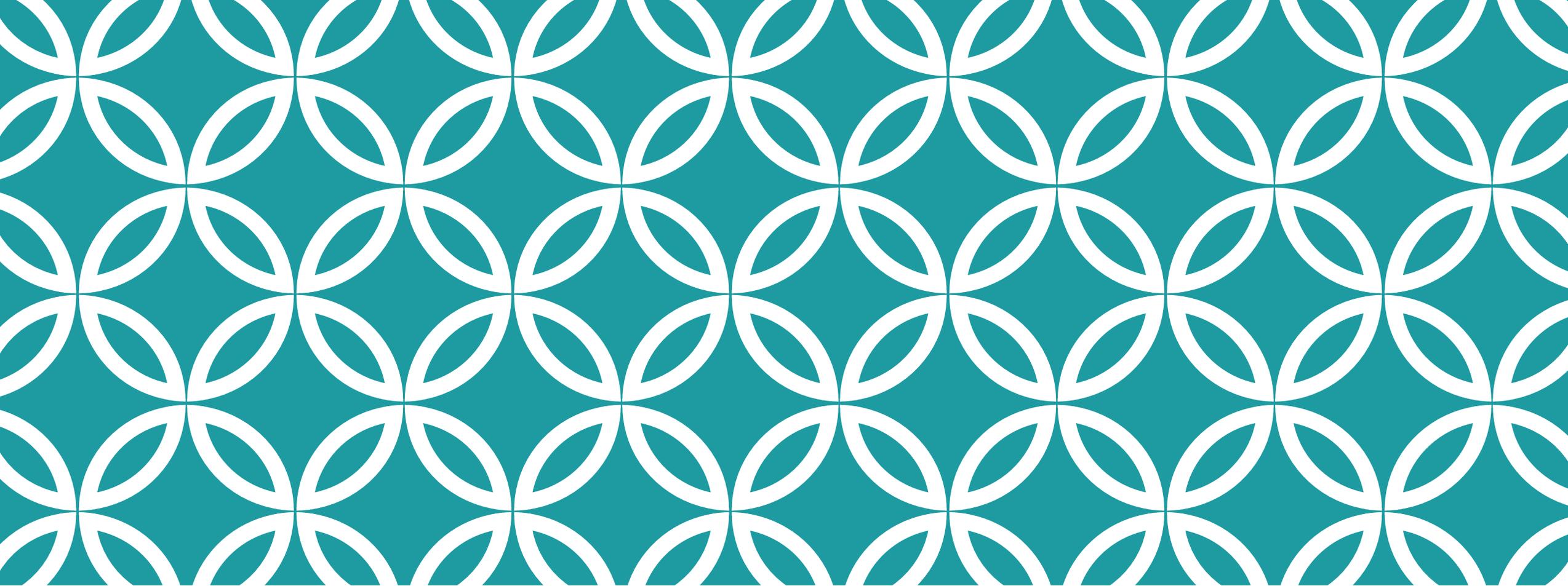
Klamath Falls City School District, 72 IDELR 50, SEA OR 02/21/18

- State complaint investigator found that a district violated provisions of the IDEA impacting the parent's ability to meaningfully participate in IEP meetings
  - District made multiple scheduling calls to the parent and provided parent with sufficient notice of the IEP team meeting
  - Parent requested that the IEP team meeting be rescheduled so that the parent and student's advocates could be present
  - District denied the request and proceeded with the scheduled IEP team meeting
- Failure to schedule meeting at mutually agreed upon time interfered with parental participation; district should have made attempts to consider and accommodate the request
- The district was ordered to review and revise, if necessary, the district's existing procedures for convening IEP team meetings, with appropriate members, including those invited by parents.

# EARLY IEP MEETINGS, VIDEO CALLS RESOLVE CONFLICT WITH PARENT'S WORK SCHEDULE

White Bear Lake Independent School District No. 624, 64 IDELR 288, SEA MN 2014

- Parents couldn't establish that a district violated the IDEA by allegedly refusing to schedule their child's IEP meetings at a mutually agreeable time.
  - Father requested to hold IEP meeting after 4:30 due to work
  - Teachers were only available until 3:30
  - District attempted to work with father's work schedule by offering meetings at 7:30 and offering to schedule meetings during father's lunch hour so he could participate via video conference call
- Complaint investigator found that because the district attempted to work with father's schedule, there was no IDEA violation



# **BARRIERS TO PARENT PARTICIPATION**



# BARRIERS TO PARENT PARTICIPATION

While Congress has repeatedly encouraged parents and educators to work together on a child's special education program, research indicates this is not always the case.

