



COLORADO
Department of Education

Improving IEP Teams: Facilitative Skills for Resolving Conflict

ACRES Conference

2019

Mary Anne Fleury, Ph.D.- Colorado Department of Education



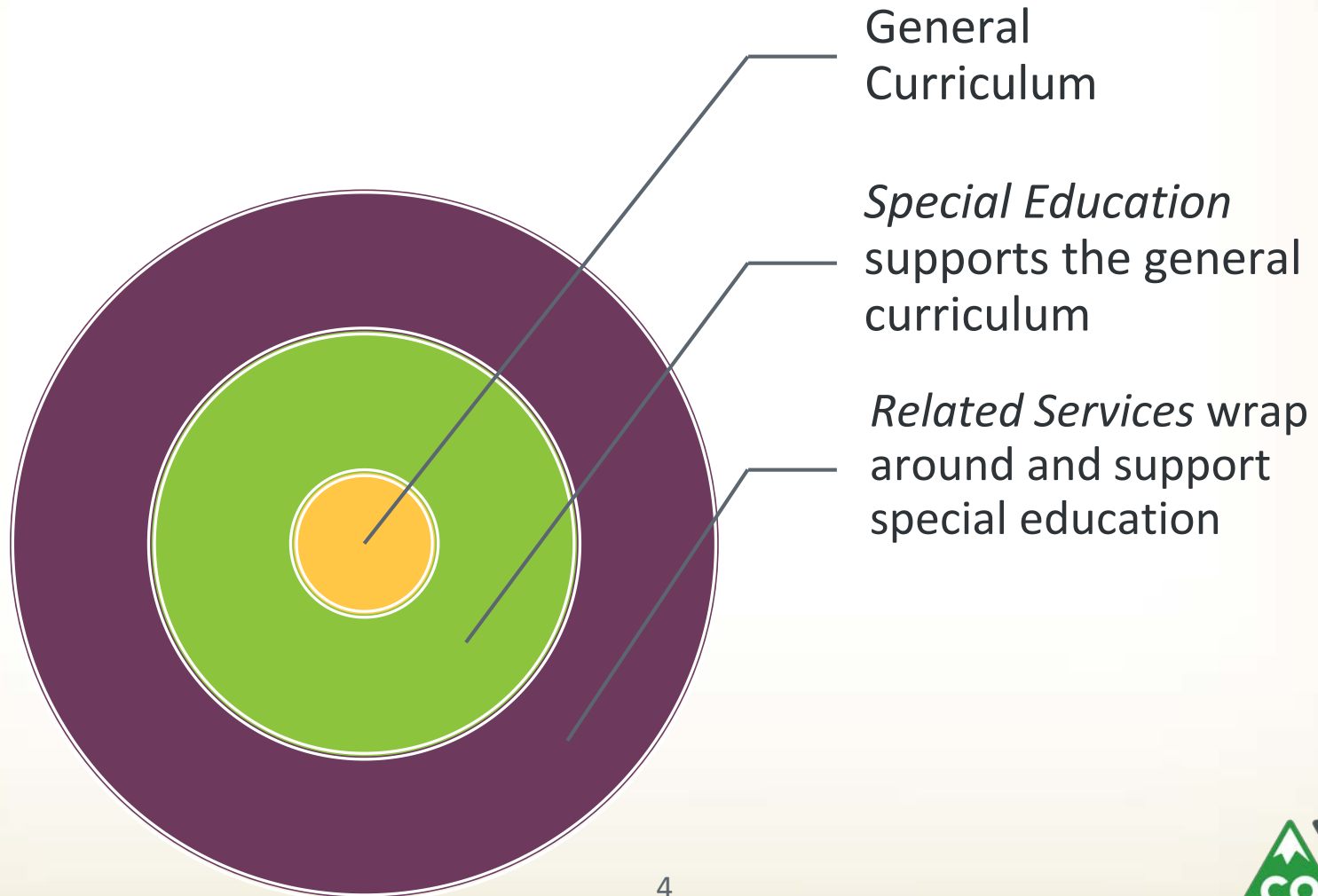
Mission: To provide a funded support system and toolbox of options, for ALL special education stakeholders in order to increase a more collaborative IEP process and relationships

The Challenge



- Most special education conflict centers on the development of the IEP.
- A natural imbalance of power exists that results in parents feeling undervalued in the IEP process.
- School staff members, administrators, and families often become focused on disagreement and engaged in a relationship strained by unresolved conflict.
- Nationally, school districts are spending over \$90 million per year on conflict resolution.

