

SPEDCO PROPOSAL

September 7, 2007

Special Education Program Expert Model (SPEDEX Model) **Piloting the Alternative Model to Resolve Disputes**

A. OVERVIEW:

The Special Education Expert Dispute Resolution Model (SPEDEX Model) offers a new and expanded option to resolve, and then provide follow-up for, special education disputes. Similar to the *guardian ad litem* model in the courts, the SPEDEX Model contemplates the appointment of a jointly selected (parents/guardian and school district) impartial educational expert, the Special Education Program Expert (SPEDEX Expert). The Expert will serve in a neutral, third party capacity. When a dispute arises involving a rejected IEP (Individualized Education Program) and a hearing request is submitted to the BSEA (Bureau of Special Education Appeals), the parties (parents and schools) may select this alternative model to resolve disputes.

The SPEDEX Expert's role is (1) to render a professional opinion and recommendation for a student's educational program that the Expert believes is consistent with a free appropriate public education (FAPE) in the least restrictive environment, and to share the written opinion and recommendations with the parents and school district; (2) upon acceptance by parents/guardian of the IEP resulting from the SPEDEX procedures, to visit the student's program to follow-up the implementation of such recommendations.

To carry out the first role (1)

- Within 20 school working days of appointment, the SPEDEX Expert will review assessments, IEPs, recommendations, and related information; interview relevant staff and parents (and student, if appropriate), and conduct observation(s). The Expert will prepare a written report of conclusions and recommendations and send it to the parties.
- Within five days of that report, the Expert will schedule a meeting with the parties to review it, at the school or other mutually convenient location. The parties may accept the recommendations in a written agreement that is incorporated by reference into the student's IEP that then becomes the accepted IEP.
- With such agreement, the moving party will withdraw the hearing request at the BSEA on all issues relating to the proposed IEP.¹

To carry out the second role (2)

- Within 60 school working days after the agreement on the IEP, the SPEDEX Expert will observe the student in the program and write a brief follow-up report for the parties. If the

¹ Compensatory services or other historic issues are not waived and may be pursued at the BSEA.

Expert believes that substantive changes in the program are needed, he or she will convene a meeting with the parents and school district to consider next steps.²

- Both of the Expert's reports become part of the student record and may be introduced at a hearing.

SPEDCO proposes that the BSEA and the SPEDEX Model Administrator [yet to be determined] pilot the SPEDEX Model. Initially, this pilot will involve up to 10 disputed cases at an approximate cost of \$5,000 each (\$55,000 total that includes a 10% administration fee). The pilot will involve outreach to interested parties and orientation/training for prospective SPEDEX Experts and interested parties, and research on effectiveness, through a satisfaction survey of participants, data collection, and a written report with findings, conclusions and recommendations.

B. THE TEN STEPS TO IMPLEMENT the SPEDEX MODEL:

1. The BSEA will compile a list of SPEDEX Experts. To develop that list, the BSEA will notify members of the state's special education community of the opportunity to be a SPEDEX Expert. To be included on the list, the interested professional needs to be licensed or certified in special education and/or related professions AND must attend and participate in the training program.
2. After the BSEA receives a rejected IEP, the BSEA will include a description of the SPEDEX Model among the options it offers parties for dispute resolution, provide a written set of procedures for the SPEDEX Model, including a timeline for completion, and the list of SPEDEX Experts.
3. In the event that parents or a school district requests a hearing, they may agree to use the SPEDEX Model, an agreement they signify by sending the BSEA the signed agreement [model to be developed] and informing the BSEA that they have agreed upon a SPEDEX Expert selected from the list provided by the BSEA. They do not need to identify the Expert to the BSEA. The parties will provide the BSEA with the written agreement and appropriate consent related to confidentiality, etc.
4. Within 5 days of receipt of that written agreement and the fact that the parties have agreed upon a SPEDEX Expert, the BSEA notifies the SPEDEX Model Administrator [TBD]. The Administrator notifies the Expert and determines availability, payment, etc. The Administrator contracts with the Expert. The Expert may be paid \$5000 for his/her role as the SPEDEX Expert (this fee is to be paid out as follows: \$4000 for the Expert's carrying out the first role, and \$1000 for the second role, as described above).
5. If the mutually selected SPEDEX Expert is unavailable, the parties may seek to agree upon another Expert, and repeat Step 4 above.³

² A "substantive change" means that, based on the Expert's recommendations, the placement or setting of the IEP needs to be amended.

³ If the parties cannot agree on a SPEDEX Expert, then the SPEDEX Model will not be implemented and they can proceed to another BSEA option.

6. Within 20 school working days of appointment, the SPEDEX Expert analyzes the student's needs. Among practices he or she may undertake are: conducting a student record review; reviewing past/present IEPs and assessments; reviewing school district, parent and other recommendations; conducting interviews and observations; determining if more information is necessary. If additional assessments are necessary, the Expert may conduct them. At a minimum, the SPEDEX Expert will speak with the special education director, the parents, the student's teacher(s)/service provider(s), review recent IEPs and evaluations, and where appropriate, review work samples. The Expert issues a written report of findings and recommendations that he/she sends to the parties (by mail or email). This report becomes part of the student record.
7. Within 5 days of issuing the written report, the SPEDEX Expert schedules a meeting with the parties to discuss the report.
8. If the parties agree with the SPEDEX Expert recommendations, they accept the recommendations in a written agreement that is incorporated by reference into the student's IEP. That IEP then becomes the accepted IEP. Thereafter, this new IEP is implemented.
9. Within 60 school working days of the IEP acceptance and implementation, the SPEDEX Expert conducts a follow-up observation or visit of the program (with or without parents and school personnel, as the Expert may deem appropriate) and issues a brief status report which becomes part of the student record. If he or she believes the program needs to be substantively changed, he or she convenes the meeting with the parties to consider options.
10. If parties do not reach agreement about the IEP developed through the SPEDEX Model, the parents or school district may proceed to a BSEA hearing. In that event, the Expert's report, as set out in step 6 above, becomes part of the student record and either or both parties may include the report in their hearing documents. Either or both party/ies may call the Expert as its witness at their own expense.

C. ANTICIPATED OUTCOMES OF THE SPEDEX MODEL:

- **Dispute process becomes student-focused**, as family, school district, and SPEDEX Expert all focus on the educational needs of and educational benefits for the student. In addition to resolving disputes, the SPEDEX Model offers the innovative feature of a follow-up after the dispute is resolved to assure that the student's program, implemented with the Expert's recommendations, provides an educational benefit for the student.
- **Quick dispute resolution**, as the SPEDEX Model process is designed to be completed within up to 30 school working days and, with acceptance of resultant IEP, the student is assured of **prompt** delivery of appropriate educational services.
- **Culture of trust is restored**. Positive communication and a culture of trust between families and school districts are restored.
- **Positive effects for all students**. This culture of trust should lead to fewer disputes and a less adversarial climate resulting in positive effects for general education.

D. PROPOSED BUDGET:

Each case is projected at \$5000 each, for the cost of all-inclusive services of the SPEDEX Expert.

10 cases x \$5,000 each=\$50,000 (plus 10% administrative costs)= \$55,000

Submitted by SPEDCO (The Special Education Day Committee)

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