

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

1997-08

(session year)

Senate

(Assembly, Senate or joint)

Committee on
Education
(SC-Ed)

COMMITTEE NOTICES ...

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

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INFORMATION COLLECTED BY COMMITTEE
CLERK FOR AND AGAINST PROPOSAL

➤ Appointments ... Appt

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Name:

➤ Clearinghouse Rules ... CRule

➤ **

➤ Hearing Records ... HR (bills and resolutions)

➤ **97hr_sb0272_SC-Ed_pt01**

➤ Miscellaneous ... Misc

➤ **



FACETS

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To: WI State Senate Education Committee
From: Jan Serak
Date: Sept. 9, 1997
Re: Special Education Mediation

Testimony IN FAVOR of SB # 272

I am the parent of a twenty-year old son with autism and Co-Director of Wisconsin FACETS. I am also a mediator certified through the Marquette University Graduate Program in Dispute Resolution. I have 14 years of experience supporting families seeking appropriate educational services for their children with disabilities. Parents and school districts often have very different ideas about whether a child meets criteria for special education services and what services should be provided. In my experience, some of these disagreements are easily resolvable with a little more discussion, but others end with entrenched positions on each side, great hostility, frustration, and great expense - with children caught in the middle. In 1996, 50 procedural complaints and 75 requests for due process hearings were filed with the Department of Public Instruction. Parents, involved in some of these cases called me with the outcome of their cases. Many indicated the process was financially and emotionally devastating. Even if they won their case, the working relationship with their school had been permanently damaged. Some moved to a new district. Others were considering returning to due process again.

My experience is that the cases filed with DPI are just a tip of the iceberg. I provide assistance to over 600 parents annually who do not even attempt formal dispute resolution. Some continue to spin their wheels - sending letters to the school or requesting time-consuming meetings. Some simply give up trying to get help for their child and discontinue any working relationship with their school. Some parents have disabilities themselves. Some have language barriers. Others do not know their rights regarding the availability of dispute resolution. Some can't afford an attorney. Some fear school retaliation against their child.

As of June 4th, with the Reauthorization of the Individuals with Disabilities Education Act, Wisconsin is now required to have a system in place to provide the option of mediation. The exact form of the system is left up to each state within certain parameters set out in the federal law.

FACETS, as part of the Wisconsin Special Education Mediation Project, has worked to ensure that diverse viewpoints had opportunity for input into this legislation. We presented information about mediation and this bill statewide to nearly 6,000 parents and school personnel. We included parents in our mailings, exhibits, presentations, and media articles. The response from parents has been eager anticipation. Since June 4th, FACETS has had a steady stream of calls from parents who know mediation is supposed to be available and want to know how to start the mediation process. These parents are much more interested in working with their school to privately problem-solve and create mutually beneficial solutions to their dispute with the help of a trained, neutral third party mediator than in publicly assigning blame for past actions of the district through due process or litigation. An important part of this legislation is "outreach and promotion" (p.7 l.15) - to provide information for parents and schools of the availability of mediation, how to participate in mediation, and techniques of early conflict resolution. Forty-one states already have mediation. We have been able to evaluate statistics from their collective experience as we drafted legislation for Wisconsin. Data shows that more than 75% of the mediations result in agreements. In a 1990 study, it was noted "on nearly any measure one chooses - cost, cooperation, satisfaction or fairness - parents participating in mediation are significantly more positive about the process" and would use it again.