FAPE in the LRE



In Rural Special Education:

- There are fewer special educators doing the work of many
- We run our own meetings
- We work with families for many years
- Contention can impact collaboration for years



Therefore:

- Positive relationships are vital
- Tools are needed to run smoother meetings
- Collaboration is crucial
- Parent understanding is essential



The Data: Colorado's Dispute Resolution Statistics

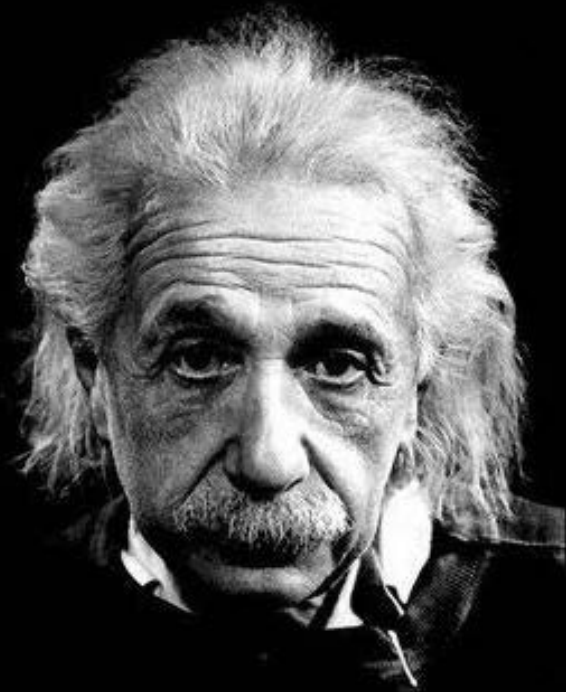
YEAR SE/ Total Pop	MEDIATION	STATE COMPLAINT	DUE PROCESS
2018 / 911,536	81	44	46
2017 100,677/ 910,280	57	35	40
2016 96,563/ 905,019	55	30	37
2015 93,652/ 899,112	56	23	42
2014 91,236/ 889,006	64	20	32
2013 89,204/ 876,795	41	13	15
2012 87,518/ 863,561	36	14	24
2011 85,308/ 854,265	51	13	20
2010 82,803/ 843,316	41	18	22

FINDINGS OF STATE COMPLAINTS

Districts Cited For Lack of:

- Parent Participation
- Implementation of the IEP
- Development of the IEP
- Comprehensive Evaluations
- Appropriate IEP Team Members
- Prior Written Notice
- Meetings held without appropriate IEP team members
- Failure to conduct Comprehensive Evaluations or consider Independent Evaluations
- Failure to determine Eligibility/Child Find
- Amendments made outside of IEP meeting
- Failure to provide parents with progress monitoring
- IEP not implemented at beginning of school year





We cannot solve our problems with the same thinking we used when we created them...

~Albert Einstein~

Our Solution: Facilitative Skills for all IEP Stakeholders

**THE BEST SOLUTION FOR
RESOLVING CONFLICT AND
BUILDING COHESIVE TEAMS.**

**When are facilitative skills
helpful?**



- **EVERY day.**
- **At EVERY IEP team meeting.**
- **Before disagreements become disputes.**

Benefits of Facilitation

According to the American Bar Association, benefits include:

Parties get to decide: All parties, who know the student, control the outcome.

Fosters continuing relationships: Facilitation does not dismantle relationships, it bolsters them.

