



The following documentation is an electronically-submitted vendor response to an advertised solicitation from the *West Virginia Purchasing Bulletin* within the Vendor Self-Service portal at ***wvOASIS.gov***. As part of the State of West Virginia's procurement process, and to maintain the transparency of the bid-opening process, this documentation submitted online is publicly posted by the West Virginia Purchasing Division at ***WVPurchasing.gov*** with any other vendor responses to this solicitation submitted to the Purchasing Division in hard copy format.

Header @ 13

List View

General Information | [Contact](#) | [Default Values](#) | [Discount](#) | [Document Information](#)

Procurement Folder: 337224

SO Doc Code: CRFQ

Procurement Type: Central Master Agreement

SO Dept: 0402

Vendor ID:

SO Doc ID: EDD1700000005

Legal Name: SCOTTI & GERL

Published Date: 6/12/17

Alias/DBA:

Close Date: 6/15/17

Total Bid: \$0.00

Close Time: 13:30

Response Date:

Status: Closed

Response Time:

Solicitation Description:

Total of Header Attachments: 13

Total of All Attachments: 13

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
1	MEDIATION SERVICES FOR IDEA DISPUTE	0.00000	HOUR	\$140.000000	\$0.00

Comm Code	Manufacturer	Specification	Model #
80122001			

Extended Description : MEDIATION SERVICES FOR IDEA DISPUTE RESOLUTION.
 THE HOURLY RATE OF THE SERVICES ARE INCLUSIVE OF ALL PREPARATION AND MATERIALS, MEDIATION AND ALL REQUIRED DOCUMENTATION.

CFRQ # 0402 EDD1700000005
RESPONSE of SCOTTI & GERL (by JIM GERL)
TO AGENCY REQUEST FOR QUOTATION
MEDIATION SERVICES
FOR IDEA DISPUTE

Bidder

Contact Information: **Scotti & Gerl**
FEIN: 55-0651775
WV VENDOR # 000000205264
By Jim Gerl
Scotti & Gerl
662 Jefferson Street South
Lewisburg, West Virginia 24901
(304) 645-7345 phone
(304)667-7704 cell
(304) 645-7362 fax
jingerl@yahoo.com email

SOLICITATION # 0402 EDD1700000005

RESPONSE of SCOTTI & GERL (by JIM GERL)

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INTRODUCTION:

This RFQ seeks bids on behalf of the West Virginia Department of Education for an open-ended contract for mediation services for IDEA disputes as required by IDEA, 34 CFR §300.507, et seq and Policy 2419, Ch. 11 et seq. The dispute resolution process is required as an option for resolving disagreements regarding an eligible student with a disability's identification, evaluation, placement or the provision of a free appropriate public education (FAPE).

BRIEF SUMMARY:

Jim Gerl is uniquely qualified to provide the services requested on the RFQ. He has been an IDEA mediator for **over 28 years** for two state education agencies. He is also a national expert on special education law and a trainer of IDEA mediators.

QUALIFICATIONS:

Policy 2419 requires that mediators for West Virginia special education disputes must be **trained in effective mediation techniques**. Policy 2419, Ch 11, §3(b). Jim Gerl has attended a basic mediation training by the American Arbitration association. He has been trained in special education mediation by the Justice Center of Atlanta. He has also been trained in special education mediation by the Atlanta Center for Reconciliation. Jim Gerl has also attended five symposia of CADRE, the OSEP funded center for dispute resolution which focuses upon mediation to resolve these disputes. See attached resume.

Jim Gerl has **attended trainings** designed for IDEA special education mediators in the last three years. Attached with this response is evidence that he attended the 2016 WV Department of Education mediator/ hearing officer training and the agenda for that training. Also attached is documentation that Jim Gerl

RESPONSE of SCOTTI & GERL (by JIM GERL)
PAGE THREE

attended the 2015 CADRE Conference on IDEA dispute resolution and the agenda for that conference. This does not include the many IDEA mediator/hearing officer trainings that he has conducted himself. See attached resume.

Jim Gerl has the **experience** to **conduct IDEA mediations**, help draft mediation agreements and perform the other duties required by the contract. He has been an IDEA mediator for over 28 years. Over 95% of his mediation sessions have resulted in a settlement of the dispute, thereby saving the state and the parties the huge expense of a due process hearing. Please see the narrative response as well as the attached resume. Two references are also provided later in this response.

Jim Gerl possesses **impartiality**. He has been impartial in conducting mediations. He is not an employee of WVDE or of any school district in the state. He has no personal or professional interests that conflict with objectivity in the mediation, and he does not represent boards of education or parents in actions against boards of education.

MANDATORY REQUIREMENTS AND DELIVERABLES:

Jim Gerl is willing to and has demonstrated the ability to **travel** statewide on **short notice** to any school district in which disputes may occur to conduct mediation sessions and to assure that all mediation sessions will be conducted as quickly as possible. He shall continue to conduct mediations at a date, place and time which is reasonably **convenient** to both parties involved.

Jim Gerl has always conducted **timely** mediation sessions and shall continue to conduct timely mediation sessions, including

the issuance of appropriate written documentation, within the required timelines.

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RESPONSE of SCOTTI & GERL (by JIM GERL)

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Jim Gerl will **attend** training sessions for IDEA mediators annually and retain certificates of attendance therefor.

In the event of any type of conflict of interest, Jim Gerl shall immediately issue a **waiver** by email or phone call to appropriate WVDE OFP staff advising of the conflict and allowing the case to be assigned to the next mediator in the rotation.

NARRATIVE RESPONSE:

Jim Gerl has been a special education **mediator** for the West Virginia Department of Education **since 1989**. In addition for approximately one year, he was chief IDEA mediator for Washington DC. He has been **specifically trained** as a special education mediation **techniques** at many extensive IDEA mediation trainings

Also, over the last twelve years Jim Gerl has attained national recognition as a **trainer** of special education **mediators** and hearing officers and he has become an expert in special education law. For seven years (2006 – 2012), Jim Gerl was the presenter/trainer at the **annual West Virginia** Department of Education trainings for IDEA mediators and hearing officers. He has trained IDEA mediators and hearing officers at thirteen national and regional trainings. He has provided approximately forty-eight state specific mediator, hearing officer and complaint investigator trainings for nineteen different state education agencies. He has trained hearing officers and/or mediators from every state.

Since early 2005, Jim Gerl has spoken on special education law at nineteen state or multi-state conferences of special education directors and related staff and at a number of national

conferences. He has been on the **faculty of every CADRE National Symposium** on Special Education Dispute Resolution during that SOLICITATION # 0402 EDD1700000005

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timeframe; CADRE is the OSEP funded technical assistance agency and focuses upon mediation. Each of the trainings and speaking presentations referred to above required extensive knowledge, training and expertise in special education laws, federal and state regulations, policies, case law and services.

Jim Gerl is an expert on special education law. As the author of the award winning Special Education Law Blog <http://specialeducationlawblog.blogspot.com/> he has provided useful information and valuable resources to thousands of stakeholders. The related Special Education Law Group on LinkedIn that he created in conjunction with the blog now has over 27,000 members.

Jim Gerl will perform all of the work under this contract.

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RESPONSE of SCOTTI & GERL (by JIM GERL)
PAGE SIX

REFERENCES:

1. Sheila Paitsel
Assistant Director/IDEA
Office of Federal Programs
1900 Kanawha Boulevard, East
Building 6, Room 330
Charleston, WV 25305-0330
304.558.7805 P
304.558.6268 F
sgpaitsel@k12.wv.us

2. Lorraine Ciambotti Elswick
Coordinator, Compliance Management
Office of Federal Programs
Building 6, Room 330
1900 Kanawha Boulevard, East
Charleston, WV 25305-0330
304.558.7805 P
304.558.6268 F
lciambot@k12.wv.us

SOLICITATION # 0402 EDD1700000005

RESPONSE of SCOTTI & GERL (by JIM GERL)
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ADDITIONAL INFORMATION:

Attached to this response and incorporated by reference herein are a **resume/vita** for Jim Gerl.

NOTE: 5% Vendor Residency Preference is requested. See attached form in this package

NOTE: A signed and notarized Purchasing Affidavit is attached in this package.

NOTE: Scotti and Gerl is a registered West Virginia vendor.
WV VENDOR # 000000205264

NOTE: A designated contact/certification and Signature Page is attached in this package.

NOTE: The OASIS online bid response requires a number of “**delivery days.**” This is not explained in the rfp. I selected 30 days as this is normally the period of time from assignmanet in which a mediation is completed, unless the parties request a longer time.

PRICING SECTION:

A separate pricing page is attached in this package. The quoted hourly rate (140.00 per hour) is all inclusive. It is understood that all travel, mileage and other expenses are included in the hourly rate.

Dated: June 12 2017

SCOTTI & GERL

By: James Gerl
James Gerl

JAMES GERL

Blog: <http://specialeducationlawblog.blogspot.com/>

EMPLOYMENT:

PARTNER

Scotti & Gerl
Attorneys at Law
Lewisburg, West Virginia
October, 1984 - present

**IDEA
MEDIATOR
EXPERIENCE:**

IDEA HEARING OFFICER & MEDIATOR

West Virginia Department of Education
August, 1989 – present

**IDEA HEARING OFFICER &
CHIEF MEDIATOR**

District of Columbia, State Superintendent of Ed
August 2009 - December 2011

MEDIATOR and HEARING OFFICER

West Virginia Division of Rehabilitation Services
October 1999 – present (Mediations and fair
hearings under federal Rehabilitation Act)

**MEDIATION
TRAINING
RECEIVED:**

ADVANCED IDEA MEDIATION TRAINING

Atlanta Center Reconciliation	September 2-3, 2004
CADRE Symposium	December 2-4, 2004
CADRE Symposium	October 28-29, 2005
CADRE Symposium	December 7-9, 2006
CADRE Symposium	October, 26-28, 2011
CADRE Symposium	October 22-25, 2015

MEDIATION TRAINING

Justice Center of Atlanta March 9-11, 1999
(IDEA mediation training)
American Arbitration Association January 4-6, 1984

**ANNUAL IDEA MEDIATOR/HEARING
OFFICER TRAININGS**

WV Department of Education 1984 – Present

OTHER MEDIATOR
EXPERIENCE:

ILLINOIS HUMAN RIGHTS COMMISSION
Mediated Civil Rights Cases
Chicago, IL 1980-1984

NATIONAL and
REGIONAL TRAININGS
by JIM GERL

Consortium on Appropriate Dispute Resolution in
Special Education (CADRE)
Faculty; Seventh National Symposium
Professional Development Institute Training on
Writing; Concurrent Session on Legal Update
Eugene, Oregon October 2017
Faculty; Sixth National Symposium
Eugene, Oregon October 2015
Faculty Fifth National Symposium
Eugene, Oregon October, 2011
Faculty, Fourth National Symposium
Washington, DC December, 2006

IDEA ALJ/Hearing Officer Academy
Faculty, National SpEd Hearing Officer Training
U of Seattle Seattle, WA & American U DC
1/2 Day Sessions on Decision Writing; Bullying &
IDEA; Compensatory Education; Service Dogs
July 2009, 2011 to 2017

Western Regional Resource Center
Training on **Dispute Resolution** and Legal

Update

Western Region SEA Directors & Staff
Eugene, OR October 2013

Special Ed Hearing & Mediation Conference
National Hearing Officer and Mediator Training
Decision Writing & Panel Presentations
California OAH & UCLA Extension
Los Angeles March 2009

Northeast Regional Resource Center
Northeast Regional Hearing Officer Training
Trainer, Webinar for Hearing Officers June 2009

15th Annual Education Law Conference
Featured Speaker, SpEd Hearing Officer Academy:
Regional Hearing Officer Training
U of So. Maine; U. of Maine School of Law; NERRC

Portland, ME July 2008
LRP Institute Special Education Law
National Special Education Law Conference
Instructor, Hearing Officer Training
Orlando, FL April 2006
Instructor, Hearing Officer Training
Presenter, Roundtable Discussion: ADR -- IDEA '04
Las Vegas, Nevada May 2005

STATE IDEA TRAININGS Ohio Department of Education
and CONSULTATIONS Hearing Officer/ SRO/ **Mediator** Training
by JIM GERL: Columbus, OH August 2015 & August 2016

Delaware Department of Education
IDEA Hearing Officer/**Mediator** Training
Dover, DE 2005, 2013, 2014, 2015, 2016x2, 2017
Compl Invstgtr Training Dover DE November 2013

Pennsylvania Office of Dispute Resolution
IDEA Hearing Officer and **Mediator** Training
Harrisburg, PA June 2009 and June 2012
By webinar January 2017

Arizona Department of Education
IDEA Training for **Mediators**
Phoenix AZ October 2015

Vermont Agency of Education
IDEA Training for Hearing Officers, **Mediators** etc
Montpelier VT September 2013 &
Barre VT October 2015

Oregon Department of Education/OAH
IDEA Training for ALJs/**Mediator**
Tualatin OR March 2013 & October 2015

Missouri Administrative Hearing Commission
IDEA Training for Administrative Law Judges
Jefferson City MO 2013, 2016 & 2017