Some of this discrepancy is due to the structure of IDEA and the assumption that parents have access to the knowledge and skills needed for successfully navigating the special education system.

Studies have found that the majority of procedural safeguards notices from U.S. states include jargon and high levels of reading difficulty.

# BARRIERS TO PARENT PARTICIPATION

Procedural barriers (inflexible scheduling, late notices)

Excessive paperwork

Lack of parent inclusion during team discussions

Overuse of jargon – alphabet soup!

Confusing procedures

Focus on paperwork and compliance rather than collaborative process

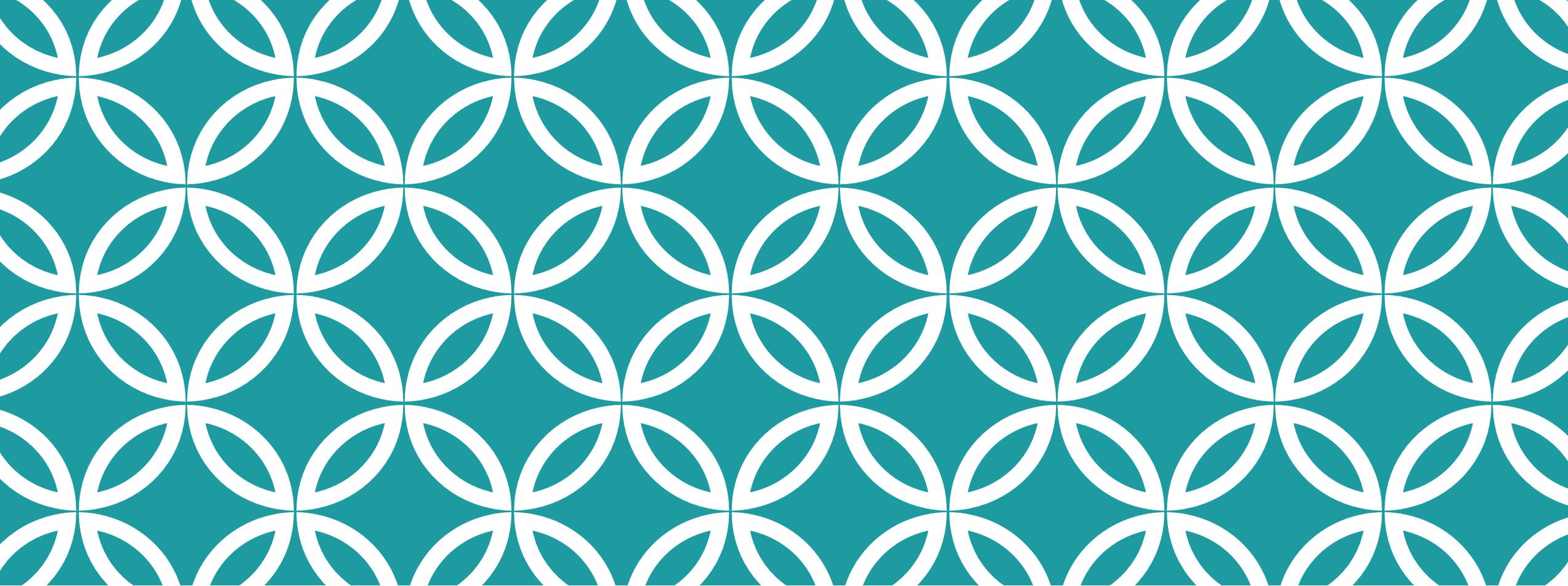
# EFFECTS OF BARRIERS

Parents may feel overwhelmed with the process and unequal compared with the rest of the team

Can result in communication difficulties, lack of trust, and power imbalance

Parent dissatisfaction and exclusion during the special education process can lead to conflict, including overuse of due process hearings

Contentious hearing process can even further disengage family members from school staff