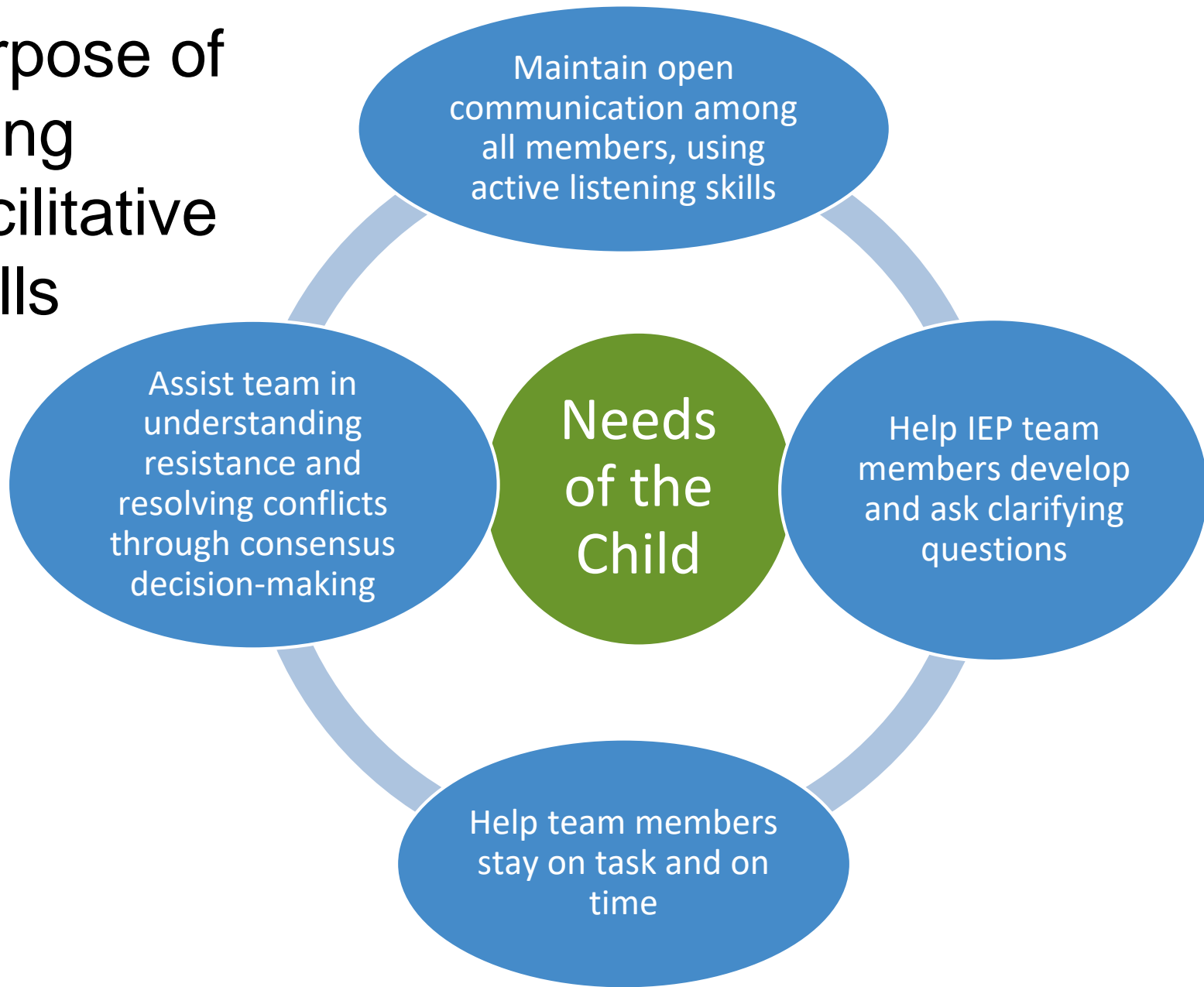
Facilitation deals with feelings: It respects that a child is at the heart of every disagreement.

Outcomes are durable: There is a higher level of satisfaction, resulting in more durable agreements.

Lower cost: Informal issue resolution is ALWAYS less costly than more formal options. Cost is measured on the human and financial dimensions.

