

Part B State Performance Plan (SPP) for 2005-2012

Overview of the State Performance Plan Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

Overview of Issue/Description of System or Process:

Mediation is a voluntary and confidential process. Each mediator will conduct mediation slightly differently, but mediations usually follow this structure: The mediator will give an overview of the process in a joint session with the parties. In this session the mediator asks each participant to present the issues and explain the situation from his or her point of view. From there the mediator may move into separate sessions with each party. These sessions might be used to clarify the issues and/or generate options for resolution. These separate sessions might go back and forth a few times but what happens in the end is that the parties are brought back together. What usually unfolds during this process is an agreement and it is drafted at the mediation.

Baseline Data for FFY 2004 (2004-2005):

# of Mediations	660
# of Mediation Agreements	567
% of Mediations Held that Resulted in Mediation Agreements	85.9%

Discussion of Baseline Data:

The data reveal that of the 660 mediations held during 2004-2005, almost 86% resulted in a mediation agreement. This is a continuation of the consistently high level of mediation agreements reached in Massachusetts over the past two years. In 2002-2003, 79% of mediations resulted in mediation agreements, as did 74% of the mediations in 2003-2004.

The Massachusetts Steering Committee unanimously recommended that our initial target setting be modest and with this Indicator in particular we believe a maintenance target is more appropriate than an increase. Massachusetts has a very high level of mediation agreements reached, and it may be the highest level in the nation. While it is important to continue to track mediation agreements, we believe it is inappropriate to set a target higher than the current level we have reached in Massachusetts, as mediation is a voluntary activity and we do not want to suggest in writing or in target setting that we are seeking to compel parties in mediation to reach agreement. Therefore the targets set for this first six-year period are essentially maintenance targets.

Proposed targets and improvement activities for the extended State Performance Plan (SPP) reporting period (FFY 2011 to FFY 2012) were developed with the Statewide Special Education Steering Committee. In setting targets for the expanded SPP period, MASSDE recommends expressing targets in a range that is slightly higher than the national mediation success rate data, and is consistent with its

results for Indicator 19 during the prior SPP period. Although tracking mediation agreements and their outcomes is important, doing so does not suggest that parties should be compelled to reach agreements in order to meet state identified targets. That outcome is contrary to the value of mediation as a tool to facilitate communication and foster positive relationships between the parties that are underscored by a willingness to work together cooperatively, which are integral aspects of successful problem resolution strategies. These targets are consistent with this priority.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	85.9%
2006 (2006-2007)	86%
2007 (2007-2008)	86%
2008 (2008-2009)	75% - 86%
2009 (2009-2010)	75% - 86%
2010 (2010-2011)	75% - 86%
2011 (2011-2012)	77% - 87%
2012 (2011-2012)	77% - 87%

Improvement Activities/Timelines/Resources:

Please note that many of the activities presented below affect multiple indicator areas. For these activities, a full description of the activity is available in Appendix A.

Timelines (FFY)	Improvement Activity	Resources
2005	<p><u>Fill Staffing Vacancies</u></p> <p>Fill existing BSEA staffing vacancies (the director of BSEA left in March 2005 and the Coordinator of Mediation left soon after); the hiring of a new director will allow for additional supervisory and managerial resources to be dedicated to ensuring that hearing officers comply with federally mandated timelines for issuing decisions.</p>	BSEA staff time
2005 - 2012	<p><u>Collaboration with Stakeholders</u> <i>(All Indicators)</i></p> <p>See Appendix A for a complete description.</p>	BSEA staff time
2005 - 2012	<p><u>Special Education Website</u> <i>(All Indicators)</i></p> <p>See Appendix A for a complete description.</p>	MASSDE staff time
2005 - 2012	<p><u>Training and Technical Assistance in Special Education Mediations</u></p> <p>The BSEA will receive training in special education mediations on an ongoing basis from national and regional technical assistance providers.</p>	BSEA staff time, national technical assistance providers
2007 - 2008	<p><u>SPecial EDition Online Newsletter</u> <i>(All Indicators)</i></p> <p>See Appendix A for a complete description.</p>	MASSDE staff time
2009 - 2012	<p><u>Annual Training for Special Education Leadership</u></p> <p>BSEA staff presents at training programs throughout the year that are sponsored by organizations including, the Federation for Children with Special Needs, Educational Collaboratives, and the Special Education Leadership Academy, on issues related to due process rights and procedures. Each session focuses, in part, on a discussion of dispute resolution, including mediation. Attendees at the training sessions include special education personnel, school administrators, advocates, parents, and attorneys.</p>	BSEA staff time

Timelines (FFY)	Improvement Activity	Resources
2010 - 2012	<p><u>Consolidation with the Massachusetts Division of Administrative Law Appeals</u></p> <p>Effective July 1, 2010, the BSEA is transferred from the administrative oversight of MASSDE to the Massachusetts Division of Administrative Law Appeals (MA DALA). As part of this consolidation, the BSEA will be evaluating the feasibility of amending administrative protocols, updating computer and record-keeping/tracking resources, and revising paperwork and forms in an effort to better consolidate and manage administrative resources, timelines, and data collection. Changes to policies, protocols, and procedures will be made accordingly.</p>	BSEA staff time