**IDEAS TO INCREASE *MEANINGFUL*  
PARENT PARTICIPATION** |

# START FROM THE BEGINNING

Important to create a relationship from the start

- Don't wait until there is a problem

Explain paperwork and processes

- Studies have shown that when parents feel they have a clear understanding of procedures and special education law, they have a more favorable perception of the IEP meeting

Offer resources

- Case manager, parent liaison
- ConsultLine
- Publications

# CONTINUED COLLABORATION

Continue building and maintaining relationship

- Engaged parents think highly of teachers
- When trust is established, parents are more willing to bring up concerns early

Communicate frequently

- Not just when something is wrong

Educate parents about special education process and procedural safeguards  
(ConsultLine, Parent Engagement)

# COLLABORATIVE ADVOCACY: GUIDING PRINCIPLES

[www.cadeworks.org](http://www.cadeworks.org)

- Promote dignity:
  - Treat everyone with respect and civility at all times
  - Assume best intentions
  - Recognize the right of parents and guardians to make informed decisions about their children's educational needs
- Remember that a child with a disability is at the heart of every special education decision:
  - Ensure interactions and communication with parents are focused on the child's present needs
  - Redirect the team to child's needs when the conversation has lost focus
  - Educate parents about the special education process



**Collaborative Advocacy**  
Guiding Principles

Supporting the prevention and resolution of disputes through partnership and collaboration

Collaborative Advocacy is an approach to advocating for children with disabilities that utilizes collaborative problem-solving skills and relationship-strengthening strategies to resolve disagreements. This approach can be used by anyone serving as a third-party advocate to focus on improving educational and developmental outcomes for students with disabilities. Individuals who practice Collaborative Advocacy voluntarily adhere to the following guiding principles:

- 1.) **Dignity:** Recognize all people have inherent dignity and value as human beings. Promoting dignity includes:
  - a. Treating everyone with respect and civility at all times
  - b. Assuming best intentions
  - c. Recognizing the right of parents and guardians to make informed decisions about their children's educational needs
- 2.) **Child-centered:** Understand that a child with a disability is at the heart of every special education decision. Child-centered decision-making includes:
  - a. Ensuring that interactions and communication with parents and educators are focused on the child's present needs
  - b. Redirecting the team to the child's needs when the conversation has lost focus
- 3.) **Empowerment:** Encourage meaningful parent participation in developing the programs and plans. Empowerment can be facilitated by:
  - a. Educating parents about the special education process and procedural safeguards
  - b. Helping parents clarify, prioritize, and articulate their concerns, needs, and vision for their child's education and future to prepare parents to participate effectively in IEP/IFSP meetings
  - c. Helping ensure the parent gathers the information necessary to be fully informed and ready to participate in problem solving as an equal partner
  - d. Modeling collaborative problem-solving skills

[www.cadeworks.org](http://www.cadeworks.org)

# COLLABORATIVE ADVOCACY: GUIDING PRINCIPLES

- Encourage meaningful parent participation in developing programs and plans:
  - Educate parents
  - Provide parents with information necessary to be fully informed and an equal participant in problem-solving
- Practice collaborative problem-solving skills and strategies:
  - Model these skills
  - Recognize the value of conflict for identifying and clarifying concerns
  - Ask questions to identify the interest underneath a demand
  - Be open to different perspectives
  - Listen for understanding
  - Separate people from the problem
  - Identify areas of agreement
  - Help other team members identify and evaluate potential solutions



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# COLLABORATIVE ADVOCACY: GUIDING PRINCIPLES

- Remain professional at all times
  - Maintain regular contact with parents
  - Respond to questions and concerns in a timely manner
  - Follow through with commitments
  - Be aware of personal biases from past experiences- make sure these do not negatively affect interactions
- Connect families with local agencies, resources
  - Share knowledge of various resources that can benefit families
  - Support families to find and organize learning opportunities and support groups