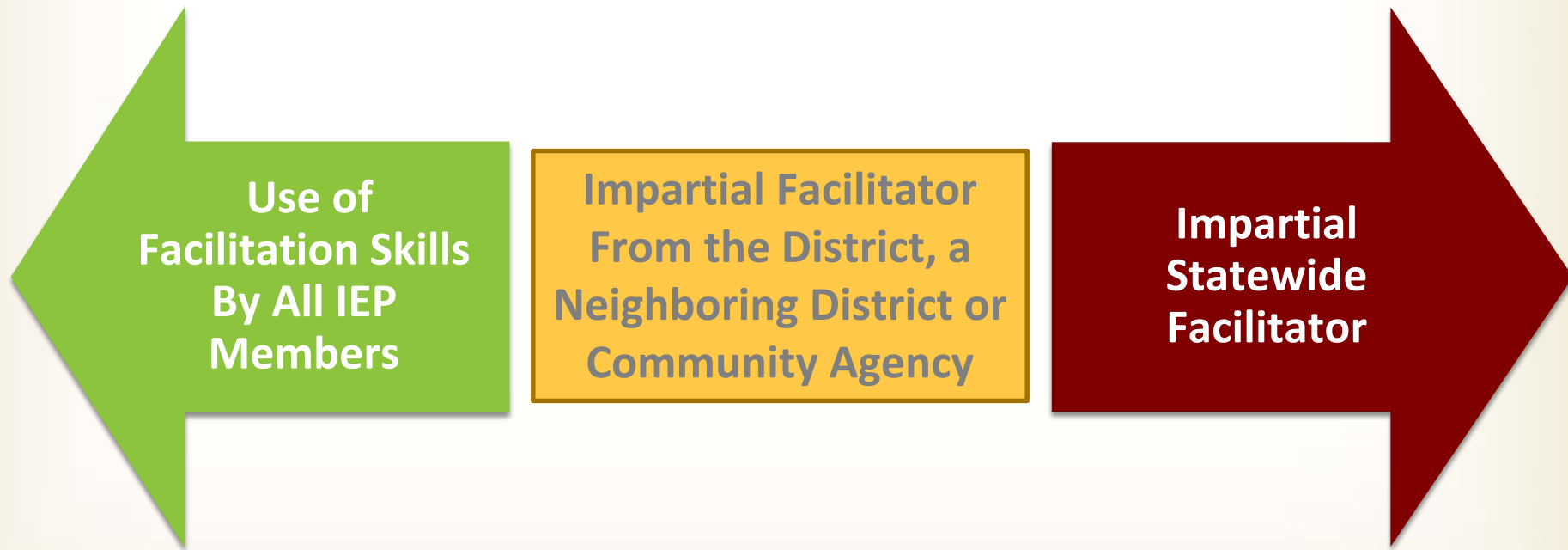


Purpose of Using Facilitative Skills



Facilitation Continuum

No matter your role, facilitation skills are invaluable and there are many options for engagement!



Alternative Dispute Resolution in Colorado



COLORADO
Department of Education

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Dispute Resolution Options

Rules and Regulations

Alternative Dispute Resolution

ADR Advisory Board

IEP Facilitation

Trainings

Decisions

Case Outcomes

[Individualized Education Program \(IEP\)](#)

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Location

Colorado Dept. of Education
Office of Special Education
1560 Broadway, Suite 1100

Home / Dispute Resolution

Alternative Dispute Resolution

The Alternative Dispute Resolution Project at CDE:

In 2013, the Colorado Department of Education (CDE) recognized, from parent and educator feedback, the need for more options to prevent IEP's from moving into contentious and costly dispute processes AND result in better outcomes for students. The Alternative Dispute Resolution Advisory Board was formed to look at best practices across the United States in alternative dispute resolution and decide where Colorado should start. As a result of the Advisory Board work, it was decided that IEP Facilitation was a highly promising practice that could work well in Colorado's local control model. **Use the buttons below to learn more about the project.**

- [Facilitated IEP Meetings Brochure \(PDF\)](#)

- [Request an IEP Facilitator \(GoogleDoc\)](#)

[Information on the ADR Advisory Board](#)

[Information on IEP Facilitation](#)

[Information on Trainings in Facilitation Skills](#)

Additional Resources:

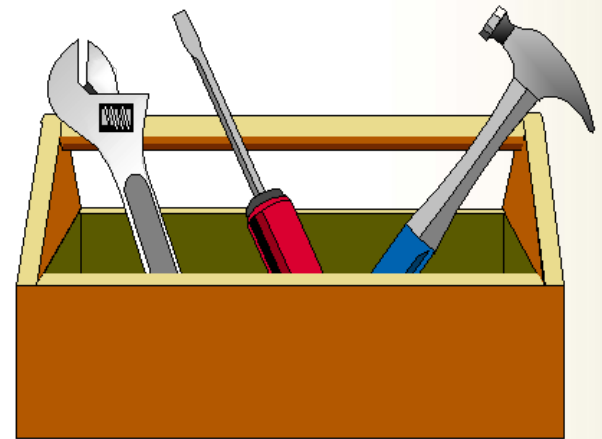
- [The Center for Appropriate Dispute Resolution in Education \(CADRE\)](#) is a national center that has many resources for "Encouraging the use of mediation and other collaborative strategies to resolve disagreements about special education and early intervention programs."
- [Working Together is a collection of CADRE video resources](#) on Listening, Positions & Interests, and a Tale of Two Conversations that are designed to support effective communication and collaboration between parents, schools, and early childhood programs.
- [Model Standards of Conduct for Mediators/Facilitators](#)
- [PEAK Parent Center](#)



Powerful Tools!

