



Dispute Resolution Center Newsletter

Winter 2019

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Addressing Chronic Absenteeism through Attendance Mediation by April Rando, Director of Planning and Outreach

Schools across the nation are experiencing the challenge of chronic absenteeism. [1] In 2015, almost 8 million students were considered chronically absent from school. Each state defines what it means for a student to be chronically absent from school. In New York, students are considered chronically absent when they miss at least 10% of school or 18 days during the entire school year. [2] Chronic absenteeism includes both excused and unexcused absences.

Students who miss school are at risk of falling behind academically. In the primary grades, including pre-kindergarten, school provides a routine that helps children develop social and academic skills. Children acquire basic literacy and numeracy skills which become more complex as they move towards the next grade level. Any gaps in their education will most likely manifest itself when the student makes the transition to middle school and high school.

Students who do not attend school regularly generally do poorly on standardized tests. Under the Every Student Succeeds Act (ESSA), schools that have a high number of students in grades 3 through 8 not meeting proficiency in Math and English Language Arts can be labeled in need of “Targeted Support and Intervention” or “Comprehensive Support and Intervention.” [3] In addition, ESSA requires schools to report high school graduation rates, high school ELA and math Regents exam scores, and must have a 95% participation rate in federally required exams. Finally, schools are also measured on “School Quality and Student Success Indicators,” which look at the kinds of opportunities students have to prepare them for college, career and civic readiness, and holds schools accountable for chronic absenteeism.[4]

When students are chronically absent from school, it can be an indication that there is a bigger problem. Chronic absenteeism is at the

highest rates in pre-kindergarten, kindergarten and high school. [5] At the primary school level, students miss school due to health reasons, transportation-related difficulties, or with the caregivers themselves. [6] Some parents may not understand the importance of regular school attendance in pre-k or kindergarten, or they may be struggling to get other children in the household ready for school. In middle school and high school, students may be missing school because of bullying, fear of violence, the need to take care of other siblings, or they are struggling academically and socially. Homeless students and students whose families move frequently are also more likely to be chronically absent from school. [7]

Each school district has their own policy regarding absenteeism. Some schools are able to connect the school social worker with the family to find out why the student has missed school. In more extreme situations, the school might call the Child Abuse Hotline reporting abuse and educational neglect, or it can become a juvenile justice issue with the filing of a person in need of supervision (PINS) petition.

Another option, however, is attendance mediation. Attendance mediation provides an opportunity for the school, parents, and sometimes the student, to discuss the reasons for the student’s absenteeism and work towards a more individualized approach to solving the problem. Although mediation is confidential, teachers and other school personnel are mandated reporters. If during the mediation things are said that raise concerns about abuse and neglect, that information will not remain confidential. It is important to know who needs to be a part of the conversation, and the roles and responsibilities of everyone sitting at the table.

Mediation can help identify any unmet needs for both the student and the family. What does the student need to be more successful in school? *(Continued on p. 2)*



Access to Justice by Tom Pullyblank, Director of Programming

The Permanent Commission on Access to Justice was established in 2015 as part of a comprehensive effort to expand legal services to low-income New Yorkers, to issue recommendations providing for improved and increased access and to collaborate on access to justice issues, including expanded pro bono services and help for unrepresented litigants.

In October 2018, April and Tom attended the annual Permanent Commission on Access to Justice stakeholder's meeting at the New York State Bar Association in Albany. The Honorable Janet DiFiore, Chief Judge of New York State, offered the opening remarks, in which she outlined the work the Permanent Commission has done over the past year. Next, representatives from Monroe and Suffolk counties shared details about their local Access to Justice programs, which served as pilots for all of New York State. After a lunch presentation on how to develop a local program, we gathered with 30 other stakeholders from various agencies and organizations in a "rural counties" breakout session, where we all introduced ourselves and shared ideas about how our particular work relates to the larger task of Access to Justice for All.

Many of the rural stakeholders either work for or are connected directly with the court system. They spoke of initiatives to expand pro-bono legal representation, initiatives to provide access to computers in local libraries and municipal buildings so rural residents can file petitions without traveling to the county seat and initiatives to provide transportation to the county seat when a personal appearance is required. The level of commitment to the Access to Justice initiative on the part of the court system, from Chief Judge Fiore down through the county judges in family court, is impressive. There is a sincere and widespread desire among New York State's judicial leadership to help the less fortunate in both urban and rural areas.

It was clear in our rural counties breakout group that alternative dispute resolution services play a vital role in access to justice. As a group we spoke of how mediation can help empower the poor and vulnerable and about how mediation can humanize the often imposing process of going through the court. Tom spoke about the close alignment between the mission of the Permanent Commission and the mission of Catholic Charities—both programs are committed to helping the poor and vulnerable.