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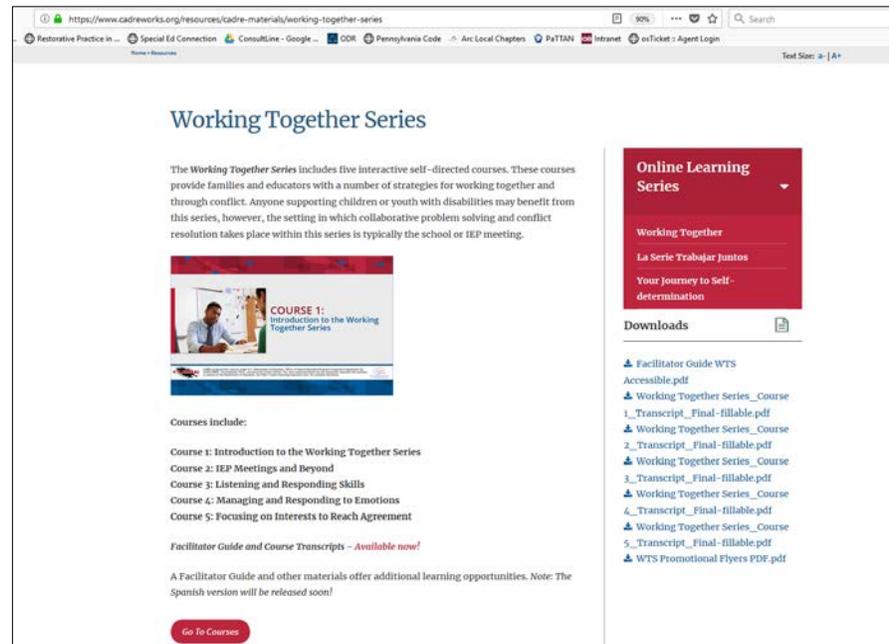
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[www.cadreworks.org](http://www.cadreworks.org)

# WORKING TOGETHER

## CADRE's Working Together Series [www.cadeworks.org](http://www.cadeworks.org)

- Provide families and educators with strategies for working together and through conflict
- Setting of the series is the school or IEP meeting
- Five interactive, self-directed, online courses



The screenshot shows the website for the Working Together Series. The main heading is "Working Together Series". Below it, a paragraph explains that the series includes five interactive self-directed courses for families and educators. A central image shows a man in a suit with the text "COURSE 1: Introduction to the Working Together Series". Below this, a list of courses is provided: Course 1: Introduction to the Working Together Series, Course 2: IEP Meetings and Beyond, Course 3: Listening and Responding Skills, Course 4: Managing and Responding to Emotions, and Course 5: Focusing on Interests to Reach Agreement. A red button labeled "Go To Courses" is at the bottom. On the right side, there is a sidebar with a red header "Online Learning Series" and a list of downloadable materials under the heading "Downloads".

**Working Together Series**

The Working Together Series includes five interactive self-directed courses. These courses provide families and educators with a number of strategies for working together and through conflict. Anyone supporting children or youth with disabilities may benefit from this series, however, the setting in which collaborative problem solving and conflict resolution takes place within this series is typically the school or IEP meeting.

**COURSE 1:**  
Introduction to the Working Together Series

Courses include:

- Course 1: Introduction to the Working Together Series
- Course 2: IEP Meetings and Beyond
- Course 3: Listening and Responding Skills
- Course 4: Managing and Responding to Emotions
- Course 5: Focusing on Interests to Reach Agreement

Facilitator Guide and Course Transcripts - Available now!

A Facilitator Guide and other materials offer additional learning opportunities. Note: The Spanish version will be released soon!

[Go To Courses](#)

**Online Learning Series**

Working Together

La Serie Trabajar Justos

Your Journey to Self-determination

**Downloads**

- Facilitator Guide WTS Accessible.pdf
- Working Together Series\_Course 1\_Transcript\_Final-fillable.pdf
- Working Together Series\_Course 2\_Transcript\_Final-fillable.pdf
- Working Together Series\_Course 3\_Transcript\_Final-fillable.pdf
- Working Together Series\_Course 4\_Transcript\_Final-fillable.pdf
- Working Together Series\_Course 5\_Transcript\_Final-fillable.pdf
- WTS Promotional Flyers PDF.pdf

# DURING IEP MEETINGS

## Consider facilitated IEP meeting

- ODR provides trained facilitators for IEP meetings
- Practices used by ODR facilitators during cases of conflict can also be used by LEAs during meetings when conflict is not present

## Five key procedural practices to make the meeting a collaborative process

1. Pre-meeting with families
2. Establishing and following an agenda
3. Using meeting norms
4. Utilizing a parking lot for off-topic issues
5. Visual charting during discussion and problem solving

# PRE-MEETING WITH FAMILIES

An opportunity to build trust

Can be formal or informal meetings

Described as helpful for team members to

- learn about meeting expectations,
- build trust with families,
- discuss/address questions or concerns with parents,
- learn about unexpected news (surprises)

# PRE-MEETING WITH FAMILIES

## Time concerns

- Participant in Mueller & Vick study stated, “The amount of time you spend is the same. You can spend it now [premeeting] or spend it later [during the meeting], but you’re spending the time.”