- **Remember to use VISUALS!**

- Aid in understanding
- Keeps team on track
- Neutralizes information



- **Opening Statement Checklist**
- **Comprehensive Evaluation Wheel**
- **FAPE Continuum**
- **Agenda Development Form**
- **Self Assessment on Facilitative Skills**

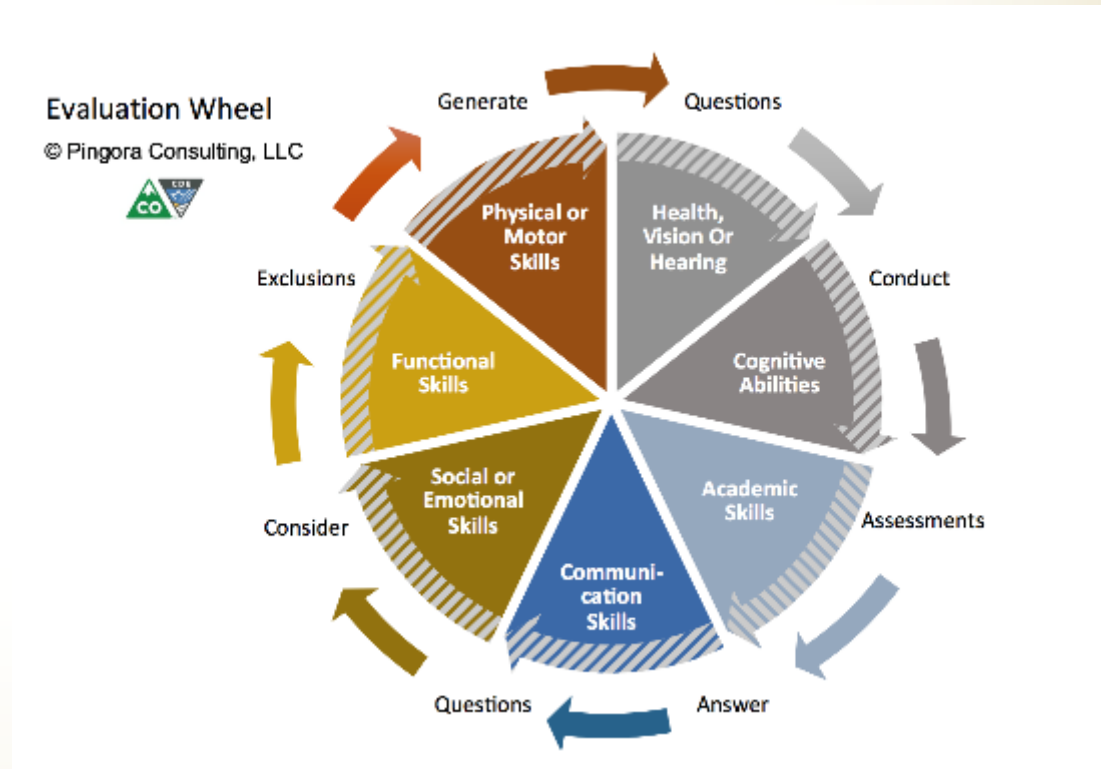
The Opening Sets the Tone

- Welcome and Introductions
- Recognize and affirm participation and commitment
- Explain purpose of the meeting
- Explain agenda use and purpose
- Explain meeting norms and seek agreement (if used)