What can we do to expand Access to Justice in our seven county service area? One way is through outreach. Our staff case-managers are busy distributing brochures and hanging posters in public areas like village halls and town courts, convenience store bulletin boards, fire halls and churches. We are in the midst of a penny-saver advertising campaign that has brought in several referrals. I also encourage our volunteers to engage in outreach. Do you know of a high-traffic area that could use a flyer or a few brochures? Are you connected to a church that could publicize our services?

Another way we can help people in rural areas access our services is to expand the number of sites we use for mediation. Again, churches are excellent partners in securing mediation sites, as are town halls and libraries. What buildings in your communities can host mediations? The more options we have available, the easier it will be for people to come to mediation sessions.

(Attendance Mediation, continued.)

What are some things that could help motivate the student to attend school? What kinds of support can the school provide? Are there any community resources that could help support the student and the family? Mediation can make a difference by allowing that conversation to happen. It is an opportunity for the family and the school to develop a more positive relationship, and together help the student reach their highest potential.

References:

[1]Chang, H., Bauer, L., & Byrnes, V. (September 2018). Data Matters: Using Chronic Absence to Accelerate Action for Student Success. Retrieved from the Attendance Works website: <https://www.attendanceworks.org/data-matters/>

[2]Bauer, L., Liu, P., Whitmore Schanzenbach, D., & Shambaugh, J. (April 2018). Reducing Chronic Absenteeism under the Every Student Succeeds Act. Retrieved from the Hamilton Project/ Brookings Institute website: http://www.hamiltonproject.org/papers/reducing_chronic_absenteeism_under_the_every_student_succeeds_act

[3, 4]New York State United Teachers. (14 March 2018). Every Student Succeeds Act (ESSA) Overview, Fact Sheet No: 18-03. Retrieved from the NYSUT website: https://www.nysut.org/~media/files/nysut/resources/2018/2018_02_factsheet_18_3_essa_overview.pdf?la=en

[5, 6, 7]Lara, J., Noble, K., Pelika, S., & Coons, A. (2018). Chronic Absenteeism: NEA Research Brief. (NBI No. 57). Retrieved from the National Education Association website: <http://www.nea.org/assets/docs/Chronic%20Absenteeism%20NBI%2057-2017.pdf>

Dispute Resolution- All shapes and forms

by MaryAnn Louison, Volunteer Mediator

At some time in our early childhood, we learned that there was such a thing as shape. We also learned that each shape was assigned a name. One shape that has entered into our dispute resolution process is the circle.

I learned the significance of circles in teaching when I had my first kindergarten class. Starting our day in a circle and having a conversation was a good way to begin our learning time together. In fact, we called it "Circle Time."

Circles are often recommended as one way we might format a discussion. The circle makes it not only conducive to talk with others, but puts the individuals in an equal space. Everyone can be seen and heard without obstacles to block the view or the space where the words flow into.

Regardless of where this happens, the other essential element is the facilitator, who steers the direction of the topic at hand. In dispute resolution, it is with the hope of a resolution. However, even if the later is not attained, the facilitator's ability to shape this into a positive experience by maintaining the dignity and respect of each individual is at the core of facilitation in this circle, oblong, or square!

The preparation for the circle happens long before the space is set up. It happens in the planning process by the facilitator, who is conscious of anyone who has not had a circle experience or dispute resolution, and prepares the outline for this to happen. The facilitator sets the tone of the dialogue in the manner of words and listening, and often becomes the model or guide for how this comes to be.

The facilitator focuses on the purpose and the pace of the dialogue. My husband, an avid runner, will often remind me throughout the course of a day, to set my pace. Pace yourself and assist in the pacing of those involved. Be aware of that in the conversation. Words can sometimes be spoken so quickly that the gist of what the person is attempting to express gets lost.

When we are face to face with each other, we may be

more conscious of who has had the chance to give voice to the conversation and the possibilities of resolution. Everyone gets heard. Sometimes, being heard is not so much what is being spoken, but rather those words which await in silence.

Silence is not an enemy. There are times that the level of silence can become uncomfortable. Yet, there are often times when silence is needed to think. As facilitators tap into their own inner silence, it may be more possible to discern whether the silence within the circle is one of quiet, comfortable reflection or one of tension and edginess.

Dispute resolution is a powerfully humbling process especially for the facilitator. Whether the shape is actually set in a circle or not, the elements of the circular space holds equality and respect within its boundaries.