# ESTABLISHING AND FOLLOWING A MEETING AGENDA

Make the meeting transparent

Share agenda with all team members to ensure important topics will be addressed

Use agenda as a guide

Helps team stay on topic and clarifies expectations for the meeting from the start

Combats “off-topic” conversation

# ESTABLISHING AND FOLLOWING A MEETING AGENDA

Can be developed during pre-meeting activities

Send agenda prior to the meeting

Invite parent to provide feedback on agenda

Distribute a copy of the agenda to all participants

# SET MEETING NORMS

Meeting norms = clearly stated behavioral expectations for the meeting

Effective way to proactively address challenging behavior

Introduce norms at the start of the meeting

Get consensus on what the meeting norms should be

May help to remind parties of norms when tensions escalate

# MEETING NORMS

## Example:

- Communicate clearly
- Listen carefully
- Respect the views of others
- Share your views willingly
- Ask and welcome questions for clarification
- Stay on task
- Please promptly advise team if you must leave the meeting before completed

# USE A PARKING LOT FOR OFF-TOPIC ISSUES

Parking lot strategy = a designated physical space (chart paper, smart board, etc.) to document any off-topic issues

If something is shared that is not related to the agenda topic, the information is documented in the parking lot with the intent to revisit the issue during the allotted time on the agenda

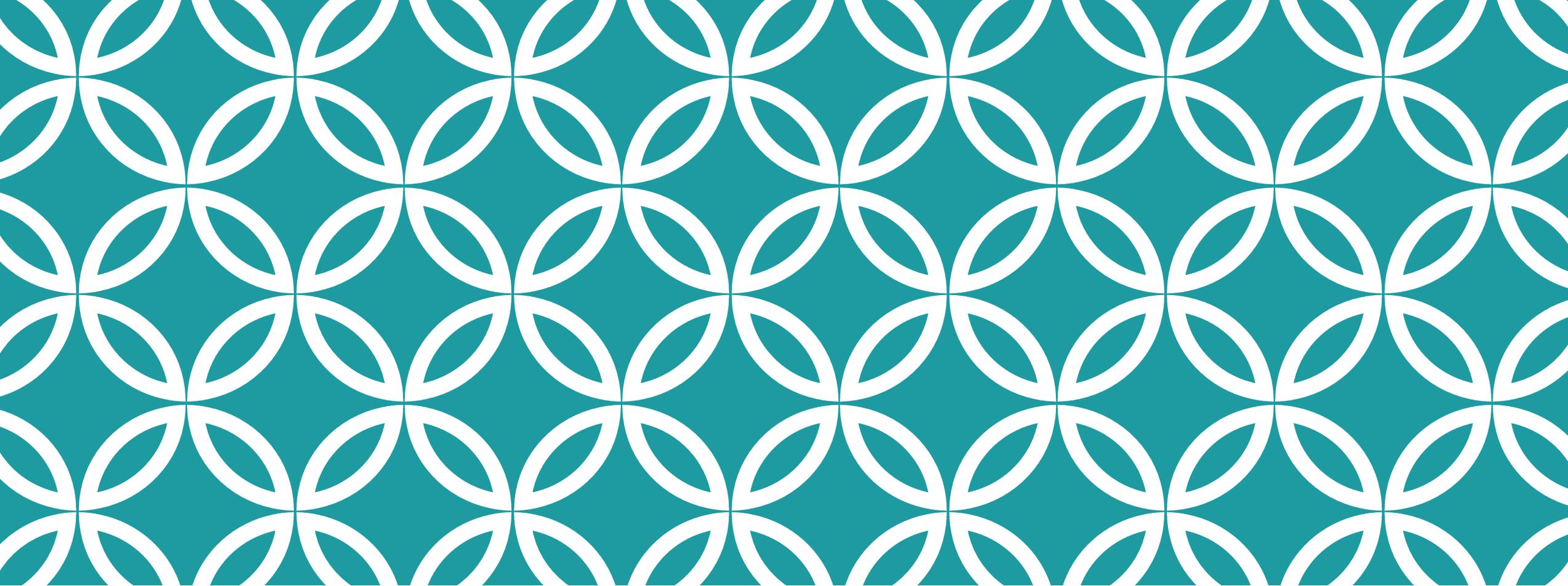
Allows the meeting agenda to move along without ignoring thoughts and contributions of team members