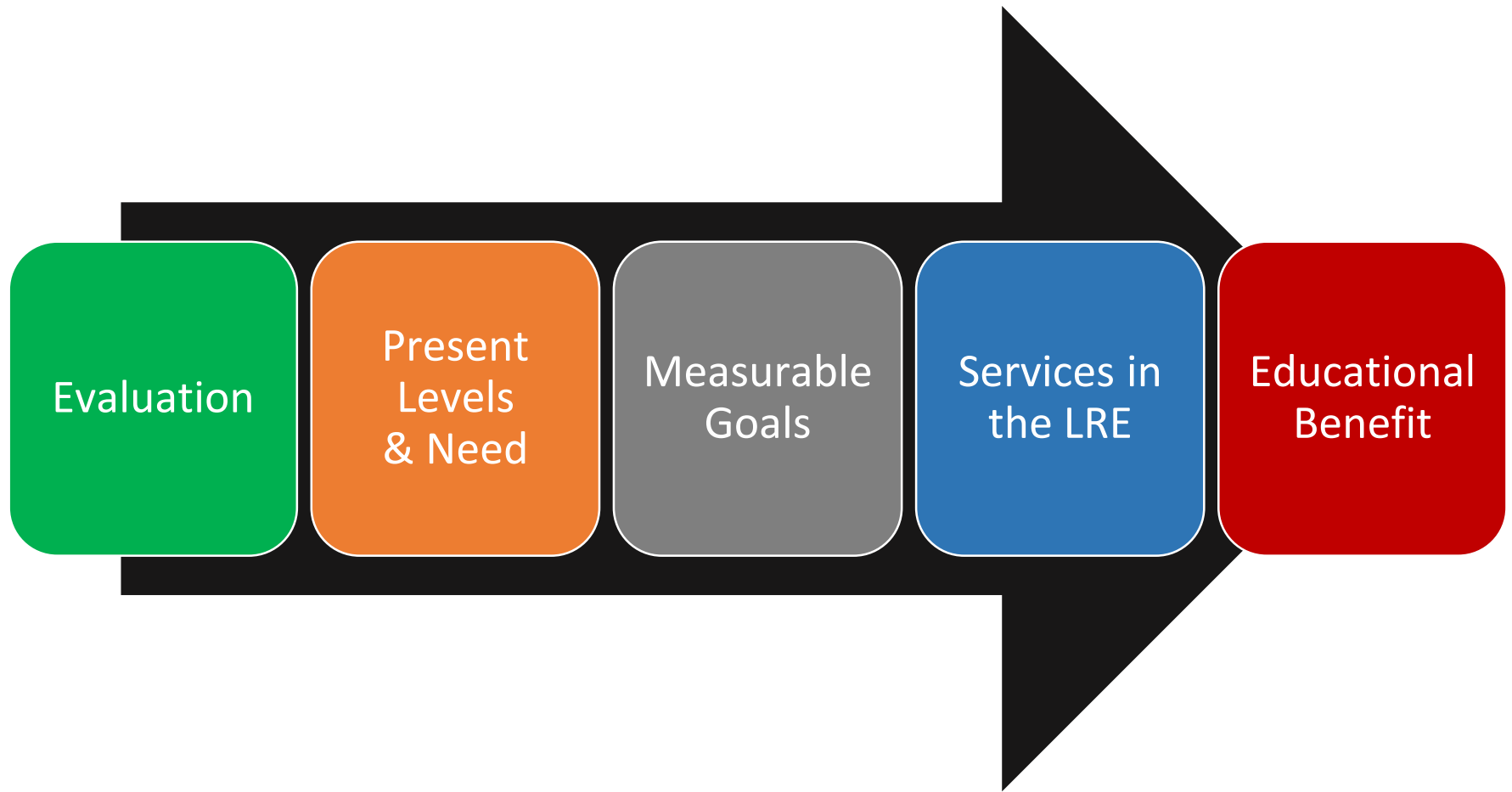


It Begins with a Comprehensive Evaluation

- Without a clear understanding of the student's educational needs, it is impossible to determine FAPE.
- *Educational needs* means academic, functional, social, or behavioral.
- It is a probing question model.



The FAPE Continuum



Agendas

Are living documents.

Plan, plan, plan

- Teams can grow trust and confidence by crafting a realistic agenda to help with the development of an IEP.
- It is common for groups to be overly ambitious in their estimates of what can be done in one meeting.
- Consider the team's history and the complexity of the work to be done.
- Be realistic.
- Get input from all team members.

Communicate the Plan

- An important aspect of agenda design is the way the agenda is documented.
- Simply put, the agenda must be well communicated. People can't follow a plan they don't understand.
Kaner (2014).
- From an IEP perspective, the opportunity for parent input into the IEP process is critical, and must be well documented.