Alabama Department of Education
IDEA Hearing Officer Training
Montgomery, AL September 2016

Texas Education Agency
IDEA Hearing Officer Training

CONFERENCES:

Writing; Concurrent Session on Legal Update
Eugene, Oregon October 2017
Faculty; Sixth National Symposium
Eugene, Oregon October 2015
Faculty; Fifth National Symposium
Eugene, Oregon October 2011
Faculty, Fourth National Symposium
Washington, DC December, 2006

16th Annual Education Law Conference

National Conference, Presenter
Remedy of Reimbursement - Unilateral Placement
& CLE Session: Update on Special Education Law
U of Southern Maine & U. of Maine School of Law
Portland, ME July 2009

Council for Exceptional Children

Presenter, Role of a Teacher in IEP Meetings
Boston, MA April 2008
Lecture Presentation - Special Ed Law 101
National Harbor, MD April 2011

Tri-State Special Education Law Conference

Iowa, Nebraska & Kansas Depts of Education
Presenter, Procedural Safeguards, etc
Omaha, NE November 2010, 2012 & 2014

Alabama Mega – Conference

Year In Review Legal Update
Mobile, AL July 2017

US Virgin Islands Leadership Academy

Discipline of Students With Disabilities
St John, VI December, 2015

Virginia PEATC

Advocacy Seminar
Presenter, Legal Role of Advocates
Williamsburg, Virginia May, 2015
Section 504
Staunton, Virginia August, 2016

Arizona Department of Education

Directors Institute Conference
Presenter, Role of Non-Attorney Advocates at IEP
Team Meetings and Due process Hearings
Presenter, How to Conduct Resolution Sessions

Litchfield Park, AZ September 2010 & August 2011
Wyoming Department of Education
Annual Symposium on Education Leadership
Presenter: Panels on LRE Trends, 504 & Seclusion
& Restraints; Co-presenter with Julie Weatherly
and Kathy Mefhoud; Workshop on Dispute
Resolution Systems
Lander, WY August 2010 & July 2011

Alfred University

Featured Conference Speaker, SpEd Law Update
School Psychology Department & area LEA reps
Alfred, NY February 2009

West Virginia Special Education Law Conference

Principal Speaker, Special Education Law
Morgantown, WV September 2008

Resolution Session Presentation June 2005

Utah Institute on Special Education Law

Mountain Plains Regional Resource Center and
Utah Department of Education

Presenter, IEPs/Procedural Safeguards
Ogden, UT August 2006, 2007, 2010 & 2014

American Council on Rural Special Education

Annual Conferences Special Ed Law Updates
Lexington, KY 2006 & Charleston, WV 2008

University of New Hampshire

Guest Speaker, Special Ed Law Seminar
Durham, NH (via telephone) April, 2012

University of Texas

Guest Speaker, Seminar for Principals
Austin, Texas October, 2016

HEARING
OFFICER
EXPERIENCE:

IDEA HEARING OFFICER & MEDIATOR

West Virginia Department of Education
August, 1989 – present

IDEA HEARING OFFICER

Utah Department of Education
June, 2007 - present

IDEA HEARING OFFICER

South Dakota Department of Education
March 2015 - present

IDEA HEARING OFFICER

Pennsylvania Office of Dispute Resolution
July, 2008 - 2016

IDEA HEARING OFFICER &
CHIEF MEDIATOR

District of Columbia, State Superintendent of Ed
August 2009 - December 2011

SPECIAL IDEA HEARING OFFICER

US Virgin Islands State Office of Education
(Conflict Case) January 2013 – May 2013

IDEA STATE COMPLAINT INVESTIGATOR

New Mexico Department of Education
South Dakota Department of Education
Through TAESE
November 2014 – present

HEARING OFFICER

West Virginia Division of Rehabilitation Services
October 1999 – present
(Fair hearings under federal Rehabilitation Act)

HEARING OFFICER

WV Consolidated Public Retirement Board
(Public Employee Retirement Appeals)
July 2008 – July 2012

HEARING EXAMINER

West Virginia Human Rights Commission
November, 1984 - December, 1988
(Civil Rights Cases)

ADMINISTRATIVE LAW JUDGE

Illinois Human Rights Commission
March, 1980 - April, 1984 (Full-time)
(Civil Rights Cases)

HEARING OFFICER

Illinois Department of Public Aid
September, 1979 - March, 1980
(Regulatory Hearings for Medicaid Providers
and discipline hearings for department employees)

INTERVIEWS OF JIMGERL AND
OTHER NATIONAL EXPERTS
ON SPECIAL EDUCATION

DISPUTE RESOLUTION: "Voices from the Field," CADRE website:

<http://www.directionservice.org/cadre/gerlinterviews.cfm>

OTHER

HEARING OFFICER

TRAINING BY

JIM GERL:

National Association of Hearing Officials

(Various Types of Agencies & Hearing Officers)

Faculty for National Association's Conferences

Workshops Given: Conducting & Controlling

Administrative Hearings; Special Ed Hearings;

Ruling on Objections; Due Process; Pre-Hearing

Process; Controlling Disruptive Behavior

Washington, DC

September, 2017

Portland, OR

September, 2016

Phoenix, AZ

October 2015

Charleston, SC

November 2014

Minneapolis, MN

September 2013

San Antonio, TX

October 2012

Santa Fe, New Mexico

November 2011

Nashville, TN

September 2010

Boise, Idaho

September 2009

Orlando, Florida

November 2008

Santa Fe, New Mexico

November 2007

Bismarck, North Dakota

September 2006

Durham, North Carolina

October 2005

National Judicial College

Faculty Advisor (Group Discussion Leader)

Administrative Law: Fair Hearing

Various Types of Agencies & Hearing Officers

Reno, Nevada

March 1982

South Carolina Multi-Agency Retreat

Columbia SC

November 2016

West Virginia Board of Review (welfare agency)

Lewisburg, WV

November 2016

Texas Health & Human Services Commission

Three Day Intensive Training For Hearing Officers

State Welfare Agency Austin, TX

November 2010

West Virginia State Bar

Training State Human Rights Hearing Examiners

Charleston, WV

August 1990

Illinois Municipal League

Training of City Human Relations Hearing Officers

Springfield, Illinois February 1984
CONSULTATIONS TESTIMONY BEFORE LEGISLATURE
RE ADMINISTRATIVE Vermont Legislature
HEARING OFFICERS: Committee on Executive Branch Hearing Officers
(by telephone) October 2013

BLOG: Special Education Law Blog
Author and Blogger re Special Education Law;
Winner First Place - Best Education Blog in the
2008 Blogger's Choice Awards; Winner Blog of the
Day Award; Third Ranked Ed Law Blog (ABA)
<http://specialeducationlawblog.blogspot.com/>

EDUCATION: UNIVERSITY OF SAN FRANCISCO
SCHOOL OF LAW
Juris Doctor, 1978; Elected representative, Student
Bar Association; Courses included: Administrative
Law; Advanced Constitutional Law

UNIVERSITY OF ILLINOIS - CHICAGO
M. A., 1975; Public Policy Analysis/Political Science
Intern, Governor's Internship Program; Extern Ill.
LEC; Teaching Assistantship; Fellowship nominee

UNIVERSITY OF ILLINOIS AT URBANA
B. A., 1974 - Departmental Distinction in Political
Science; Elected Representative, Student Gov't;
Student Rep, Conference on Conduct Governance

TEACHING
EXPERIENCE: CRIMINAL LAW
Greenbrier Community College Center
Adjunct Faculty Fall 1991
BUSINESS LAW (College Level Courses)
Federal Prison Camp Alderson, WV
Spring 1990; Summer 1990; Fall 1992
LECTURER
West Virginia Continuing Legal Education
Hearing Procedure September 1990
Sexual Harassment November 1986
Human Rights Act March 1985

BAR MEMBERSHIP: Washington D.C. Court of Appeals, 2010
West Virginia Supreme Court of Appeals, 1984
Illinois Supreme Court, 1978
U. S. Court of Appeals for the Fourth Circuit, 1986
U. S. District Court, Southern District of WV, 1984
U. S. District Court, Northern District of Ill., 1981
United States Court of Federal Claims, 1989

AWARDS AND
HONORS:

BEST EDUCATION BLOG

First Place, Education Blog Category

<http://specialeducationlawblog.blogspot.com/>

Bloggers Choice Awards 2008

GOVERNOR'S SERVICE AWARD

West Virginia's Highest Award for Volunteers 1998

LEADERSHIP WEST VIRGINIA

Training Program for Emerging Leaders

Participant and Class President 1992

RECOGNITION OF SERVICE TO THE POOR

Greenbrier Community Services, Inc. 2000

BILL KANE SERVICE AWARD

Award for Service to Fellow Hearing Officers

National Association of Hearing Officials 2008



Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-4130

State of West Virginia
 Request for Quotation
 10 - Consulting

Proc Folder: 337224

Doc Description: MEDIATION SERVICES FOR IDEA DISPUTE

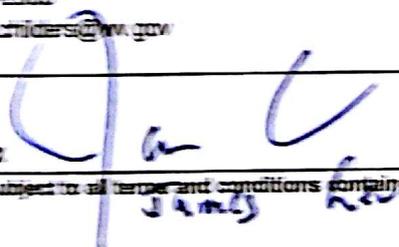
Proc Type: Central Master Agreement

Date Issued	Solicitation Closes	Solicitation No	Version
2017-06-12	2017-06-15 13:30:00	CRFQ 0402 EDD1700000005	1

BIDDING LOCATION
 BID CLERK
 DEPARTMENT OF ADMINISTRATION
 PURCHASING DIVISION
 2019 WASHINGTON ST E
 CHARLESTON WV 25305
 US

VENDOR
 Vendor Name, Address and Telephone Number:
 Scott + Gerc
 by Jim Gerc
 662 Jefferson Street South
 Lewisburg WV 24001
 (304) 645-7345 (phone)
 (304) 667-7704 (cell)
 (304) 645-7362 (fax)
 jimgerc@yahoo.com (email)
 WV VENDOR # 000000205264

FOR INFORMATION CONTACT THE BUYER
 Michele L. Childers
 (304) 528-2163
 michele.l.childers@wv.gov

Signature:  FEIN # 55-0651775 DATE 6/12/2017

All offers subject to all terms and conditions contained in this solicitation

REQUEST FOR QUOTATION
 CRQM 0402 EDD1700000005
 Individuals with Disabilities Education Act (IDEA)
 Mediators

EXHIBIT A

PRICING PAGE

Items as listed in Section 4.1

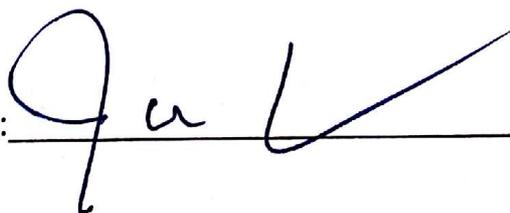
Mediation Services

Hourly Rate: \$ 140.00 (Inclusive of all preparation & materials, mediation and all required documentation)

Vendor Name: SCOTT & GERL by JIM GERL

FEIN: SS-0651775 Telephone: 304-645-7345

Fax: 304-645-7362 Email: jimgerl@yahoo.com

Signature*:  Title: Partner / Mediator

By my signature above, I have read the specifications, general terms and conditions and understand and will fully comply with the requirements as stated. All costs are factored into my proposal and I understand that no separate fees will be paid. Any change in the scope of work must be agreed to by both parties and issued in writing by an official change order to the original purchase order.

**Unsigned responses will not be considered and will be disqualified.*

WV-10
Approved / Revised
12/16/15

State of West Virginia VENDOR PREFERENCE CERTIFICATE

Certification and application is hereby made for Preference in accordance with *West Virginia Code*, §5A-3-37. (Does not apply to construction contracts). *West Virginia Code*, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the *West Virginia Code*. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Vendor Preference, if applicable.

1. Application is made for 2.5% vendor preference for the reason checked:

- Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,
- Bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification;
- Bidder is a resident vendor partnership, association, or corporation with at least eighty percent of ownership interest of bidder held by another entity that meets the applicable four year residency requirement; or,
- Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; or,

2. Application is made for 2.5% vendor preference for the reason checked:

- Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,

3. Application is made for 2.5% vendor preference for the reason checked:

- Bidder is a nonresident vendor that employs a minimum of one hundred state residents, or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia and employs a minimum of one hundred state residents, and for purposes of producing or distributing the commodities or completing the project which is the subject of the bidder's bid and continuously over the entire term of the project, on average at least seventy-five percent of the bidder's employees or the bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid; or,

4. Application is made for 5% vendor preference for the reason checked:

- Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,

5. Application is made for 3.5% vendor preference who is a veteran for the reason checked:

- Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,

6. Application is made for 3.5% vendor preference who is a veteran for the reason checked:

- Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

7. Application is made for preference as a non-resident small, women- and minority-owned business, in accordance with *West Virginia Code* §5A-3-59 and *West Virginia Code of State Rules*.

- Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) rescind the contract or purchase order; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: SCOTT & TERRY
by Jim Hunt
Date: 5/29/17

Signed: [Signature]
Title: Partner

Subject: FW: agenda
From: Sheila Paitsel (sgpaitsel@k12.wv.us)
To: jimgerl@yahoo.com;
Date: Monday, May 22, 2017 8:24 AM

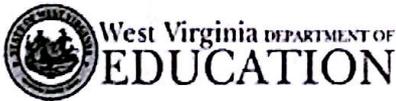
Mr. Gerl,

At your request, I am providing this email confirmation of attendance at the October 12, 2016 West Virginia Dispute Resolution Training. The *Special Education Law Update* conducted in Fairmont, WV was presented by Art Cernosia, an attorney and education consultant who provides training, consultation and other technical assistance services to state and local education agencies and advocacy organizations throughout the nation on disability law issues.

Sheila Paitsel

Assistant Director/IDEA

Office of Federal Programs



1900 Kanawha Boulevard, East

Building 6, Room 330

Charleston, WV 25305-0330

304.558.7805 P

304.558.6268 F

sgpaitsel@k12.wv.us

From: Sheila Paitsel
Sent: Tuesday, November 1, 2016 3:54 PM
To: 'Janet Sheehan' <janetsheehan67@hotmail.com>; 'Anne Lambright' <awlambricht.wvbar@gmail.com>; 'jimgerl' <jimgerl@yahoo.com>; 'Fran Allen' <fpallen@frontier.com>
Subject: agenda

Special Education Law Update
West Virginia Dispute Resolution Staff Training

Agenda

October 12, 2016

**Robert H. Mollohan Research Center
100 Galliher Drive, Fairmont, WV 26554**

Oct. 12, 2016

8:30-3:30 Art Cernosia – Legal Issues

Art Cernosia is an attorney and education consultant from Williston, Vermont. He is also associated with the University of Vermont's Education Law Institute. Art previously worked with the Northeast Regional Resource Center in Burlington, Vermont and served as an Assistant Attorney General assigned to the Vermont Department of Education. He provides training, consultation and other technical assistance services to state and local education agencies and advocacy organizations throughout the nation on disability law issues. Art has conducted numerous workshops and is a frequent presenter at state and local conferences.

8:30-10:15:

Every Student Succeeds Act

- Special Education Teacher Qualifications
- Accommodations
- Alternate Assessments

Case Law Update

- Child Find/Evaluation Issues
- Eligibility Issues

10:15-10:30 Break

10:30-11:30:

Case Law Update

- IEP/FAPE
- Related Services/Assistive Technology

- Placement/Least Restrictive Environment
- Unilateral Placements

11:30-12:15: Boxed Lunch

12:15-1:30:

Case Law Update

- Behavior and Discipline
- Harassment/Bullying Issues
- Due Process Issues

1:30-1:45 Break

1:45-3:15:

Case Law Update

- Section 504/ADA Issues
- Miscellaneous Issues

3:15-4:30:

Question and Answer Session

Hearing Officer/Mediator Networking

Subject: Attendance at CADRE's Sixth National Symposium

From: Noella Bernal (nbernal@directionservice.org)

To: jimgerl@yahoo.com;

Date: Friday, June 9, 2017 5:06 PM

Greetings Jim,

This email is to confirm your attendance at, *The Evolving Landscape in Dispute Resolution in Special Education: CADRE's Sixth National Symposium*, October 20-22, 2015 in Eugene, Oregon.

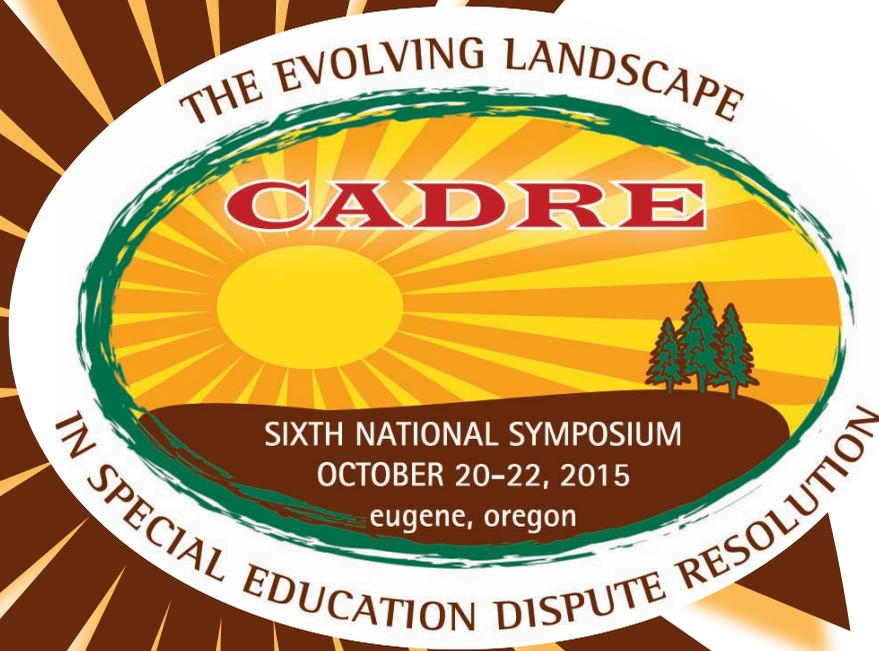
Thank you for attending!

Best regards,

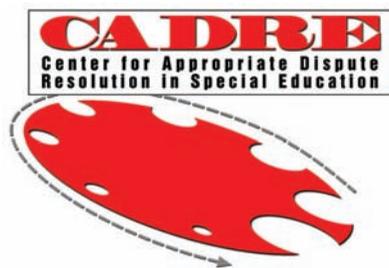
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Noella Bernal
Technical Assistance Coordinator
CADRE
576 Olive St. Suite 300
Eugene, OR 97401
541-686-5060
nbernal@directionservice.org
www.cadreworks.org

CADRE



Office of Special Education Programs
U.S. Department of Education



www.directionservice.org/cadre

OBJECTIVES FOR THIS SYMPOSIUM

Symposium participants will have the opportunity to:

- ◆ Examine collaborative conflict management strategies and the expanding continuum of dispute resolution practices in special education and early intervention.
- ◆ Learn about innovations, initiatives, and current research in the field of dispute resolution.
- ◆ Receive information, resources, and guidance related to the design, implementation, and improvement of dispute resolution processes and systems.
- ◆ Enhance communities of practice, and connect dispute resolution coordinators, practitioners, educators, and parent leaders with each other and nationally renowned experts in the field.
- ◆ Acquire advanced conflict management skills and knowledge critical to the effective resolution of disputes.

Symposium Staff

Philip Moses, *Symposium Chair*

Kim Larsen, *Symposium Coordinator*

Olga Singer, *SimplyTwo Design*

candid photos from 2011 Symposium

CADRE STAFF

Marshall Peter

Director

Philip Moses

Associate Director

Noella Bernal

Assistant to the Director/Program Associate

Anita Engiles

Dispute Resolution Specialist

Kelly Rauscher

Dispute Resolution Specialist

Amy Whitehorne

Policy Analyst

Richard Zeller

Senior Policy Analyst & Evaluation Coordinator

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Ed21 Consulting Services

Ardith Ferguson

Early Intervention Colorado

John English

Oregon Department of Education

Michael Opuda

Drummond Woodsum & MacMahon

Luann Purcell

Council of Administrators of Special Education, Inc. (CASE)

Jan Serak

Wisconsin Family Assistance Center for Education, Training and Support

Megan Vinh

The Early Childhood Technical Assistance Center

Kerry Voss Smith

PA Office for Dispute Resolution

PROJECT OFFICER

Tina Diamond

*Office of Special Education Programs
U.S. Department of Education*

KEYNOTE SPEAKERS

TUESDAY, OCTOBER 20TH



Miriam Novotny

Director of Operations
Mosaic Learning Center

As one of the directors of the Mosaic Learning Center, Miriam values developing a work environment that engages the unique abilities and strengths of staff and

students. In partnership with staff, she seeks to inspire a sense of curiosity and creativity in order to foster the most vibrant learning community possible. In addition to her work, Miriam attends Case Western Reserve University to pursue her masters degree in Positive Organization Development. When she is not at work or school, Miriam enjoys time with her family and friends and working in her gardens.

Pru Sullivan

Practitioner-in-Residence
David L. Cooperrider Center
for Appreciative Inquiry



Pru is the Practitioner-in-Residence at the David L. Cooperrider Center for Appreciative Inquiry, having recently retired as the Director of Continuous Learning at Keurig Green Mountain, Inc. In her role at Keurig, Pru was responsible for weaving a strengths-based approach into the fabric of Green Mountain Coffee Roasters. From on-boarding new employees, to new product development, to team member career development, appreciative strength-based change has been embedded into organizational practices. As an active volunteer in the community, Pru has focused her volunteer efforts in bringing Appreciative Inquiry to non-profit organizations, as she leads strengths-based strategic planning for organizations like Vermont End Child Abuse, or strengths-based leadership development at the Leahy ECHO Center. In her new role Pru helps create learning partnerships to embed Appreciative Inquiry into the fabric of individuals, teams, organizations and communities for breakthrough positive change and growth.

William Ury

Distinguished Senior Fellow
Harvard Negotiation Project

William Ury, co-founder of Harvard's Program on Negotiation, is one of the world's leading experts on negotiation and mediation. He is currently a Distinguished Senior Fellow at the Harvard Negotiation Project.

He is the author of *Getting to Yes with Yourself* (HarperOne, January 2015), *The Power of a Positive No*, *Getting Past No*, and *The Third Side*, and co-author (with Roger Fisher and Bruce Patton) of *Getting to Yes*.

Getting to Yes, the world's bestselling book on negotiation, has almost twelve million copies in print in English and has been translated into thirty-four languages. "No other book in the field comes close to its impact on the way practitioners, teachers, researchers, and the public approach negotiation," comments the National Institute on Dispute Resolution.

For the past thirty-five years, William has served as a negotiation adviser and mediator in conflicts ranging from Kentucky wildcat coal mine strikes to ethnic wars in the Middle East, the Balkans, and the former Soviet Union. He has taught negotiation and mediation to tens of thousands of corporate executives, labor leaders, diplomats, and military officers around the world. He has helped hundreds of businesses and organizations reach mutually profitable agreements with customers, suppliers, unions, and joint-venture partners.

With former president Jimmy Carter, William co-founded the International Negotiation Network, a non-governmental body seeking to end civil wars around the world. In an advisory capacity, he helped end a civil war in Indonesia and assisted in preventing one in Venezuela.

During the 1980s, he helped the U.S. and Soviet governments create nuclear crisis centers designed to avert an accidental nuclear war. In that capacity, he served as a consultant to the Crisis Management Center at the White House. William is co-founder of the Climate Parliament, which offers members of congress and parliament across the world an Internet-based forum to address practical solutions for climate change. *Time* magazine described the organization as a "Google for global politics."

He is founder of the Abraham Path Initiative, which seeks to build bridges between cultures and faiths by opening a walking trail and cultural route in the Middle East that retraces the footsteps of Abraham and his family. ABC's Christiane Amanpour calls the Abraham Path "an unprecedented initiative to break down barriers and foster communication in the most divided region of the world."

Trained as a social anthropologist, with a B.A. from Yale and a Ph.D. from Harvard, William has carried out his research on negotiation not only in the boardroom and at the bargaining table, but also among the Bushmen of the Kalahari and the clan warriors of New Guinea.

FEATURED SPEAKER

TUESDAY, OCTOBER 20TH



AGENDA

THE EVOLVING LANDSCAPE: CADRE'S SIXTH NATIONAL SYMPOSIUM IN SPECIAL EDUCATION DISPUTE RESOLUTION

TUESDAY, OCTOBER 20, 2015

7:30 AM - 5:00 PM

Registration

7:30 - 9:30 AM

Sponsored Continental Breakfast & Opening Plenary

Welcome from OSEP - Tina Diamond, *Project Officer*,
Office of Special Education Programs, U.S. Department of Education

Welcome from CADRE - Marshall Peter, *Director*, CADRE

Introduction of Keynote Speakers

Philip Moses, *Symposium Chair, Associate Director*, CADRE

Keynote Address: *Appreciative Inquiry: Harvesting a System's Strengths to Ignite a Student's Positive Core*

Miriam Novotny, *Director of Operations*, Mosaic Learning Center

& Pru Sullivan, *Practitioner-in-Residence*, David L. Cooperrider Center for Appreciative Inquiry, Champlain College

9:30 AM - 9:45 AM

Break

9:45 AM - 12:30 PM

Professional Development Institute – Session #1

- 1.1 **Aligning Your State's Dispute Resolution Policies and Procedures with Federal Requirements (Part #1)**
with Lisa Pagano and Hillary Tabor, Office of Special Education Programs, Washington, DC
- 1.2 **Mediation is Risky Business: Who "Owns" it and How Does it Operate?** with Sam Imperati, Institute for Conflict Management, Inc., Portland, OR
- 1.3 **Mindfulness Meditation: How Cultivating Self-Awareness is Key to Reducing Conflict** with Jacey Tramutt, PEAK Parent Center, Golden, CO
- 1.4 **Mediating/Managing the High-Emotion Case** with Scott Bellows, Dispute Solutions, LLC, Portland, OR
- 1.5 **The IEP/IFSP Facilitation Journey: Facilitator as the Guardian of Team Collaboration with Chairperson Support**
with Trisha Bergin-Lytton, Mediator/Facilitator/Trainer/Consultant, Tijeras, NM
- 1.6 **Nature vs. Nurture: Our Brain's Responses to Conflict** with Lesley Cook, Mindful Health, Fredericksburg, VA and Clare Fowler, Mediate.com, Eugene, OR

12:30 - 1:45 PM

Luncheon Plenary

Introduction of Featured Speakers

Philip Moses, *Symposium Chair, Associate Director*, CADRE

Featured Speakers

Video Address from **William Ury**, *Distinguished Senior Fellow*, Harvard Negotiation Project, Co-Author of *Getting to Yes*
TEDx Talk with **Gabi Ury**, *What's Wrong With Me? Absolutely Nothing*.

