

# Teacher Preparation for Dispute Resolution: Supportive Steps to Take

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**2023 OSEP LEADERSHIP AND PROJECT DIRECTORS' CONFERENCE**





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*(Authority: 20 U.S.C. 1221e-3 and 3474)*

# What is a due process hearing?

- IDEA has provisions for dispute resolution between families and school districts
- Due process hearings are among the most contentious options
- Special education teachers are often required to testify

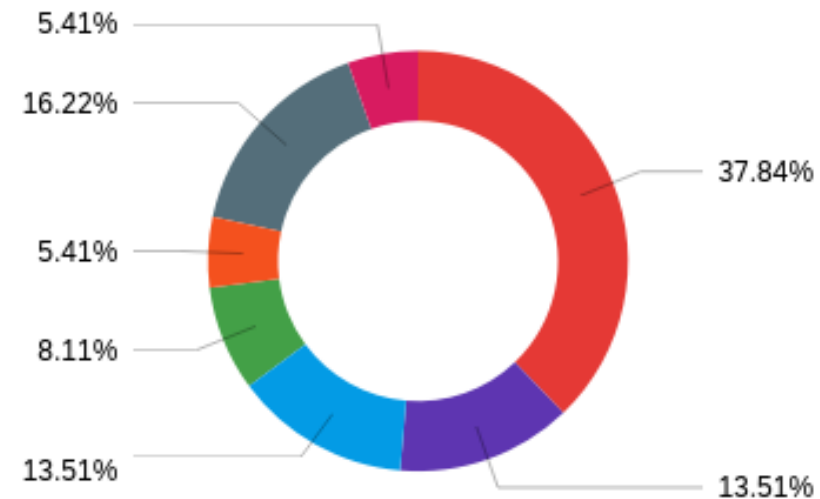
CADRE Continuum of Dispute Resolution Processes & Practices					
Stages of Conflict	Stage I	Stage II	Stage III	Stage IV	Stage V
Levels of Intervention	Prevention	Disagreement	Conflict	Procedural Safeguards	Legal Review
Assistance/ Intervention Options	Family Engagement Participant & Stakeholder Training Stakeholder Council	Collaborative Rule Making Parent to Parent Assistance Case Manager	Telephone Intermediary Facilitation Mediation Models Ombudsperson	Third Party Opinion/Consultation Resolution Meeting Mediation Under IDEA Written State Complaints <b>Due Process Hearing</b>	Hearing Appeal (Two-Tier Systems) Litigation Legislation

**What is the professional and personal impact of that experience?**



# Survey results for special education teachers who have testified in a due process hearing

- 31 respondents
- 12 states represented
- Average of 19 years teaching experience (mostly in special education)



# Impact of Testifying

## Personal

- Significant event
- High stress level that affected mental health and overall well-being
- Detrimental physical health impacts (e.g., migraines, anxiety, insomnia)

## Professional

- Increased workload
- Missed instructional time, often without coverage
- 43% stated they were less likely to remain a special education teacher



# Instructional Impacts

## Positive Impacts to:

- Record keeping and documentation
- IEP writing
- Progress monitoring
- Parent communication

## Negative impacts to:

- Lesson planning
- Service delivery to other students
- Communication with families
- Collaboration with other practitioners



# Importance of Adequate Preparation

- 74% felt that they received a sufficient amount of preparation
- Reviewing case with administration and/or attorney
  - File review
  - Summarize data
- Reviewing IDEA
- Mock practice
  - Which questions would be asked and how to answer
- “Demystify the process”



Interested in  
Taking the  
Survey?





# Resource Spotlight

- Center for Appropriate Dispute Resolution (CADRE)
  - OSEP funded center supporting the prevention and resolution of disputes through partnership and collaboration
  - <https://www.cadreworks.org/>
- Individuals with Disabilities Education Act (IDEA) website
  - Brings together IDEA information and resources from the Department and its grantees.
  - <https://sites.ed.gov/idea/>
- IDEAS That Work
  - For information from research to practice initiatives funded by OSEP that address the provisions of IDEA and ESSA. This website includes resources, links, and other important information relevant to OSEP's research to practice efforts.
  - <https://osepideasthatwork.org/>





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