Agenda Design

Kaner (2014)

Start of Meeting

Topic #1

- Begin
- Discuss
- End



Topic #2

- Begin
- Discuss
- End



Topic #3

- Begin
- Discuss
- End

End of Meeting

FOLLOW
THE LEADER

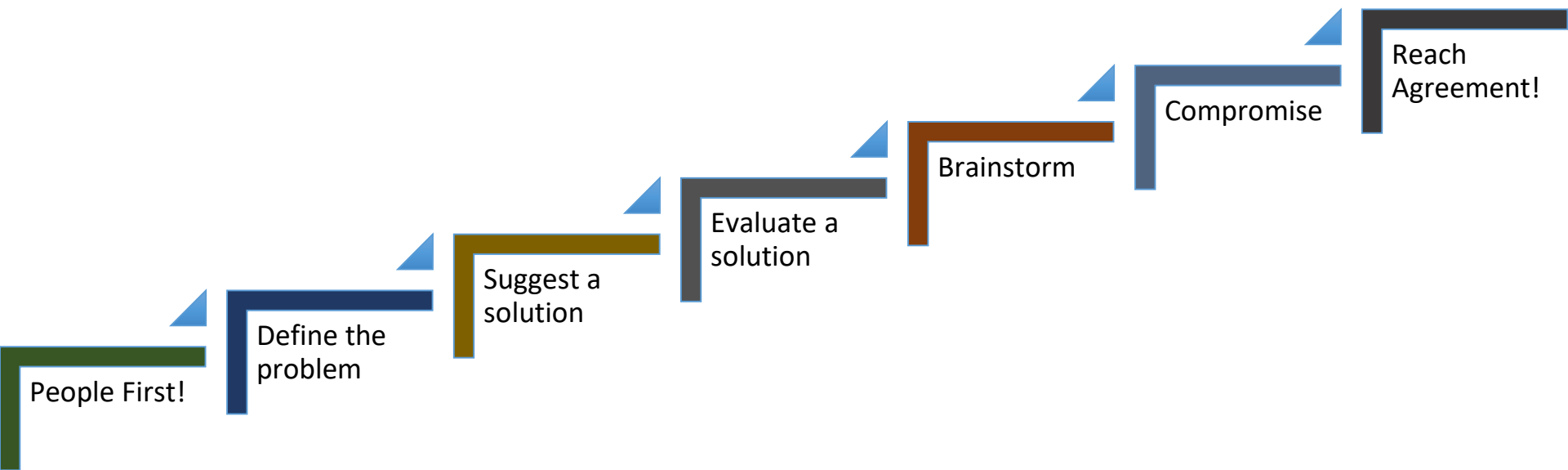


IEP Agenda Handout

What words enter your mind
when you think of Conflict?



Steps in Conflict Resolution



Conflict

Conflict is a signal or message
that something is not working
and needs to be different.

*~ Talk Through Conflict Using Interest-Based Problem Solving,
Education Service Center Region 4 (2011). ~*

Conflict Wheel



- When we understand the source of conflict, we can find a way to work through it.
- Different sources of conflict produce different challenges.
- **Find the PRIMARY source(s) of the conflict to find a solution.**

Conflict Wheel

Practice:

**Find the source of the conflict
to find a solution.**

Find the right match!



Understanding Conflict:

Identify the Source

“You don’t care about my child. It was the same way when I went to this high school.

No one respects students.”



Understanding Conflict:

Identify the Source

“How can you say my son is making progress? He is getting further and further behind his peers.”



Understanding Conflict:

Identify the Source

“The high school is on a block schedule, and there is not enough time for your child to retake the two classes he failed before graduation.”



Understanding Conflict:

Identify the Source

“My daughter needs a one-on-one para professional so she can stay in the regular classroom with her friends.”



Understanding Conflict:

Identify the Source

“I’m the Principal. I’m in charge of student safety. Don’t bring the student back until we can be sure it is safe.”



Understanding Conflict:

Identify the Source

“We expect parents to do their part, like helping their kids with their homework, getting kids to bed on time, responding to phone calls, etc. Your child would be more successful if you followed through at home.”