1:45 - 2:00 PM

Break



AGENDA

THE EVOLVING LANDSCAPE: CADRE'S SIXTH NATIONAL SYMPOSIUM IN SPECIAL EDUCATION DISPUTE RESOLUTION

TUESDAY, OCTOBER 20, 2015

2:00 - 5:00 PM

Professional Development Institute – Session #2

- 2.1 **Aligning Your State's Dispute Resolution Policies and Procedures with Federal Requirements (Part #2)** with Lisa Pagano and Hillary Tabor, Office of Special Education Programs, Washington, DC
- 2.2 **Oh, I Wonder, Wonder Who, Mmbadoo-oooh, Who Wrote The... IDEA Decision/Report Writing** with Jim Gerl, Special Education Law Blog, Lewisburg, WV
- 2.3 **Using Improvisation to Be a Better Team Leader, Conflict Resolver and Negotiator** with Gail Nugent, Culver City, CA and Marc Purchin, Purchin Consulting, Culver City, CA
- 2.4 **Advanced Mediation Skills: Creativity, Culture and Conflict** with Nina Meierding, Negotiation and Mediation Training Services, Bainbridge Island, WA
- 2.5 **The Circle of Life: Leadership in IEP Meetings** with Treva Maitland and Jenny Williams, Gibson County Parent Leadership & Advocacy Group/The Arc Tennessee, Trenton, TN
- 2.6 **Taking it Up and Taking it Forward: Equity, Diversity and Inclusion. Identifying Disparities in Our Systems in Constructive Ways** with Carmen Urbina, Eugene School District 4J, Eugene, OR
- 2.7 **Resolving Team Conflict: Matching Resources and Resistance** with Lenore Knudtson and Stephanie Weaver, Pingora Consulting, LLC, Lander, WY

CONCURRENT SESSION 1 - 9:45 AM - 12:30 PM

Session 1.1

Aligning Your State's Dispute Resolution Policies and Procedures with Federal Requirements (Part #1)

PRESENTERS: Lisa Pagano and Hillary Tabor, Office of Special Education Programs, U.S. Department of Education, Washington, DC

The IDEA provides a continuum of dispute resolution options to empower children with disabilities and their parents with tools to help them resolve disagreements related to the child's education. In order for states to move past focusing solely on compliance and instead move toward more effective and self-reflective dispute resolution practices, it is necessary for states to ensure that their policies and procedures are fully aligned with the requirements in the IDEA. This workshop will facilitate a self and/or peer review of state's policies and procedures, while providing an opportunity for participants to learn from colleagues about effective practices and successful approaches.

Session 1.2

Mediation is Risky Business: Who "Owns" it and How Does it Operate?

PRESENTER: Sam Imperati, Institute for Conflict Management, Inc., Portland, OR

Explore the ethical issues and practical questions surrounding the competing mediation models. Who "owns" mediation? Even if mediation participants are familiar with these options, that familiarity in and of itself, will not help them predict the mediator's approach. What are the

differences between the approaches at the macro and micro levels? Do they matter? In the real world, each party desires the mediator to be "facilitative" with them and "evaluative" of the other side's position. To resolve this dilemma, a mediator must explain the process of mediation in such a way as to conform the parties' expectations to the selected mediation model. Learn practical tools to provide the best combination of approaches for the particular parties at the table.

Session 1.3

Mindfulness Meditation: How Cultivating Self-Awareness is Key to Reducing Conflict

PRESENTER: Jacey Tramutt, PEAK Parent Center, Golden, CO

Lately, the news is full of articles and research on mindfulness meditation. Everyone from Oprah to ABC News anchor Dan Harris is talking about it. But what is it, and how can it help reduce conflict? How can it be applied to dispute resolution between schools and families? This session will include:

- The latest research on mindfulness meditation as it applies to health, relationships, schools, conflict reduction, and parenting;
- Mindfulness instruction and practice; and
- A discussion of the application of mindfulness to reduce conflict in varied settings, including IEP meetings.

AGENDA

THE EVOLVING LANDSCAPE: CADRE'S SIXTH NATIONAL SYMPOSIUM IN SPECIAL EDUCATION DISPUTE RESOLUTION

TUESDAY, OCTOBER 20, 2015

CONCURRENT SESSION 1 - 9:45 AM - 12:30 PM *continued*

Session 1.4:

Mediating/Managing the High-Emotion Case

PRESENTER: Scott Bellows, Dispute Solutions, LLC, Portland, OR

This session will help untangle the factors that sometimes cause emotions to flare, and will teach participants new tools both for understanding heated situations and for resolving them. Among other things, we'll discuss how natural emotions are; understand the neurology of conflict (and of conflict resolution); normalize behaviors that seem "crazy"; offer role models (including Clarence, the nightshirt-wearing angel from "It's A Wonderful Life") for rising above conflict while remaining fully engaged and compassionate; find the Zen master inside ourselves who can react appropriately even when she doesn't have the foggiest idea what to do; suggest tips and tricks for managing high-conflict individuals and situations; and remind ourselves who we're really there for: the kids.

Session 1.5:

The IEP/IFSP Facilitation Journey: Facilitator as the Guardian of Team Collaboration with Chairperson Support

PRESENTER: Trisha Bergin-Lytton, Mediator/Facilitator/Trainer/ Consultant, Tijeras, NM

During this skill-building interactive presentation the participants will:

- Explore the goal, purpose and best practices of the IEP/IFSP facilitation process.
- Understand the role of the IEP/IFSP facilitator with associated responsibilities.
- Investigate the principles of an innovative style of the IEP/IFSP facilitator as the guardian of team collaboration with chairperson support.
- Recognize the value of some best practice preparations of the IEP/IFSP facilitator and participants.
- Identify the support level of the facilitator before, during, and after the facilitated IEP/IFSP meeting process along with an associated best practices checklist to guide and monitor his/her responsibilities.
- Discover positive engagement strategies and techniques to implement the tasks of each phase in the IEP/IFSP facilitation process to maximize the likelihood of obtaining consensus and promoting team collaboration.
- Examine the benefits and challenges associated with the IEP/IFSP facilitation process.
- Be prepared to assist with the implementation of and/or assist with training others in the IEP/IFSP facilitation process utilizing the guardian of team collaboration with chair support facilitator model.

Session 1.6:

Nature vs. Nurture: Our Brain's Responses to Conflict

PRESENTERS: Lesley Cook, Mindful Health, Fredericksburg, VA and Clare Fowler, Mediate.com, Eugene, OR

This workshop will help us understand all of our different responses to anxiety, and also learn how we can model more effective behaviors to children. The IEP process can be the perfect time to teach children about collaborative, inclusive, interest-based decision making. As children observe effective techniques for dealing with anxiety, they will be better equipped to handle conflicts in the classroom and their family. Research covered will include causes for these conflict triggers such as lack of knowledge about the topic, pre-programmed opposition, misunderstanding of the message of the other, pressure to have the conclusion before the meeting, personal trauma or history, etc. We will also examine the frontal lobe's purpose as our thermostat, keeping everything in check, and what research and techniques have been proven to keep the thermostat below a 10.

CONCURRENT SESSION 2 - 2:00 - 5:00 PM

Session 2.1:

Aligning Your State's Dispute Resolution Policies and Procedures with Federal Requirements (Part #2)

PRESENTERS: Lisa Pagano and Hillary Tabor, Office of Special Education Programs, U.S. Department of Education, Washington, DC

The IDEA provides a continuum of dispute resolution options to empower children with disabilities and their parents with tools to help them resolve disagreements related to the child's education. In order for states to move past focusing solely on compliance and instead move toward more effective and self-reflective dispute resolution practices, it is necessary for states to ensure that their policies and procedures are fully aligned with the requirements in the IDEA. This workshop will facilitate a self and/or peer review of state's policies and procedures, while providing an opportunity for participants to learn from colleagues about effective practices and successful approaches.

Session 2.2:

Oh, I Wonder, Wonder Who, Mmbadoo-ooh, Who Wrote The... IDEA Decision/Report Writing

PRESENTER: Jim Gerl, Special Education Law Blog, Lewisburg, WV

This skill-building session will focus on writing; a written final product is critical for all types of special education dispute resolution. We are among many other things professional writers. Hearing officers must write a decision; mediators and resolution session participants will likely need to draft a settlement agreement if the dispute is resolved; and state complaint investigators must write up the report of the investigation. In this interesting and interactive session, those in attendance will participate in the session and will learn about the

AGENDA

THE EVOLVING LANDSCAPE: CADRE'S SIXTH NATIONAL SYMPOSIUM IN SPECIAL EDUCATION DISPUTE RESOLUTION

TUESDAY, OCTOBER 20, 2015

CONCURRENT SESSION 2 - 2:00 - 5:00 PM *continued*

common factors and the differences involved in writing up the various documents. Best practices will be explored. Implications for training will be considered. Participants will have a chance to practice some of these skills during the session under the guidance of Jim Gerl, the presenter.

Session 2.3: **Using Improvisation to Be a Better Team Leader, Conflict Resolver and Negotiator**

PRESENTERS: Gail Nugent, Culver City, CA and Marc Purchin, Purchin Consulting, Culver City, CA

This fast-paced interactive workshop is for anyone who participates in or facilitates challenging meetings (e.g., IEPs, resolution sessions, mediations, etc.). This workshop will provide conflict resolution, negotiation, and team building strategies using improvisation as a tool for positive communications and outcomes. While learning new valuable skills and techniques, participants will receive specific exercises that can be used in meetings as well as in trainings.

Session 2.4: **Advanced Mediation Skills: Creativity, Culture and Conflict**

PRESENTER: Nina Meierding, Negotiation and Mediation Training Services, Bainbridge Island, WA

This very practical three-hour skills building training will be divided into two different areas, both of which will be focused on specific techniques and strategies that help facilitators and mediators create maximizing environments and move parties toward agreement. The first half will focus on a new model of brainstorming developed by the trainer that takes into account new research in neuroscience, culture, and decision making. The second half of the workshop will focus on techniques in dealing with difficulties in communication (cultural, psychological, situational, and systemic), i.e., working with "difficult people" in a more productive way.

Session 2.5: **The Circle of Life: Leadership in IEP Meetings**

PRESENTERS: Treva Maitland and Jenny Williams, Gibson County Parent Leadership & Advocacy Group/The Arc Tennessee, Trenton, TN

True leaders empower others. Advocates empower parents; parents empower students; and students empower one another to be leaders. It takes a village to raise a child, and it takes all of us working together to create the best communities where we all live, love, and work together. Treva and Jenny are parents of adult children with disabilities who graduated high school with general education diplomas, employees of disability organizations, and parent leaders in a newly formed local

organization where the goal is to empower the next generation. Treva is a certified mediator, and Jenny is an extraordinary interpreter. Together, they make a team that leads the way for advocates, families, and, thus, students. Come join in their Community Cafe where we hold hands and work through issues together.

Session 2.6: **Taking it Up and Taking it Forward: Equity, Diversity and Inclusion. Identifying Disparities in Our Systems in Constructive Ways.**

PRESENTER: Carmen Urbina, Eugene School District 4J, Eugene, OR

As educators, parents, and community members, we need to address equity issues on a personal as well as an intellectual level and authentically dive into issues of race, class, gender, and other forms of bias that affect teaching and student learning and achievement. In this session we will:

- Develop a deeper personal awareness of what gets in the way of our leadership in working towards equitable outcomes for our students.
- Deepen our understanding of our current context around race, racism, racial achievement disparities, and other forms of institutionalized barriers.
- Dive deeply into our own "biases" by engaging Discourse II conversations about the impact of racism on the educational experience of historically low-performing students, e.g., microaggressions, detours, stereotype threat and racial battle fatigue.

Session 2.7: **Resolving Team Conflict: Matching Resources and Resistance**

PRESENTERS: Lenore Knudtson and Stephanie Weaver, Pingora Consulting, LLC, Lander, WY

IEP team conflict is inevitable. Resolving team conflict is invaluable. Developing the skills to resolve conflict is a critical investment in enhancing the team process and improving the outcomes for students with disabilities. This session will provide participants with a working knowledge of the sources of conflict and how to hone skills in order to match resources to resistance. Participants will use the Wheel of Conflict to observe, participate, and practice skills to assist team members to uncover their needs and interests, moving beyond entrenched positions. This skill-based learning opportunity will include tools, strategies, and hands-on practice to ensure the learning that translates into action.

