



# Dispute Resolution Center Newsletter

## April 2017

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### **NYSDRA Special Education Mediation Presentation**

by April Rando

On March 8<sup>th</sup>, Charlotte Carter, the Executive Director of the New York State Dispute Resolution Association (NYSDRA), Shari Greenleaf, Special Education Mediation Program Coordinator, and Robert Stankus, Special Education Mediation Program Manager, gave a presentation on the history of NYSDRA and a program overview of Special Education Mediation.

NYSDRA has a 5-year grant with the New York State Education Department (NYSED) to provide Special Education Mediation in the schools. NYSED has been going to the schools, especially ones that have had a history of problematic relationships between parents and the Committee on Special Education (CSE). Currently, NYSED has been focusing their attention on schools in Long Island and New York City. Individualized Education Plan (IEP) facilitations are led by NYSED in these schools.

The Committee on Special Education (CSE) has an annual review of each student's IEP/ 504 Plan. Annual reviews are required by law, and will often bring up the disputes. During CSE meetings, the discussion focuses on the kinds of

support and accommodations that may be needed to enable a child to succeed in school. If a parent disagrees with the CSE's decision, parents are entitled to take disputes to an impartial hearing, which is a legal procedure.

Parents may not be aware, however, that mediation is an option. Although schools are required to inform parents of this option, most school districts are wary of using mediators, because they are concerned that mediators may have official power to determine the outcome of any meetings with parents. There may be confusion as to what mediation is. Mediation is not another kind of CSE meeting, but a means of opening communication. Mediators can help parents navigate the system to better advocate for their child. If there is no agreement, the parents can still have the right to an impartial hearing.

NYSDRA would like to see greater use of mediation in the schools. The DRC can provide information to the public and promote mediation to school districts throughout our service areas.



## **On Becoming Mindful Mediators**

by April Rando

On March 11<sup>th</sup>, mediators from several counties attended an all-day, advanced training session given by Kim Reisch of the Center for Dispute Settlement. Reisch has been a mediator for over 20 years, and has given many workshops on Mindfulness in Mediation, Talking Peace, and Mediation Circles.

What does “mindfulness” mean in mediation? What does it mean to be neutral? What are our goals as mediators? These were some of the questions that were raised during the training session. As mediators, we strive to be impartial and nonjudgmental, however, our values and biases can influence the direction and outcome of the mediation. Reisch commented, “People in conflict look for allies, but the only thing that people need is from the person across the table, that is, the person you’re in conflict with. Conflict has its own course, whether or not it resolves itself is determined by the people in conflict.” She used the metaphor of a river to describe conflict. “People’s conflict is like a river. We can walk into it. The river changes course when you walk

into it. The better the mediator understands oneself, the better they can handle conflict.” As mediators, we need to check our assumptions and examine what our values are. Through a series of activities and short video presentations, Reisch demonstrated how our perceptions and biases may prevent us from truly listening and understanding the parties’ conflict. In other words, “We see things not the way they are; we see things the way we are.”

Mindfulness also involves staying in the present. As a transformative mediator, Reisch believes that we should not be comfortable with defining the mediation as a success or a failure. “We must cultivate humility as a mediator. Shut up your own ego, and be attuned to others. The parties bring their own reality to the mediation. We need to get over task blindness, and stop being hyper-focused with the plan or resolution.” The “goal” may not necessarily be the resolution of a dispute, but rather to get the parties to sit at the table and talk. Whether we are facilitative or transformative mediators, the approach we take as mediators will be based on how we view conflict.



## **Mediation Around the World: Ireland**

***“Long-awaited Mediation Bill Finally Published”***

(Article submitted by Lois Hubbard)

On February 13, 2017, the Government of Ireland passed the “Mediation Bill 2017”, which requires that parties seriously consider mediation to resolve disputes rather than going directly to the courts. In an article published by the William Fry Law Firm, the Bill seeks to formalize mediation as an alternative and lessen the need for disputes to be resolved via the court system. If the client refuses to take their dispute to mediation, their attorney must swear in a “statutory declaration” that they have advised their client of their right to use mediation. If the Court determines that the party has unreasonably refused to take the dispute to a mediator, the party will be subject to a fine. To learn more about the “Mediation Bill 2017”, and to see the contents of the Bill, go to: [http://www.williamfry.com/newsandinsights/news-article/2017/02/14/long-awaited-mediation-bill-finally-published-\(13-february-2017\)](http://www.williamfry.com/newsandinsights/news-article/2017/02/14/long-awaited-mediation-bill-finally-published-(13-february-2017))



## From the Program Director

I am writing this while looking out the window at snow from yesterday's snow storm piled higher than my porch railing and thinking about how quickly it will change and be a warmer, muddy mess with green grass, budding trees and flowers in bloom. In the meantime, we are sending this newsletter to help you pass the time.

In April, we have training opportunities for you in Oneonta. They include:

- April 24<sup>th</sup> – NYSDRA Special Education Mediation Refresher for the Trained Special Education Mediator
- April 26 & 27 – NYSDRA Special Education Mediation Training for new mediators
- April 28 & 29 – Parenting Plan (Custody/ Visitation) Mediation

If you are interested in any of these trainings, please call or e-mail Lois to sign up at (607) 432-0061 or [lhubbard@charitiesccdo.org](mailto:lhubbard@charitiesccdo.org). There will be no cost to those who mediate for our program.