# VISUAL CHARTING

A graphic display tool used for three primary reasons

- Visual representation of the order of the meeting (agenda, norms, parking lot topics)
- Documentation of meeting discussion items (student present levels, goals, etc.)
- Problem solving if needed (example: pro/con list for placement options)

Can be a chart, large easel, electronic projection



**HOW CAN ODR HELP?**



# ODR SERVICES

ODR is not just due process!

Services that can be utilized before or during conflict

- ConsultLine/Parent Engagement
- Creating Agreement Training
- ODR Overview Training
- IEP Facilitation (504 and GIEP)
- Hearing Officer Settlement Conference
- Resolution Meeting Facilitation

# CONSULTLINE

Toll -free service established in 1995 by PDE; became a service of ODR in 2000

Annually serves around 3,000 parents and advocates of children with disabilities by providing information and assistance with special education related issues

Provides information about special education laws, rights, and protections/procedural safeguards

Vast library of resources

Parents with an understanding of special education processes and laws improves collaboration

# CONSULTLINE

- The Call Resolution Process (CRP) facilitates the possibility of early resolution of **compliance**-related concerns.
- CRP is an e-mail notice, sent by the Specialist with the parent's permission, to the chief special education administrator of the LEA. The message relays the parents' stated concerns and proposed resolution.
- The BSE Regional Advisor and Division Chief are copied on the e-mail notice.

# PARENT ENGAGEMENT

Provides technical assistance to parents who are preparing to participate in mediation and/or represent themselves in a due process hearing

Specialists answer procedural questions to help parents understand the mechanics of mediation and procedures involved in preparing for a due process hearing

# CREATING AGREEMENT TRAINING

- Conflict resolution training
- Key concepts that are covered-
  - Value of Conflict
  - Conflict style
  - Perceptions
  - Conflict resolution styles
  - Positions and interests
  - Listening and communication
  - Power imbalance
  - Cultural reciprocity
- At no cost
- Can be provided to school staff and/or parents

# ODR OVERVIEW TRAINING

- ODR will come to your school or organization and train on the services we offer
- At no cost
- Can be provided to parent groups or school staff

# IEP/504/GIEP FACILITATION

Voluntary process used when all parties in an IEP meeting agree that the presence of a neutral would help facilitate communication and successful drafting of the student's IEP

Facilitator is not an advocate or a member of IEP team

Facilitator's role is to help members of the team focus on the issues, maintain open communication among all team members, and model effective communication and listening

May help create an agenda and generate ground rules (norms)

# RESOLUTION MEETING FACILITATION

Neutral facilitator attends mandated resolution meeting

Facilitator helps the parties focus on the issues and student's needs and helps support all parties in participating fully

Facilitation process is voluntary

Having facilitator present can provide an opportunity to resolve issues of the complaint and negate the need to move forward with due process

# MEDIATION

Voluntary process used when parents and schools can not reach an agreement on a student's special education program

Can be requested by either parent or school at any time during a conflict

Mediation can provide a setting for collaborative problem solving

Often helps to establish a more positive relationship between parents and school personnel

Desired outcome = mediation agreement that is mutually approved by both parent and school

# HEARING OFFICER SETTLEMENT CONFERENCE (HOSC)

Service where parties who are close to a resolution, but have identifiable sticking points, can work with a sitting hearing officer to overcome those sticking points and reach agreement

Can offer parent and school perspectives on issues that are holding up settlement

The HOSC hearing officer is not the presiding hearing officer in the case

Voluntary; both parties agree to participate

# REFERENCES

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# THE OFFICE FOR DISPUTE RESOLUTION

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Tom Wolf, Governor



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