AGENDA

THE EVOLVING LANDSCAPE: CADRE'S SIXTH NATIONAL SYMPOSIUM IN SPECIAL EDUCATION DISPUTE RESOLUTION

WEDNESDAY, OCTOBER 21, 2015

8:00 AM - 5:00 PM

Registration

8:15 - 10:00 AM

Sponsored Continental Breakfast & Keynote Plenary

Introduction of Keynote Speaker

Philip Moses, *Symposium Chair, Associate Director, CADRE*

Keynote Address: *Lessons Learned from Abraham Lincoln*

Tom Stipanowich, *Academic Director, Straus Institute for Dispute Resolution, William H. Webster Chair in Dispute Resolution, and Professor of Law, Pepperdine University*

10:00 - 10:15 AM

Break

10:15 - 11:45 AM

CONCURRENT SESSION #1

- 3.1 **Independent Child Advocate Program: A Collaborative Approach to Dispute Resolution** with Jeanne Bowman, Sonoma County SELPA, Glen Allen, CA and Carlo Rossi, Sonoma County SELPA, Sebastopol, CA
- 3.2 **IEP Meeting Facilitation – Using Facilitation to Change District Culture** with Kathy Clayton, Ed21 Consulting Services, Austin, TX; Robin Keim and Cassie Velasquez, Key2Ed, Franklin, TN
- 3.3 **How Do You Know if You Have a Strong Mediation Program?** with Art Stewart, Virginia Department of Education, Richmond, VA
- 3.4 **The Evolving Role of the IEP/IFSP Facilitator** with Trisha Bergin-Lytton, Mediator/Facilitator/Trainer/ Consultant, Tijeras, NM
- 3.5 **He Said, She Said, and Other Challenging State Complaints** with Lisa Pagano and Hillary Tabor, Office of Special Education Programs, Washington, DC
- 3.6 **Appreciative Inquiry: Architecting Strength-Based Process with a Positive Frame for Breakthrough Results** with Miriam Novotny, Mosaic Learning Center, South Burlingame, VT and Pru Sullivan, Champlain College, Burlingame, VT
- 3.7 **Moving Toward Systemic, Integrated, Responsive, and Sustainable Family Engagement Approaches** with Anita Engiles and Kelly Rauscher, CADRE, Eugene, OR; Heather Hebdon, PAVE /The Branch, Tacoma, WA; Judy Wiley, Native American Parent Technical Assistance Center, Albuquerque, NM

11:45- 1:15PM

Luncheon Plenary

Introduction of Featured Speaker

Tina Diamond, *Project Officer, Office of Special Education Programs, U.S. Department of Education*

Featured Speaker

Ruth Ryder, *Deputy Director, Office of Special Education Programs, U.S. Department of Education*



AGENDA

THE EVOLVING LANDSCAPE: CADRE'S SIXTH NATIONAL SYMPOSIUM IN SPECIAL EDUCATION DISPUTE RESOLUTION

1:15 – 1:30 PM

Break

1:30 – 3:00 PM

CONCURRENT SESSION #2

- 4.1 **How to Conduct Friendly and Productive IEP Meetings** with Jane Burns, Burns Mediation Services & WSEMS, Madison, WI and Nina Meierding, Negotiation and Mediation Training Services, Bainbridge Island, WA
- 4.2 **Proposals to Reform the IDEA's Due Process Structure** with Elizabeth Shaver, University of Akron School of Law, Akron, OH
- 4.3 **Dispute Resolution Advisory Committee – Stakeholder Input as ADR** with Mary Apple, InterMountain ESD, Pendleton, OR; Scott Bellows, Dispute Solutions, LLC, Portland, OR; John English, Oregon Department of Education, Salem, OR; Christy Reese, Family and Community Together (FACT), Clackamas, OR
- 4.4 **SpedTex: A Collaborative Effort Between the Texas Education Agency and Education Service Center Region 10** with Tana Hubbard and Rosemary Manges, Education Service Center Region 10, Richardson, TX
- 4.5 **Life in the Trenches – The Mediator's View** with Lucius Bunton, Austin, TX and Annie Lockwood, Texas Education Agency, Austin, TX
- 4.6 **Evolving Contours in Statewide IEP Facilitation Development** with Monica Drvota, Ohio Department of Education, Columbus, OH; Melanie Reese, Idaho State Department of Education, Boise, ID; Ron Roberts, Texas Education Agency, Austin, TX; Donna Schertz, Illinois State Board of Education, Springfield, IL
- 4.7 **Making School Resource Officers a True Resource for Students and Families with Disabilities** with Erin Archerd, University of Detroit Mercy School of Law, Detroit, MI

3:00 - 3:30 PM

Break

3:30 - 5:00 PM

CONCURRENT SESSION #3

- 5.1 **Just How Impartial is Neutral?** with Mont Hibbard and Ed Litteneker, Special Education Dispute Resolution, LLC, Lewiston, ID
- 5.2 **Think Outside the IEP Boxes: How to Create Solutions with Possibility Thinking** with Charmaine Thaner, Collaborative Special Education Advocacy, Meridian, ID
- 5.3 **Design and Implementation of the Dispute Resolution Data Tracking System in Texas** with Ron Roberts, Texas Education Agency, Austin, TX
- 5.4 **Creating Change: Student-Led IEPs as a Dispute Resolution Option** with David Friedemann, Self Advocate, Eugene, OR; Sarah Grime and Leila Peterson, SchoolTalk, Inc., Washington, DC
- 5.5 **Using an Ombudsman Model to Resolve Conflict in Public Schools** with Jennifer Harris, Governor's Office of the Education Ombuds, Seattle, WA
- 5.6 **Informing Whole School Climate: Lessons Learned from Effective IEP Meetings** with Fran Fletcher, University of Delaware, Newark, DE
- 5.7 **Restorative Justice: Evolving Practices for Special Education Students** with Lisa Clark Keith, Fresno Pacific University, Fresno, CA and Prudence Hutton, Special Education Lawyer & Advocate, Fresno, CA

5:15 - 7:00 PM

Retirement Reception in Honor of Marshall Peter - Reception paid for by private funds

WEDNESDAY, OCTOBER 21, 2015

AGENDA

THE EVOLVING LANDSCAPE: CADRE'S SIXTH NATIONAL SYMPOSIUM IN SPECIAL EDUCATION DISPUTE RESOLUTION

WEDNESDAY, OCTOBER 21, 2015

CONCURRENT SESSION 1 - 10:15 - 11:45 AM

Session 3.1:

Independent Child Advocate Program: A Collaborative Approach to Dispute Resolution

PRESENTERS: **Jeanne Bowman**, Social Advocates for Youth, Sonoma County SELPA, Glen Ellen, CA and **Carlo Rossi**, Social Advocates for Youth, Sonoma County SELPA, Sebastopol, CA

The panel presentation will focus on providing attendees with an overview of this highly successful conflict resolution strategy: The Independent Child Advocate Program. This ninety-minute interactive presentation will include detailed and specific information on all aspects of the program's design including: referral, intake, case management, data gathering, intervention strategies and techniques, resolution results and case tracking data forms. Attendees will be provided with information and copies of forms that will allow them to replicate this model of conflict resolution that embraces the values of collaboration, cooperation, and effective communication while focusing on maintaining respectful and effective working relationships between parents of students with special education needs and their school district.

Session 3.2:

IEP Meeting Facilitation – Using Facilitation to Change District Culture

PRESENTERS: **Kathy Clayton**, Ed21 Consulting Services, Austin, TX; **Robin Keim** and **Cassie Velasquez**, Key2Ed, Franklin, TN;

How do districts ensure that their IEP teams have the conflict management skills they need to prevent and resolve disputes? Once those skills are developed, how do districts ensure that the teams implement these techniques with fidelity and in turn change their district culture? IEP meeting facilitation has been recognized as a best practice by the U.S. Department of Education. School districts that currently utilize the facilitated IEP meeting process report increased collaboration across culturally diverse populations, more efficient meetings, and the ability to develop more individualized educational plans for their students. Key2Ed, the founders of IEP facilitation, are currently participating in three pilot studies with districts across the nation ensuring that key IEP team members utilize meeting facilitation. This 90-minute presentation examines how using this process and building capacity within the district reveals amazing results related to building relationships and reducing state complaints and due process filings!

Session 3.3:

How Do You Know if You Have a Strong Mediation Program?

PRESENTER: **Art Stewart**, Virginia Department of Education, Richmond, VA

This guided discussion will focus on the field markings of a solid mediation program. We will distinguish the working relationships

which characterize a trusted and useful program. The presenter is a mediator who has been enmeshed in special education issues for the last thirty-six years and has trained mediators in twenty-one states, Canada, and Kenya. He has a keen interest in the development of mediators, which will be a major focus of this discussion. We will pay attention to the coaching and evaluation of mediators.

Session 3.4:

The Evolving Role of the IEP/IFSP Facilitator

PRESENTER: **Trisha Bergin-Lytton**, Mediator/Facilitator/Trainer/ Consultant, Tijeras, NM

This innovative, thought provoking, and informative interactive presentation provides information about the philosophy behind an IEP/IFSP facilitation style in which the facilitator acts as a guardian of team collaboration and provides support to the IEP/IFSP Chairperson. Participants will review what IEP/IFSP facilitation is and its purpose.

During this presentation, participants will:

- Recognize the styles of facilitation with associated characteristics and actions.
- Explore the qualifications, skills, and competencies of an IEP/IFSP facilitator.
- Investigate the responsibilities of the IEP/IFSP facilitator.
- Examine the principles of the IEP/IFSP facilitator in the role of the meeting as the guardian of team collaboration with chairperson support.
- Assess the benefits of the IEP/IFSP facilitator as the guardian of team collaboration with chairperson support.

Session 3.5:

He Said, She Said, and Other Challenging State Complaints

PRESENTERS: **Lisa Pagano** and **Hillary Tabor**, Office of Special Education Programs, U.S. Department of Education, Washington, DC

As state complaint investigators know, state complaints can range from expertly-drafted documents that clearly articulate legal issues to barely-legible, incoherent statements alleging wrongs unrelated to the IDEA. This will be a working session where we start by briefly reviewing the requirements related to state complaints. Participants will then dig into hypothetical state complaints and work together to identify approaches to effectively address the complaints, while still meeting the requirements of the IDEA. We will work through complaints such as the "he said, she said" complaints, complaints against the SEA, systemic complaints, and complaints that overlap with due process hearing complaints.

Session 3.6:

Appreciative Inquiry: Architecting Strength-Based Process with a Positive Frame for Breakthrough Results

PRESENTERS: **Miriam Novotny**, Mosaic Learning Center, South Burlington, VT; **Pru Sullivan**, Champlain College, Burlington, VT

CONCURRENT SESSION 1 - 10:15 - 11:45 AM *continued*

In this workshop, participants will learn from real world examples and practice how to re-frame a problem into an opportunity for breakthrough solutions. The power of the question will be explored as a vehicle to create what we want more of versus deficit discourse. You will learn how to structure a discovery process that shifts the conversation to core success factors that elevate the positive core of the whole system as the platform to vision and design the future. This workshop includes appreciative inquiry fundamentals, real world examples, and experiential learning (individual, pairs, and small group) for you to apply appreciative inquiry to your life's passion, mission, and work.

Session 3.7:**Moving Toward Systemic, Integrated, Responsive, and Sustainable Family Engagement Approaches**

PRESENTERS: Anita Engiles, CADRE, Eugene, OR; Heather Hebdon, PAVE/The Branch, Tacoma, WA; Kelly Rauscher, CADRE, Eugene, OR; Judy Wiley, Native American Parent Technical Assistance Center, Albuquerque, NM

Many families are experiencing crisis at a time when resources are stretched thin. How do we find the time, energy, and resources to meaningfully engage the diverse families in our communities in a way that leads to better outcomes for students with disabilities? This interactive presentation will focus on strategies that move random and isolated family engagement efforts toward systemic, integrated, responsive, and sustainable approaches that have a high impact on home-school relationships and student outcomes. Local and state examples of these high impact strategies will be shared, and participants will have opportunities to discuss barriers to implementation as well as possible solutions.

CONCURRENT SESSION 2 - 1:30 - 3:00 PM**Session 4.1:****How to Conduct Friendly and Productive IEP Meetings**

PRESENTERS: Jane Burns, Burns Mediation Services/Wisconsin Special Education Mediation System, Madison, WI and Nina Meierding, Negotiation and Mediation Training Services, Bainbridge Island, WA

This workshop will focus on a PowerPoint that was designed by the Wisconsin Special Education System with input from both parent and district perspectives including parents, parent groups, advocacy organizations, teachers, and district representatives as well as the WSEMS mediator/facilitator roster. The workshop will discuss how to make IEP meetings more productive and friendly and is divided into four key areas: People, Process: Preparation and Meeting, Outcome, and Follow-through. Comments by parents and schools will be included in the slides, and the presentation will focus on practical skill development for IEP team members. In addition, specific strategies for increasing communication and conflict prevention will be discussed in each of the four areas.