Conflict Coaching– Another approach to conflict resolution

by Miranda Smith, DRC Case Manager

Conflict Coaching is a fairly new program within our Dispute Resolution Center. It is a one-on-one conflict resolution process that uses an experienced coach to help an individual think about their conflict from other perspectives and develop an action plan to resolve their conflict. Conflict Coaching allows the individual to fully express themselves without worrying about what the other person they are in conflict with might think. It removes the "walking on egg shells" phenomena within conflict.

Conflict Coaching generally takes a few sessions to complete. Each session focuses on a particular stage in the process with the coach asking questions and encouraging perspective taking. In Stage 1, the participant tells their story about what happened. In Stage 2, the conflict is looked at in terms of the relationship between a person's sense of identity, their emotions, and their sense of power over the situation. In Stage 3, the participant creates a story that reflects what they would like to see happen moving forward. The final stage, Stage 4, gives the participant the opportunity to develop a plan to bring out a more positive outcome to the conflict.

So far, the response we have received from people who have used conflict coaching feel better about their ability to manage conflict. It can be an experience that brings hope to those who feel overwhelmed by their conflict.

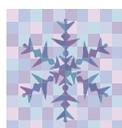


Save the Date! Catholic Charities Dispute Resolution Center of Delaware, Otsego, & Schoharie Counties Training Opportunities:

- **“Starting Mediation,”** either Tues., February 26 or Wed., February 27, 2019; Time/ Location: TBA. For more information, please contact Tom Pullyblank at tpullyblank@charitiesccdo.org
- **“Basic Mediation Training,”** Tues., January 22- Fri., January 25, 2019; EAC Network, 175 Fulton Ave., Hempstead, NY 11550. Contact: JaNeen.West@EAC-Network.org; (631) 265-0490. Cost: \$595
- **“Basic Mediation Training,”** Mon., February 25- Thurs., February 28, 2019; ILC Conference Center, 570 Lexington Ave., New York, NY 10022. Contact: Liz Bonici at ebonici@nycid.org; (718) 947-4036. Cost: \$1,350
- **“Basic Mediation Training: Conflict Resolution Theory & Techniques,”** Tues., Feb. 26 & Wed. February 27, 2019; New York City Bar Association, 42 West 44th St., New York, NY 10036. Contact: NYC Bar Association (212) 382-6663. Cost: \$1,795 (early bird rate); \$1,995 (after 1/15/19)
- **“Special Education Mediation Training (New Mediators),”** Tues., March 19 & Wed., March 20, 2019; ACCES VR Manhattan Office, 116 West 32nd St., 5th Fl., New York, NY. Contact: Shari Greenleaf, shari@nysdra.org
- **“Special Education Mediation Training– New ACCES VR Training,”** Thurs., March 21, 2019; ACCES VR Manhattan Office, 116 West 32nd St., 5th Fl., New York, NY. Contact: Shari Greenleaf, shari@nysdra.org
- **“Special Education Mediation Training (New Mediators),”** Wed., April 10 & Thurs., April 11, 2019; NYSdra, 4 Pine West Plaza, Suite 411, Albany, NY 12205. Contact: Shari Greenleaf, shari@nysdra.org
- **“Special Education Mediation Training (Experienced),”** Wed., April 24, 2019; Double Tree Hilton-Rochester, 1111 Jefferson Rd., Rochester, NY. Contact: Shari Greenleaf, shari@nysdra.org
- **“Special Education Mediation Training (Experienced),”** Wed., May 15, 2019; ACCES VR Manhattan Office, 116 West 32nd St., 5th Fl., New York, NY. Contact: Shari Greenleaf, shari@nysdra.org



Each newsletter we feature articles about our staff and volunteer mediators.



Kristie Hotaling, DRC Case Manager

I have been with Catholic Charities for 2 ½ years. At the beginning of October, I made the transition to the Dispute Resolution Center. Since that time I have been transitioning into the DRC from the Counseling program as well as the Alternatives to Incarceration program. The thought of being a neutral party, while individuals work to solve their problems is something that I love about mediations. During my time with the DRC I have observed parenting plan, agricultural, and small claims mediations. Each mediator that I have observed has their own style and approach to mediation. When I am not working I enjoy spending time with family, dogs, and reading books.



Visit the Catholic Charities of Delaware, Otsego & Schoharie Counties’ website and “like us” on Facebook!

<http://www.charitiesccdos.org/index.html>



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WANTED: VOLUNTEERS!

Do you know someone who might be interested in becoming a volunteer mediator or a volunteer translator? Please contact Tom Pullyblank, Director of Programming, (607) 432-0061, or by email at tpullyblank@charitiesccdo.org.