



# Education Dispute Resolution Working Group

## Education Dispute Resolution Working Group Meeting Minutes September 19, 2019 at 1:00PM EST

Indiana Government Center South, Conference Rooms 4 & 5  
302 W. Washington Street, Indianapolis, IN 46204

EDR Members Present: Dr. Balsley; Mr. Boehner; Mr. Crishon; Ms. Dodson; Dr. Ernest; Ms. Long; Ms. Tanselle; Dr. Taylor; Mr. Rhodes; and Ms. Wetherald.

EDR Members Absent: Mr. Mapes

### **I. Call to Order**

A. EDR members recited the Pledge of Allegiance.

### **II. Approval of the Agenda**

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

### **III. Approval of Minutes**

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

### **V. EDR Working Group Chair & Member Comments**

A. Dr. Ernest reserved his comments for later in the meeting.

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

- A. Margaret Jones—discussed the possibility of resurrecting the board of special education appeals, believing it would be unnecessary and an improper use of state funds.
- B. Pam Cleary—discussed her experience as a parent with 2 children with special needs, as well as her legal experience as an attorney representing parents regarding due process related matters. She noted her concerns that parents are not informed of their legal rights, and steps should be taken to inform them.
- C. Pat Howey—provided materials to the working group members regarding other states that allow parties to strike hearing officers. Does not believe that the due process system in Indiana is broken, it works effectively. Noted the Connecticut and Massachusetts models, which includes a non-binding advisory letter process. Is not supportive of returning to a 2 tier review process.
- D. Karen Glasser Sharp—A practicing attorney that works in the area of special education. Is supportive of possibility reinstating board of special education appeals as a cost effective method to ensure appropriate administrative decisions are reached.
- E. Patty LeSueur—offered her experience as a parent with a student with special needs. Has experienced institutional disparities between her child without special needs compared to her child with special needs.



# Education Dispute Resolution Working Group

## VII. Discussion Items

- A. Recap—Prior EDR Working Group Discussions
- i. Dr. Ernest provided a recap of possible recommendations that the group has discussed, including parent/school/mediator/hearing officer training, revised data reporting, surveys, entry level resolutions, clearing house, hostile free resolution, and centralization of resources.
  - ii. Asked the working group to focus on revising the recommendations to move toward a finalized format.
- B. 1<sup>st</sup> Speaker: School Corporation Perspective—representing school corporations in dispute resolution matters (15 minute presentation)—Andrew Manna (ICOSA)
- i. Funding for Advocacy Groups: In general, the ICOSA Special Education Sub-Committee recommends further study on methods of funding for advocacy groups to encourage parental participation in the interactive process. Specifically, it is important to encourage additional parent-school interaction during Case Conferences.
  - ii. Hearing Officers as Mediators: Believes there is value in Hearing Officers also serving as Mediators to build their knowledge of common hearing issues and to facilitate pre-hearing resolution of such issues.
  - iii. Hearing Officer Training: Supports training being provided with collaboration between parent and school attorneys on substantive materials and presentations on regulation, case law, and trends. Such collaboration could include a combined parent and school attorney group half-day input session.
  - iv. Board of Special Education Appeals: Encourages study/cost-benefit analysis on potentially reinstating the BSEA.
- C. 2<sup>nd</sup> Speaker: Parent/Guardian Perspective—representing parents/guardians in dispute resolution matters (15 minute presentation)—Catherine Michael
- i. Affirmed that the State’s due process system is working, and believes that the hearing officers are well trained and competent.
  - ii. Highlighted some of the successful stories that demonstrate how Indiana has successfully implemented the requirements of IDEA.
  - iii. Favors the use of federal courts rather than reinstating a 2<sup>nd</sup> tier of review for the administrative process.
  - iv. Believes that some of the issues being discussed by the working group would be best addressed by training for school administrators/teachers/staff.
  - v. Increased advocacy funding would be beneficial.
- D. 3<sup>rd</sup> Speaker: Independent Hearing Officer Perspective—overseeing the dispute resolution process (15 minute presentation)—Dr. Thomas Huberty; Kate Guerrero, Dr. Melody Dilk; Bethany Redinbo



# Education Dispute Resolution Working Group

- i. Noted the increase in issues, procedural matters, and overall hostility between the parties.
- ii. Overall, believe that the hearing officer training program is very good, though there may be a benefit from additional training in procedural matters. Further, increased access to case law and other legal resources would be helpful for the hearing officers.
- iii. Discussed the possibility of training resources for pro se parents and school employees, as well as some of the challenges hearing officers may have when overseeing hearings with pro se parties.
- iv. Commented on the fact that hearing officer per hour cost has not been revised since 2003, and may be worth updating.
- v. Noted that there are currently no standards for individuals who act as advocates, so any funding increase should be linked to standards/training for potential advocates.

## E. Recap, Q&A, and Summarize Presentations/Recommendations

- i. Noted that the group has not heard from teachers and administrators, who might have additional insights and counterpoints to some of the issues raised by the presentations.
- ii. There was also discussion regarding the concept of teacher and administrator training, and the amount of training that these individuals are already subject to—need to be mindful of reasonable expectations.

## VIII. Next Steps

- A. October 3, 2019—EDR Working Group Review and of Draft Recommendations
- B. Discuss Other Potential Resources for Consideration

## IX. Adjournment