Thomas J. Stipanowich

J.D., Academic Director
Straus Institute for Dispute Resolution,
William H. Webster Chair in Dispute
Resolution, and Professor of Law



Thomas J. Stipanowich is William H. Webster Chair in Dispute Resolution and Professor of Law at Pepperdine University, as well as Academic Director of the Straus Institute for Dispute Resolution, ranked number one among academic dispute resolution programs each of the last nine years by *U.S. News & World Report*. He teaches courses in negotiation, mediation, arbitration, international arbitration and dispute resolution, contracts and remedies and is a leading scholar, speaker and trainer on conflict resolution topics as well as an experienced arbitrator and mediator. He co-authored *Resolving Disputes: Theory, Law and Practice (2nd Ed 2010)*, a law school course book supplemented by many practical exercises. He is the author of many other much-cited publications on dispute resolution, and has twice won the CPR Institute's First Prize for Professional Articles (1987 and 2009), most recently for Arbitration: The "New Litigation." In 2008, he received the D'Alemberte/Raven Award, the highest honor accorded by the ABA Section on Dispute Resolution, for contributions to the field. In the fall of 2010 he was Scholar-in-Residence at the London office of WilmerHale. He was also co-chair of the National Roundtable on Consumer and Employment Dispute Resolution, a facilitated conversation among leading experts that convened at Pepperdine and Penn State Schools of Law.

FEATURED SPEAKER

WEDNESDAY, OCTOBER 21ST

Ruth Ryder

Deputy Director
Office of Special Education
Programs, U.S. Department
of Education



Ruth Ryder is the Deputy Director of the Office of Special Education Programs (OSEP), U.S. Department of Education. OSEP has responsibility for the Individuals with Disabilities Education Act program, providing financial support to States through formula grant programs and national leadership in supporting States through technical assistance, personnel preparation, parent training, technology and State personnel development.

Ms. Ryder has been with OSEP since 1988, most recently as the OSEP Deputy Director. In this position, she is providing national leadership in moving special education accountability to a more results-oriented process. In addition, she is focusing attention on ensuring that the needs of children with disabilities are addressed in the major initiatives of the Department, such as ESEA Flexibility, School Improvement Grants and Early Learning.

Prior to joining OSEP, Ms. Ryder was a program administrator for a school district in Washington State with responsibility for an OSERS funded special education demonstration project examining integrated service delivery models for including children with disabilities in general education. She also administered the ESEA Title 1 and Title 2 programs, State-remediation, gifted education, outcome-based education, and State- and district-wide testing programs. Additionally, she was also a special education consulting teacher and a general education classroom teacher.

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WEDNESDAY, OCTOBER 21, 2015

CONCURRENT SESSION 2 - 1:30 - 3:00 PM *continued*

Session 4.2:

Proposals to Reform the IDEA's Due Process Structure

PRESENTER: Elizabeth Shaver, University of Akron School of Law, Akron, OH

This presentation will discuss the relative merits of the IDEA's current due process structure and some proposals to reform the structure. This presentation will focus on both mandated and voluntary dispute resolution mechanisms. Particular areas to highlight are (a) the use of IEP facilitation as an "upstream" dispute resolution mechanism; (b) the efficacy of the mandated resolution session as an early dispute resolution mechanism; (c) the relative merits of a one-tier versus two-tier due process structure; and (d) proposals to add new dispute resolution mechanisms such as voluntary, binding arbitration, or the use of expert consultants to recommend particular educational programming, including drafting a proposed IEP.

Session 4.3:

Dispute Resolution Advisory Committee – Stakeholder Input as ADR

PRESENTERS: Mary Apple, InterMountain Education Service District, Pendleton, OR; Scott Bellows, Dispute Solutions, LLC, Portland, OR; John English, Oregon Department of Education, Salem, OR; Christy Reese, Family and Community Together (FACT), Clackamas, OR

This session will feature a panel discussion or Socratic Circle with interested members of the Oregon Department of Education's IDEA Dispute Resolution Advisory Committee (DRC). The group will discuss its history, purpose, and role in dispute resolution and provide examples of topics that are discussed with the state department of education along with action items that have improved the dispute resolution process for all stakeholders.

Session 4.4:

SpedTex: A Collaborative Effort Between the Texas Education Agency and Education Service Center Region 10

PRESENTERS: Tana Hubbard, Education Service Center Region 10, Richardson, TX and Rosemary Manges, Education Service Center Region 10, Richardson, TX

The Special Education Information Center (SpedTex) was launched in September 2014 as a dynamic resource designed to deliver reliable and timely answers to parents, teachers, and any stakeholder across the state of Texas who is committed to the success of students with disabilities. SpedTex functions as a statewide call center, providing resources and options in regards to stakeholder questions and concerns as they pertain to special education. The foundation of SpedTex, its purpose and its intent, our year-to-date data, what we can learn from the data, and how to replicate and sustain our model will be presented.

Session 4.5:

Life in the Trenches – The Mediator's View

PRESENTERS: Lucius Bunton, Austin, TX and Annie Lockwood, Texas Education Agency, Austin, TX

This presentation will include three segments:

- Characteristics of Conflicts Between Parents and Schools and Why This Type of Conflict is Challenging to Resolve;
- What Promotes and What Limits Resolution; and
- The Three Stages of Mediation: Early Stages: Connection and Rapport; Middle Stages: Exchanging Ideas and Proposals; Final Stages: Reaching Final Consensus and the Mediation Agreement

The presenters will describe effective mediation strategies for both parents and schools as well as for lay advocates and attorneys including advocating your position, supporting productive decision making, and dealing with emotions. The session will include dialogue with the audience by asking questions and encouraging reactions, thoughts, and sharing experiences.

Session 4.6:

Evolving Contours in Statewide IEP Facilitation Development

PRESENTERS: Monica Drvota, Dispute Resolution, Ohio Department of Education, Office for Exceptional Children, Columbus, OH; Melanie Reese, Idaho State Department of Education, Boise, ID; Ron Roberts, Texas Education Agency, Austin, TX; Donna Schertz, Illinois State Board of Education, Springfield, IL

IEP facilitation has grown in practice over the last decade, with the number of states offering IEP facilitation statewide increasing from 9 states in 2005 to 30 states in 2014. Idaho, Connecticut, Illinois, Ohio, and Texas participated in a three-year (2011-2014) IEP facilitation workgroup with CADRE aimed to either start an IEP facilitation program or improve an existing one. Presentations will include highlights of the work done in four of the states, two with new programs (Illinois and Texas) and two with existing programs (Idaho and Ohio). Time for audience questions will be included.

Session 4.7:

Making School Resource Officers a True Resource for Students and Families with Disabilities

PRESENTER: Erin Archerd, University of Detroit Mercy School of Law, Detroit, MI

The presentation will open with ideas for ways that School Resource Officers (SROs) can help foster a culture of conflict resolution within schools and can be trained in a better awareness of, and sensitivity to, the needs of students with disabilities and other minority students. Attendees will brainstorm such areas as:

- Common behavioral manifestations of certain disabilities;

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- Ways in which SROs can interact with and learn from school personnel and families to better address the needs of students with disabilities; and
- Specific lessons to include in the training of SROs about disabilities.

This presentation will give participants a better foundation for proposing best practices for SRO training programs and for local education agencies in their contracts with SROs, as well as to raise awareness about ways that parents and advocates can reach out to SROs in their local schools and better educate those SROs in working with students with disabilities. Included is a focus on specific steps that SROs can take to reduce disproportionate punishment of students with disabilities and minorities, including language minority students.

CONCURRENT SESSION 3 - 3:30 - 5:00 PM

Session 5.1: **Just How Impartial is Neutral?**

PRESENTERS: Mont Hibbard and Ed Littenecker, Special Education Dispute Resolution, LLC, Lewiston, ID

This presentation examines the differences in being neutral, without a conflict of interest, as defined by case law, research and publications, and training for special education alternative dispute resolution. Does neutrality vary across facilitation, mediation, and complaint investigations? How does the facilitator, mediator, or investigator demonstrate neutrality when contracting in multiple ADR roles, often in the same school districts? The presentation will discuss examples such as: How does a facilitator address having previously been an investigator in the same district, finding the district out of compliance in one of more areas? How does a facilitator respond when district actions are violating the safeguards of students and/or parents?

Session 5.2: **Think Outside the IEP Boxes: How to Create Solutions with Possibility Thinking**

PRESENTER: Charmaine Thaner, Collaborative Special Education Advocacy, Meridian, ID

Many times the IEP form and the short amount of time allotted for IEP meetings are what drive the process. This can lead to parents feeling like their voices haven't been heard and educators frustrated that their professional input is not appreciated. Team members need to be able to think outside the IEP Boxes and instead allow for possibility thinking time prior to the IEP meeting. Parents and educators can have collaborative problem solving sessions prior to IEP meetings and then transfer the ideas and solutions to the IEP document during a formal IEP meeting. This interactive session will provide participants with two research-based tools to promote positive communication and collaboration between parents and schools. Specific examples of how these tools could be used to prevent

stalemates at IEP meetings will be discussed. The benefits of thinking outside of the IEP boxes will be shared.

Session 5.3: **Design and Implementation of the Dispute Resolution Data Tracking System in Texas**

PRESENTER: Ron Roberts, Texas Education Agency, Austin, TX

The session will explain the process that the Texas Education Agency (TEA) undertook in building the Correspondence and Dispute Resolution Management System (CDRMS) which tracks state-level dispute resolution activities related to special education. The session will also explain the system itself and how the state utilizes the system to track and use dispute resolution data on issues reviewed and substantiated through special education complaints and due process hearings, mediation requests and agreements, resolution sessions and agreements, and IEP facilitations. Using CDRMS, TEA is able to run detailed district, regional, and state-level reports to meet a variety of needs. The reports allow TEA to: complete the Annual Performance Report and the State Plan in an efficient manner; inform each regional education service center about commonly occurring issues in its region so they can provide specifically tailored trainings to address those issues; provide reports to outside entities; and track corrective actions and ensure that LEAs correct identified noncompliance within a timely manner.

Session 5.4: **Creating Change: Student-Led IEPs as a Dispute Resolution Option**

PRESENTERS: David Friedemann, Eugene, OR; Sarah Grime and Leila Peterson, SchoolTalk, Washington, DC

The District of Columbia is characterized by historically high levels of special education disputes. Such disputes are compounded by the challenges faced by an urban community. This interactive session will explore the implementation of the student-led Individualized Education Programs (IEPs) demonstration project in Washington, DC, the expansion of this initiative, and the impacts of self-advocacy and student engagement as a driver of change. As part of the initiative, the project team produced a film highlighting the efforts of DC students, families, and schools to increase the involvement of youth with disabilities in their IEPs and prepare them to take a more active role in planning their features. Presenters will share clips from the film series and facilitate a dialogue. Participants will have the opportunity to share what they are doing around student engagement in their communities and try out various tools developed by the DC team.

Session 5.5: **Using an Ombudsman Model to Resolve Conflict in Public Schools**

PRESENTER: Jennifer Harris, Governor's Office of the Education Ombuds, Seattle, WA

This presentation makes the case for using ombuds to resolve conflicts in special education and features Washington state's independent, state-level Office of the Education Ombuds (OEO) model. OEO encourages an approach to providing conflict resolution services that

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aligns systemic goals in special education with related goals to improve cultural competence, language access, non-discrimination, and equity. OEO's model pursues these values primarily by facilitating parents and educators to be constructive, informed partners in reaching mutually-agreeable solutions for students with disabilities. As the first state education ombuds office in the country, OEO:

- Has developed a model for intervening as impartial third parties to resolve complaints and disputes across all areas of education;
- Gathers and tracks data annually;
- Reports this work to the public, education system, governor, and legislature; and
- Makes recommendations to reduce the state achievement gap and improve equity in Washington public schools.

Session 5.6: **Informing Whole School Climate: Lessons Learned from Effective IEP Meetings**

PRESENTER: Fran Fletcher, University of Delaware, Newark, DE

It seems for years we have been presenting, training, and extolling the concepts and processes for early and appropriate dispute resolution within the special education arena. Yet more and more, as I interact with education-related staff, parents and advocates, I'm hearing that these processes are used

on an "insert when needed" basis instead of being the bigger picture. Read any school district's mission, vision, guiding principles or values statement, and you will see a variety of words like building relationships, collaboration, problem-solving, open communication, etc., all concepts that set the foundation for the culture of the school/district and it's functioning. What do these words have in common with IEP/IFSP team meetings? They are the same, connected to the IDEA/IEP/IFSP team meeting process. This interactive session will explore the foundational concepts of conflict and collaborative problem-solving techniques utilized in team meetings and demonstrate how they mirror a school's desired culture.

Session 5.7: **Restorative Justice: Evolving Practices for Special Education Students**

PRESENTERS: Lisa Clark Keith, Fresno Pacific University, Fresno, CA and Prudence Hutton, Lawyer, Fresno, CA

Discipline in schools is rapidly backing away from Zero Tolerance, full of contention and misunderstanding, towards Restorative Discipline. Opportunities are ripe for these newly emerging restorative discipline systems to be considered as part of the continuum of dispute resolution practice. Participants will learn the basic techniques to implement Discipline That Restores (DTR) successfully. Further discussion will focus on how restorative discipline can build trust and improve the important student/family and school relationship along with opportunities for other stakeholders to collaborate with schools administrators and school boards to develop effective restorative discipline systems to avoid conflict or resolve disputes early for special education students.