We are looking at trainings that we would like to offer in the near future. If you have ideas or suggestions for in-service or advanced regional trainings for the future, please send your ideas to me at [chouck@charitiesccdo.org](mailto:chouck@charitiesccdo.org).

We have planned the first of our meet and greets for the local mediators in Amsterdam. It will be on April 6<sup>th</sup> from 2:00-4:00 pm. We would be happy to see you there. We can answer any questions that you may have about the changes to the program and what it will mean for you and you can spend some time with the staff. I am looking forward to seeing you all there. For those from other areas, of course you are welcome to attend any of the sessions that you would like but keep your eyes opened for one in your area soon.

Our agency will hold its Annual Volunteer Appreciation Dinner at Brooks' from 5:00 to 7:00 pm on Thursday, April 27, 2017. Be on the lookout for the invitation by e-mail or postal mail. RSVP by April 20<sup>th</sup>. We hope to see you there. That does it for now, until next time, keep warm.

Christy Houck

## **Think Spring in Herkimer DRC!**

The Herkimer Dispute Resolution Office is off to a great start. We have been involved in a lot of great things. We have been working great with the local housing authorities, we have been helping so many people fill out a variety of family related petitions at Herkimer County Family Court and we have been expanding our knowledge while we continue to get the staff trained in all the upcoming mediation courses they can handle. Soon enough this Dispute Resolution Center will be running itself.

I am in the need right now for some volunteers in the immediate Herkimer County

area. I am asking anyone who knows of some good retired individuals, or college students with maybe a few years left or someone who is committed to donate some much needed help to the local community please send them my way. Thank you in advance for your gestures of kindness.

In the meantime "Think SPRING"...

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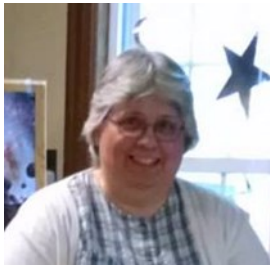
## SAVE THE DATE!

- **April 6<sup>th</sup>, 2:00-4:00 PM: Volunteer Mediator “Meet & Greet”, Catholic Charities, 1 Kimball St., Amsterdam, NY.** You’re invited to a special “Meet & Greet” for our Volunteer Mediators serving Fulton, Montgomery, and Schoharie Counties. Come meet your fellow mediators for conversation and discussion about the DRC goals for the year. Light refreshments will be served. Please contact April Rando, DRC Coordinator by Monday, April 3<sup>rd</sup>, at (518) 842-4202, ext. 3133, or [arando@charitiesccdo.org](mailto:arando@charitiesccdo.org).
- **April 24<sup>th</sup>, 8:00 AM (sign-in); 8:30 AM-4:30 PM, Special Education Mediation Training for Experienced Special Education Mediators, Holiday Inn, 5206 State Highway 23, Oneonta, NY.** This refresher training will update mediators on changes to special education policy and procedures. For more information or to register, contact Shari Greenleaf at NYSDRA by e-mail: [shari@nysdra.org](mailto:shari@nysdra.org), or call (518) 687-2240, ext. 17. Registration deadline is Friday, April 7, 2017.
- **April 26<sup>th</sup> & 27<sup>th</sup>, 8:30 AM (sign-in); 9:00 AM-4:00 PM, Special Education Mediation Training for New Special Education Mediators, Holiday Inn, 5206 State Highway 23, Oneonta, NY.** NYSDRA will be holding a two-day, special education training for new special education mediators. For more information or to register, contact Shari Greenleaf at NYSDRA by e-mail: [shari@nysdra.org](mailto:shari@nysdra.org), or call (518) 687-2240, ext. 17. Registration deadline is Friday, April 7, 2017.
- **April 27<sup>th</sup>, 5:00-7:00 PM, Volunteer Appreciation Dinner, Brooks’ House of BBQ, 5560 State Highway 7, Oneonta, NY**
- **April 28<sup>th</sup> & 29<sup>th</sup>, 8:30AM- 5:00 PM, Parenting Plan (Custody/ Visitation) Training, Fox Care (room #1), 1 Fox Care Dr., Oneonta, NY; Presenter: Duke Fisher.** For more information or to register, contact Lois Hubbard at (607) 432-0061, ext. 126, or by e-mail: [lhubbard@charitiesccdo.org](mailto:lhubbard@charitiesccdo.org)





*Each month we will feature articles about staff and volunteer mediators.*



**Lois Hubbard-** I have just completed my 18<sup>th</sup> year with the DRC. I started as the case manager for the new Chenango County family court program. There have been a lot of changes and I have held several positions throughout the years. It is a privilege to work with great people, past and present, as well as remarkable volunteers!! Currently I am the Coordinator for

Chenango, Delaware and Otsego counties.



**Ellie Mack-** I have been a volunteer mediator for at least 25 years. I have always been a “human service” person, and help others to manage their life. I like to think I can make a difference, and show how communication and being positive can improve how they handle their differences with others. I can do any type of mediation, but I like doing custody cases. In my free time, I like spending time with my family, gardening, sewing and traveling. I enjoy life and I always take time to “smell the flowers.” There is so much to do and see. My bucket is always full!



Everyone is invited to submit articles that might be of interest to mediators. If you have something you would like to share for the newsletter, please email your article by April 20<sup>th</sup> to April Rando at [arando@charitiesccdo.org](mailto:arando@charitiesccdo.org). Thank you!