



INDIANA STATE BOARD OF EDUCATION

Education Dispute Resolution Working Group Meeting Minutes August 8, 2019 at 1:00PM EST

Indiana Government Center South, Conference Room B
302 W. Washington Street, Indianapolis, IN 46204

EDR Members Present: Dr. Balsley; Lesa Paddock (proxy for Mr. Boehner); Mr. Crishon; Ms. Dodson; Dr. Ernest; Ms. Long; Mr. Mapes; Ms. Tanselle (arrived at 1:26); Dr. Taylor (arrived at 1:25); Mr. Rhodes.

EDR Members Absent: Ms. Wetherald

III. Call to Order

A. EDR members recited the Pledge of Allegiance.

IV. Approval of the Agenda

A. The agenda was approved by a voice vote
i. Moved by Dr. Balsley, seconded by Ms. Long.

V. Approval of Minutes

A. The EDR Working Group Meeting minutes were approved by a voice vote
i. Moved by Ms. Long, seconded by Mr. Rhodes.

IV. EDR Working Group Chair & Member Comments

A. Dr. Ernest recalled the main theme of the previous meeting – hearing officers and proper training. Dr. Ernest also recalled that issues of effective allocation of resources were discussed.

VI. Public Comment (3 minutes per individual—total 30 minutes)

A. Kristy Cundiff, CEO of Indiana Foster and Adoptive Parents
i. Ms. Cundiff identified problems that parents of adopted children face in education dispute resolution, such as lack of resources.

VII. Discussion Items

A. Recap regarding Indiana Department of Education's Cost of Educational Disputes Report – Address any Outstanding Questions relating to Report
i. Ms. Long noted that she will address the questions from the previous meeting at a future meeting.
ii. Mr. Crishon questioned the number of children receiving special education services in Indiana and number of school corporations in the state.



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B. EDR Working Group Legislative Goals Discussion:

- i. Category 6 – “Patterns of complains that emerge regarding special education rights and services, in order for the Department to develop strategies to better resolve issues that lead to a particular pattern of complaints.”
- ii. Dr. Balsley noted that the members may want to consider that state complaints are different than topics resulting from due process hearings and mediations.
- iii. Ms. Long mentioned meeting with the State Advisory Council and discussing ideas such as joint trainings with schools and parents to make sure that both schools and parents work to improve the communication process.
- iv. Mr. Crishon and Ms. Dodson identified a potential need for a more detailed summary of the Department’s complaint/hearing data in order to identify patterns. Alternatively, it may not be possible to identify patterns.
- v. Ms. Long noted that a more detailed summary may be possible; she will check with the Department’s vendor.
- vi. The group discussed the possibility of obtaining more information that is not currently collected by the Department and how could that be accomplished.

C. Policy Discussion: EDR Working Group Member Dr. Balsley – Special Education Directors’ Experiences Preventing and Responding to Requests for Due Process Hearings

- i. What proactive actions did special education directors take to increase cooperation and prevent conflict between families and schools?
 - a. Dr. Balsley stressed that her research was from the prospective of special education directors and that she did not consult families or attorneys.
 - b. There is a continued need to train staff and special education leaders to be proactive.
 - c. Special education directors interviewed often participated in alternative dispute resolution processes to mitigate conflict and engaged in proactive leadership actions to increase cooperation. Based on the research, alternative dispute resolution assisted directors in resolving conflict. It appears that the actions of special education directors, were important to successfully prevent conflict.
- ii. What were the experiences of special education directors between the receipt of requests for due process hearings and the resolution of such requests?
 - a. Several directors receive requests for a due process hearing and they never knew the family. Based on the research, directors often found the resolution process is unproductive after the filing of the request. Dr. Balsley noted that it is stressful for the parties to be part of the dispute resolution process that is regulated by the court rules. Additionally, the collaborative nature of the resolution process may be hindered due to the participation of/or coaching by attorneys.
- iii. Other Perspectives.
 - a. Ms. Dodson noted that the presentation identified some areas that impact parents/families in a different way, and that it is important for the group to consider how these issues impact families in a manner different that schools/special education directors.
 - b. Mr. Crishon commented that the state data suggests that the resolution process does appear to be working.



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- c. Dr. Balsley added that cases are being resolved, but not at the resolution meeting, as intended by IDEA. Many times it is months after the request was filed.
- D. The members moved on to open discussion, discussing general topics/issues relating to dispute resolution.
 - A. This included a discussion of entities that participate in this process, such as INSource and Indiana Disability Rights, and if such entities have the capacity to meet current demands.
 - B. Dr. Ernest initiated a conversation regarding a centralized organization (“clearing house”) of resources for parents and schools.
 - i. The members offered opinions and experiences relating to this concept.
- E. Recap and Summarize Specific Recommendations Based on Goals and Policy Discussion

VIII. Next Steps

- A. August 22, 2019 – EDR Working Group Legislative Goals Discussion:
 - i. Category 3 – “A system of access to low cost legal advocacy regarding educational disputes that encourages efficient resolution of disputes and does not incentivize protraction.”
 - ii. Category 5 – “Information and communication strategies to parents of students with disabilities and school corporations for resolving disputes concerning special education issues.”
 - iii. Category 9 – “Whether a dispute resolution ombudsman within the Department would reduce costs relating to legal advocacy and facilitate more efficient resolution of disputes.”

IX. Adjournment