THURSDAY, OCTOBER 22, 2015

8:00 AM Registration & Sponsored Continental Breakfast

8:30 - 10:00 AM Plenary Presentation

CADRE Talks – Modeled on the well-known TED Talks, CADRE presents a series of profound, inspiring, and provocative short talks from some of the leading thinkers from the Eugene area.

Amelia Abel
Peer Advocate

Alito Alessi
Co-Founder and Artistic Director, DanceAbility International

Kenneth I. Helphand
Professor of Landscape Architecture, Emeritus, University of Oregon

Johnny Lake
Professor of Education, Northwest Christian University

Susan Sygall
CEO and Founder, Mobility International, USA

Ruhi Sophia Motzkin Rubenstein
Rabbi, Temple Beth Israel

10:00 - 10:15 AM Break

10:15 - 11:45 AM CONCURRENT SESSION #4

6.1 Constructive Approaches to Help Frequent Filers with Suzanne McDougall, Pennsylvania Office for Dispute Resolution, Harrisburg, PA; Lisa Pagano and Hillary Tabor, Office of Special Education Programs, Washington, DC; Marshall Peter, CADRE

6.2 Make it Count: Five Overlooked Conflict Prevention and Resolution Practices with Tracy Gershwin Mueller, University of Northern Colorado, Fort Collins, CO

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- 6.3 Applying Restorative Justice Practices to Special Education Disputes** with Cristian Belshe and Jim Belshe, Student Representative and Parent, Eugene, OR; Chip Coker, Center for Dialogue and Resolution, Eugene, OR; Candace Hawkins, Colorado Department of Education, Denver, CO; John Inghish, Oregon Department of Education, Salem, OR
- 6.4 Moving to the Left of the CADRE Continuum: New Early Dispute Resolution Processes in Washington, DC** with Judy Berman, Appleseed, Washington, DC; Tracey Langley, Office of the State of Superintendent of Education, Washington, DC; Leila Peterson, SchoolTalk, Inc., Washington, DC; Joyanna Smith, Office of the Ombudsman for Public Education, Washington, DC; Weade Wallace, Advocates for Justice in Education, Washington, DC; Carla Watson, District of Columbia Public Schools, Washington, DC
- 6.5 The Good, the Bad, and the Ugly of Facilitated Resolution Meetings** with Jo Anne Blades, Special Education Resource Center, Oklahoma State University, Tulsa, OK; Ed Litteneker, Special Education Dispute Resolution, LLC, Lewiston, ID; Melanie Reese, Idaho State Department of Education, Boise, ID; Kerry Voss Smith, Office for Dispute Resolution, Harrisburg, PA
- 6.6 Innovations in Local-Level Dispute Resolution Systems: A SELPA Case Study** with Laraine Domenico, Contra Costa SELPA, Concord, CA
- 6.7 Scaling Up – From FIEP Training to FIEP Implementation** with David Carrales and Kathy Clayton, Ed21 Consulting Services, Austin, TX

11:45 – 1:15 PM

Luncheon Plenary

Introduction of Plenary Panel

Philip Moses, *Symposium Chair, Associate Director, CADRE*

Plenary Panel: Lessons Learned from 40 Years in the Trenches

Connie Hawkins, *Director, ECAC*; **Nora Thompson**, *Director, MATRIX*;
Marshall Peter, *Director, CADRE*

1:15 - 1:30 PM

Break

1:30 - 3:00 PM

CONCURRENT SESSION #5

- 7.1 The Other One is a Fish: An Update on Law – Recent Decisions on Hot Button Issues** with Jim Gerl, Special Education Law Blog, Lewisburg, WV
- 7.2 Making the Case: A Look at Contracting for Special Education Programs Through Law School Clinical Programs** with Tiffany Tackett Kell, University of Arkansas Little Rock William H. Bowen School of Law, Little Rock, AR
- 7.3 Self-Assessments: Building Coherence for Best Practices in Dispute Resolution for Special Education** with Jo Anne Blades, Special Education Resource Center, Oklahoma State University, Tulsa, OK and Mark Everhart, Oklahoma State Department of Education and SERC, Oklahoma City, OK
- 7.4 Effectively Facilitating ARD Meetings** with Adrian Booker and Ralph Steele, ReSync Dispute Resolution Services, LLC, Plano, TX
- 7.5 Collaborative Practices Between Districts and Stakeholders to Enhance Dispute Resolution** with Latonia Green, Kim Steinke and Sarah Wallerstein Koren, Orange County Public Schools, Orlando, FL
- 7.6 Everything You Wanted to Ask an Evaluator But Not Your Own** with Courtney Brown, Lumina Foundation, Indianapolis, IN; Patti Bourexis and Michael Norman, The Study Group, Kill Devil Hills, NC
- 7.7 Making a Difference? Trends in Dispute Resolution and Upstream Activity** with Amy Whitehorne and Richard Zeller, CADRE, Eugene, OR

3:00 - 3:15 PM

Break



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3:15 - 4:45 PM

CONCURRENT SESSION #6

- 8.1 Facilitated IEP Implementation and Outcomes** with Samantha Goldman and Carolyn Mason, Vanderbilt University, Nashville, TN
- 8.2 Elevating Family Voice through Wraparound Facilitation: Lessons Learned from the Systems of Care Wraparound Initiative in Lane County** with Annette Marcus, Lane County Oregon Family Support Network, Eugene, OR; John Pavlack, Portland State University, School of Social Work, Portland, OR; Aimee Walsh, Direction Service, Inc., Eugene, OR
- 8.3 Restorative Justice: Where Dispute Resolution Meets Discipline** with David Gruber and Cheryl Levine, Michigan Special Education Mediation Program, Lansing, MI
- 8.4 Peace and the Process: Cultural Reconciliation and Conflict Resolution for IEP Meeting Practitioners** with Sharon Gooding, Northern Arizona University, Flagstaff, AZ
- 8.5 Special Education Mediation in Scotland: The Tartan Connection** with Morag Steven, Common Ground Mediation, Edinburgh, Scotland

THURSDAY, OCTOBER 22, 2015

CONCURRENT SESSION 4 - 10:15 - 11:45 AM

Session 6.1:

Constructive Approaches to Help Frequent Filers

PRESENTERS: **Suzanne McDougall**, Pennsylvania Office for Dispute Resolution, Harrisburg, PA ; **Lisa Pagano** and **Hillary Tabor**, Office of Special Education Programs, U.S. Department of Education, Washington, DC; **Marshall Peter**, CADRE, Eugene, OR

Over the past few years, we have heard from states that the frequency of phone calls, emails, and state complaints coming from “frequent filers” has increased heavily. Frequent filers are individuals who file complaint after complaint after complaint (informal and formal), often on overlapping issues and with increasing frustration evidenced in each subsequent filing. They may be extremely difficult to talk to because they don't just want a Cadillac, they want a Rolls Royce. However, if and when you are able to get past the angry façade and get to the underlying information, there are often serious problems underlying their concerns. During this session, we will discuss how to meet the requirements in IDEA when you receive numerous overlapping state complaints, as well as approaches to constructively cut through the individual's anger/frustration to get to the underlying issues. We will also discuss how you can help your districts, schools, and providers to work with challenging individuals so that they don't become the next “frequent filer.”

Session 6.2:

Make it Count: Five Overlooked Conflict Prevention and Resolution Practices

PRESENTER: **Tracy Gershwin Mueller**, University of Northern Colorado, Fort Collins, CO

This session will provide information about five overlooked and promising practices identified in recent research about parent-school conflict in special education. When used correctly, these practices can prevent and resolve disagreements effectively and amicably. Participants will walk away with knowledge about the research and steps for

implementation to appropriately address conflict, build IEP team partnerships, and improve student outcomes.

Session 6.3:

Applying Restorative Justice Practices to Special Education Disputes

PRESENTERS: **Cristian Belshe** and **Jim Belshe**, Student Representative and Parent, Eugene, OR; **Chip Coker**, Center for Dialogue and Resolution, Eugene, OR; **Candace Hawkins**, Colorado Department of Education, Denver, CO; **John English**, Oregon Department of Education, Salem, OR

Restorative justice practices are increasingly implemented in school systems as a way to forge stronger relationships and to address problematic student behavior without resorting to exclusionary discipline. This presentation seeks to review existing school-based practices and further explore ways in which restorative justice practices can be employed in the context of special education disputes. The presentation will include a short synopsis of existing school-based restorative justice projects in place throughout the U.S. Two state education agency dispute resolution specialists will share their experience and insight on current and future applications of restorative justice in the context of special education with a focus on facilitated IEP meetings, mediation, and parent/community outreach and engagement.

Session 6.4:

Moving to the Left of the CADRE Continuum: New Early Dispute Resolution Processes in Washington, DC

PRESENTERS: **Judy Berman**, DC Appleseed, Washington, DC; **Tracey Langley**, Office of Dispute Resolution, Office of the State Superintendent of Education, Washington, DC; **Leila Peterson**, SchoolTalk, Washington, DC; **Joyanna Smith**, Office of the Ombudsman for Public Education, Washington, DC; **Weade Wallace**, Advocates for Justice and Education, Washington, DC; **Carla Watson**, District of Columbia Public Schools, Washington, DC

Participants in this session will learn how Washington, DC, a large urban jurisdiction with a large charter school sector and the country's highest ratio of lawyers to the general population, is moving toward less

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CONCURRENT SESSION 4 - 10:15 - 11:45 AM *continued*

adversarial, more student-led and family-friendly dispute resolution options. Panelists representing both government and community organizations will discuss the new programs and the challenges faced by our community as we move to less adversarial processes, strive to maintain accountability, and coordinate across a complex, urban landscape. Questions we will explore include:

- How do these early dispute resolution programs fit together?
- What is the appropriate role for attorneys and advocates?
- What are the concerns and questions of families and other stakeholders about these new programs?
- What impacts are these changes making in special education dispute resolution?

Session 6.5:

The Good, the Bad, & the Ugly of Facilitated Resolution Meetings

PRESENTERS: Jo Anne Blades, Oklahoma State University, Tulsa, OK; Ed Littenecker, Special Education Dispute Resolution, LLC, Lewiston, ID; Melanie Reese, Idaho State Department of Education, Boise, ID; Kerry Voss Smith, Pennsylvania Office for Dispute Resolution, Harrisburg, PA

A hearing officer and state level representatives discuss the benefits and challenges of facilitated resolution meetings, to include how personality and work style of the parties, as well as the culture of the particular state, impact the success (or failure) of this early resolution tool.

Session 6.6:

Innovations in Local-Level Dispute Resolution Systems: A SELPA Case Study

PRESENTER: Laraine Domenico, Contra Costa Special Education Local Plan Area (SELPA), Concord, CA

The Contra Costa Special Education Local Plan Area (SELPA) has operated an Alternative Dispute Resolution System since 1992. What challenges have we encountered? Which strategies did we find most effective and what's working today? Over time the system has included solution panels, resource parents, formal and informal facilitated IEPs, SELPA staff interventions, IEP coaching, expert panels, file reviews, IEP staffings, resolution sessions, and local mediation. The implementation of these strategies has also included professional development activities for our 14 school districts and county office of education.

Session 6.7:

Scaling Up – From FIEP Training to FIEP Implementation

PRESENTERS: David Carrales, and Kathy Clayton, Ed21 Consulting Services, Austin, TX

This presentation examines how a district/program successfully moves from FIEP training to FIEP implementation. The session presenters have experience with conflict and dispute resolution at the state, regional, and

district level. As a result of participating in this discussion and problem-solving session, individuals will:

- Review the fundamentals of the FIEP Strategy;
- Discuss the value of using a Design Thinking Process to scale up possibilities to results;
- Receive and understand the use of the FIEP Implementation Organizer, a tool that helps users design practicable solutions for their programs;
- Understand the value of implementation with fidelity; and
- Leave with an actionable outline for planning implementation.

CONCURRENT SESSION 5 - 1:30 - 3:00 PM

Session 7.1:

The Other One is a Fish: An Update on Law – Recent Decisions on Hot Button Issues

PRESENTER: Jim Gerl, Special Education Law Blog, Lewisburg, WV

In this highly interactive session, special education law expert Jim Gerl will present an update on major developments in the law on certain select hot button issues in special education law. Among the issues that will likely be covered are the following: bullying; seclusion/restraint; bad economy; autism; mediation; parents' right to participate; LRE; discipline; etc. Rather than present hundreds of cases about special education, this session will focus on a much smaller number of leading decisions on the more interesting hot topics. Participants will learn about the most important court decisions, hearing officer rulings, and OSEP guidance on key topics that are at the forefront of special education law. Best practices for keeping up to date on legal developments will also be discussed.

Session 7.2:

Making the Case: A Look at Contracting for Special Education Programs Through Law School Clinical Programs

PRESENTER: Tiffany Tackett Kell, University of Arkansas Little Rock, William H. Bowen School of Law, Little Rock, AR

This presentation will focus on the following three broad areas:

- Training the Advocates of Tomorrow: Role of Students Discussion surrounding the law school's students and the experiential learning atmosphere. Provides lawyers with a broader view of best practices in regards to client advocacy.
- SEA/Contractor Relations Law school clinics are uniquely qualified to administer the program independent from schools and parent organizations. Provides separation from state complaint process and due process hearings. Parents and the school districts feel comfortable using the services.
- Quality Assurance: Process and Program Fidelity Mediation/Facilitation feedback. 90-day mediation/facilitation follow-up. Observations and post-mediation/facilitation question/answer sessions with students provide valuable feedback for mediators/facilitators and program administrators.

THURSDAY, OCTOBER 22, 2015

CONCURRENT SESSION 5 - 1:30 - 3:00 PM *continued*

Session 7.3:

Self-Assessments: Building Coherence for Best Practices in Dispute Resolution for Special Education

PRESENTERS: Jo Anne Blades, Oklahoma State University, Tulsa, OK; Mark Everhart, Oklahoma State Department of Education and Special Education Resolution Center (SERC), Oklahoma City, OK

The Oklahoma State Department of Education (OSDE), Special Education Services (SES), has developed a system of Targeted Technical Assistance (TTA) using self-assessment tools to help guide local education agencies (LEA) in improving outcomes for students with disabilities. These self-assessments are designed to lay the groundwork for reflective practice on all areas of special education, including dispute resolution. This interactive presentation is designed to inform participants about:

- The development and creation of the self-assessment process from SEA and national perspectives;
- The use of self-assessments from the LEA perspective, including how and when they are used; and
- An overview of the creation of the “Dispute Resolution and Conflict Prevention” self-assessment and partnership with other organizations.

Participants will be informed of specific steps to complete the “Dispute Resolution and Conflict Prevention” self-assessment, including essential components. In addition, the presentation will include an interactive demonstration of the Dispute Resolution and Conflict Prevention self-assessment activity and examples of information the OSDE-SES has developed for LEAs to complete these activities.

Session 7.4:

Effectively Facilitating ARD Meetings

PRESENTERS: Adrian Booker and Ralph Steele, ReSync Dispute Resolution Services, LLC, Plano, TX

This presentation will focus on ensuring that IEPs and BIPs effectively address the best interests of the student, how to appropriately utilize available resources, and how to get participant buy-in for ARD* core principles. We will discuss helping participants understand the purpose of ARDs and meet the objectives of engagement from all stakeholders. We will also address implementing a tracking system to monitor the student's progress and engage or re-engage teachers and others who are critical to the success of the IEP and BIP. At the end of this presentation, attendees will be more proactive and effective in enabling students to be more self-sufficient, helping the student to leverage their strengths to enhance problem-solving skills, and finding community resources to support the growth of the student.

*ARD stands for Admission, Review, and Dismissal. In Texas it refers to the group of people who make educational decisions about the student.

Session 7.5:

Collaborative Practices Between Districts and Stakeholders to Enhance Dispute Resolution

PRESENTERS: Latonia Green, Kimberly Steinke, and Sarah Wallerstein Koren, Orange County Public Schools, Orlando, FL

Over the last five years, Orange County Public Schools has demonstrated a concentrated effort on streamlining dispute resolution practices amongst district administrators and the legal department. As an integral part of the process, collaboration with key stakeholders including parents, school administrators, teachers, state level administrators, attorneys, and advocates has provided opportunities for improvement in dispute resolution practices district-wide. The OCPS presentation team, including two Exceptional Student Education directors and an attorney will share information demonstrating specific dispute resolution procedures, professional development, proactive engagement, progress monitoring, and parent outreach that has assisted in bringing an often difficult process into a manageable and resolution driven one instead.

Session 7.6:

Everything You Wanted to Ask an Evaluator But Not Your Own

PRESENTERS: Patti Bourexis, The Study Group, Kill Devil Hills, NC; Courtney Brown, Lumina Foundation, Indianapolis, IN; Michael Norman, The Study Group, Kill Devil Hills, NC

Have questions about program evaluation, such as how to hire (or fire) an evaluator, how to get the best value from an external evaluation, what kind of evaluation you really need, how much money to spend, how to deal with negative results, or what to do with the 100-page report you receive? After a brief introduction to the concept of program evaluation, experienced program evaluators will respond to these frequently-asked questions and more. The focus of the session will be on your own questions. Come equipped with a list of problems, questions, or concerns you've always wanted to talk about with an evaluator – just not your own.

Session 7.7:

Making a Difference? Trends in Dispute Resolution and Upstream Activity

PRESENTERS: Amy Whitehorne and Richard Zeller, CADRE, Eugene, OR

During this session, we'll look at data collected between 2004-05 and 2012-13, and highlight different trends in usage and outcomes across the various IDEA dispute resolution processes (i.e., Mediation, Written State Complaints, Due Process Complaints/Hearing Requests and Resolution Meetings). We'll also discuss benefits to using “upstream” conflict resolution options to resolve disagreements between schools and families as early as possible, and show that a rise in such programs over the past 10 years correlates generally with a decline in the use of more adversarial dispute resolution options.

THURSDAY, OCTOBER 22, 2015

CONCURRENT SESSION 6 - 3:15 - 4:45 PM

Session 8.1:

Facilitated IEP Implementation and Outcomes

PRESENTERS: Samantha Goldman, and Carolyn Mason, Vanderbilt University, Nashville, TN

This interactive presentation will share the results of a study conducted regarding the implementation of facilitated IEP (FIEP) throughout the United States. Background information on facilitated IEP (FIEP) will be shared and trends in FIEP use across the United States will be identified. The use of participant feedback in FIEP program evaluation will be examined and current research in the field of FIEP outcomes will be shared. Information and resources to guide the future implementation of FIEPs, including practice creating web-based surveys to gather participant feedback will be disseminated.

Session 8.2:

Elevating Family Voice through Wraparound Facilitation: Lessons Learned from the Systems of Care Wraparound Initiative in Lane County

PRESENTERS: Annette Marcus, Lane County Oregon Family Support Network, Eugene, OR; John Pavlack, Portland State University, School of Social Work, Portland, OR; Aimee Walsh, Direction Service, Inc., Eugene, OR

The wraparound process is an intensive, individualized care planning and management process for children and youth with complex mental health and/or other needs. Wraparound is often implemented for youth who have involvement in multiple child-serving agencies and whose families would thus benefit from coordination of effort across these systems. Engaging in the wraparound process often yields plans that are more effective and more relevant to families. Through the team-based planning and implementation process, both youth and family members develop self-efficacy, problem-solving and coping skills. This presentation will provide background information about systems of care and the wraparound process being implemented in Oregon and will include local examples and lessons learned.

Session 8.3:

Restorative Justice: Where Dispute Resolution Meets Discipline

PRESENTERS: David Gruber, and Cheryl Levine, Michigan Special Education Mediation Program, Lansing, MI

Restorative justice is gaining prominence across the country as a way of keeping students who engage in misconduct in the classroom instead of on the street. This includes students with disabilities, who are suspended from school for misconduct at a disproportionate rate compared to general education students. In 2013, for example, students with disabilities in Michigan lost 190,036 days of education. The Michigan

Special Education Mediation Program is engaged in a pilot project to determine whether restorative practices are appropriate for students with disabilities. The preliminary answer is yes. Explore how facilitation, dispute resolution, and learning come together to help students with disabilities solve their own discipline issues. Review the techniques behind the practice, what the data show, what schools are learning, and prospects for the project's next phase.

Session 8.4:

Peace and the Process: Cultural Reconciliation and Conflict Resolution for IEP Meeting Practitioners

PRESENTER: Sharon Gooding, Northern Arizona University, Flagstaff, AZ

This presentation will focus on strategies to create a culturally responsive school climate that will efficiently and effectively resolve special education disputes. Special attention will be paid to the possible contributory factors of inter-cultural conflicts that may occur during the IEP process and during the course of mediation. Cultural proficiency continuum will be explored and analyzed for best practices. Practical strategies will be identified and discussed using a sampling of case studies to facilitate IEP meetings and mediations as well as resolve cultural conflicts that might evolve throughout the IEP process.

Session 8.5:

Special Education Mediation in Scotland: The Tartan Connection

PRESENTER: Morag Steven, Common Ground Mediation, Edinburgh, Scotland, UK

The purpose of this presentation is to:

- Share information about mediation within the Scottish school education system, the legislative framework and current policies;
- Celebrate 10 years of special education dispute resolution in Scotland;
- Explore similarities and differences between the Scottish and the U.S. approaches to special education mediation; and
- Consider the role of the student/child in special education mediation, based on genuine Scottish scenarios.



SYMPOSIUM SPONSORS



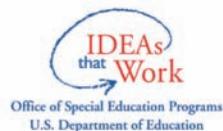
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PURCHASING AFFIDAVIT

MANDATE: Under W. Va. Code §5A-3-10a, no contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

EXCEPTION: The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. Code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

DEFINITIONS:

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

"Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

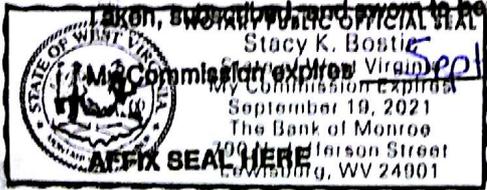
AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §81-5-3) that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Name: Scott & Wertz by Jim Wertz
Authorized Signature: _____ Date: 05/25/2017

State of West Virginia
County of Greenbrier, to-wit:

Taken, sworn to and affirmed before me this 25th day of May, 2017



NOTARY PUBLIC Stacy K. Bostic

DESIGNATED CONTACT: Vendor appoints the individual identified in this Section as the Contract Administrator and the initial point of contact for matters relating to this Contract.

JIM GERL
 (Name Title)
JIM GERL, Partner / Mediator
 (Printed Name and Title)
SCOTT HEHL 660 Jefferson Street South, Louisville KY 40201
 (Address)
304-645-7345 / 304-645-7362 (fax)
 (Phone Number) (Fax Number)
jimg@ yahoo.com
 (email address)

CERTIFICATION AND SIGNATURE: By signing below, or submitting documentation through wvOASIS, I certify that I have reviewed this Solicitation in its entirety; that I understand the requirements, terms and conditions, and other information contained herein; that this bid, offer or proposal constitutes an offer to the State that cannot be unilaterally withdrawn; that the product or service proposed meets the mandatory requirements contained in the Solicitation for that product or service, unless otherwise stated herein; that the Vendor accepts the terms and conditions contained in the Solicitation, unless otherwise stated herein; that I am submitting this bid, offer or proposal for review and consideration; that I am authorized by the vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

Scott & hehl
 (Company)

 (Authorized Signature) (Representative Name, Title) - Jim hehl, Partner / Mediator
James hehl Partner / Mediator
 (Printed Name and Title of Authorized Representative)
06 / 12 / 2017
 (Date)
304/645-7345 / 304/645-7362 (fax)
 (Phone Number) (Fax Number)

REQUEST FOR QUOTATION
Individuals with Disabilities Education Act (IDEA)
Mediators

12 MISCELLANEOUS:

12.1 Contract Manager: During its performance of this Contract, Vendor must designate and maintain a primary contract manager responsible for overseeing Vendor's responsibilities under this Contract. The Contract manager must be available during normal business hours to address any customer service or other issues related to this Contract. Vendor should list its Contract manager and his or her contact information below.

Contract Manager: JIM GERL

Vendor's Address: SCOTT & GERL
662 Jefferson Street South
Lenishurg WV 24401

Telephone Number: 304-645-7345

Fax Number: 304-645-7362

Email Address: jimgerl@yahoo.com

ADDENDUM ACKNOWLEDGEMENT FORM

SOLICITATION NO.: CRFQ EDD1700000005

Instructions: Please acknowledge receipt of all addenda issued with this solicitation by completing this addendum acknowledgment form. Check the box next to each addendum received and sign below. Failure to acknowledge addenda may result in bid disqualification.

Acknowledgment: I hereby acknowledge receipt of the following addenda and have made the necessary revisions to my proposal, plans and/or specification, etc.

Addendum Numbers Received:

(Check the box next to each addendum received)

- Attachment of vendor questions & answers*
- | | |
|--|--|
| <input checked="" type="checkbox"/> Addendum No. 1 | <input type="checkbox"/> Addendum No. 6 |
| <input type="checkbox"/> Addendum No. 2 | <input type="checkbox"/> Addendum No. 7 |
| <input type="checkbox"/> Addendum No. 3 | <input type="checkbox"/> Addendum No. 8 |
| <input type="checkbox"/> Addendum No. 4 | <input type="checkbox"/> Addendum No. 9 |
| <input type="checkbox"/> Addendum No. 5 | <input type="checkbox"/> Addendum No. 10 |

I understand that failure to confirm the receipt of addenda may be cause for rejection of this bid. I further understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any state personnel is not binding. Only the information issued in writing and added to the specifications by an official addendum is binding.

SCOTT & LERC by Jim Lerc
Company

[Signature]
Authorized Signature

06/12/2017
Date

NOTE: This addendum acknowledgment should be submitted with the bid to expedite document processing.

Revised 6/8/2012