Strategic Questions



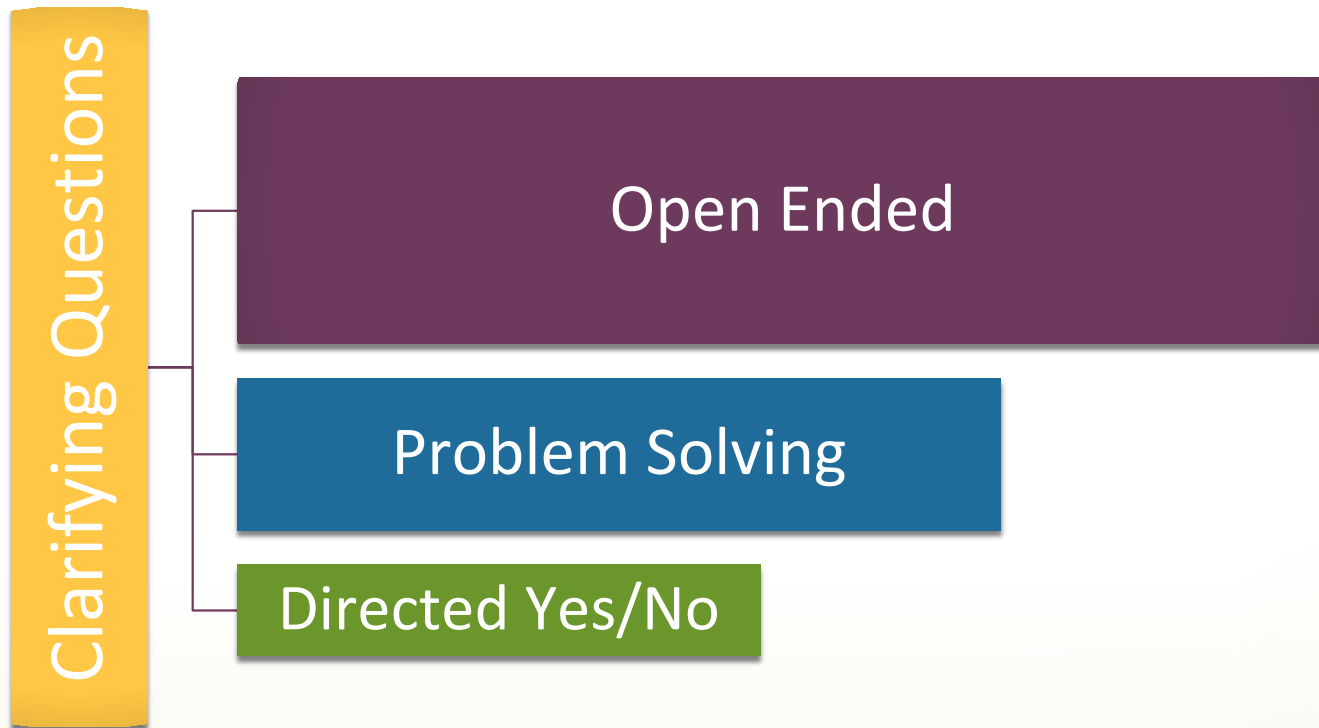
**FIND
OUT
THE
HEART
OF AN
ISSUE:
a
must-
have
skill**

Clarifying Questions

- Be careful not to ask questions in a manner that suggest merits on either parties' position.
- Equal care should be taken to avoid putting participants on the defensive.
- Strive for symmetry in the way parties are treated.

Straus Institute (2014).

Focus on Open Ended



Open Ended Questions

- **Helpful for the Identification of issues:**
 - What seems to be the trouble?
 - How do you feel about _____?
 - What is your greatest concern?
 - What seems to be the main obstacle?
 - Tell me more about . . .
 - What else do you believe is pertinent . . .
 - Help me understand . . .

Open Ended Questions

- **Helpful for obtaining more detail:**
 - Please explain in more detail . . .
 - What goes through your mind when you hear . . .
 - What other factors should be considered?
 - What do you mean by . . .?
 - Tell me more.

Straus Institute (2014).

Open Ended Questions

- **Helpful for obtaining more detail:**
 - Please explain in more detail . . .
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 - What other factors should be considered?
 - What do you mean by . . .?
 - Tell me more.

Straus Institute (2014).



Word Choice Suggestions

Good Choices

- Perspective
- Share
- In the event
- Perceptions
- Yes, and

Replace with:

- Position
- State
- Hopefully
- Opinions
- Yes, but

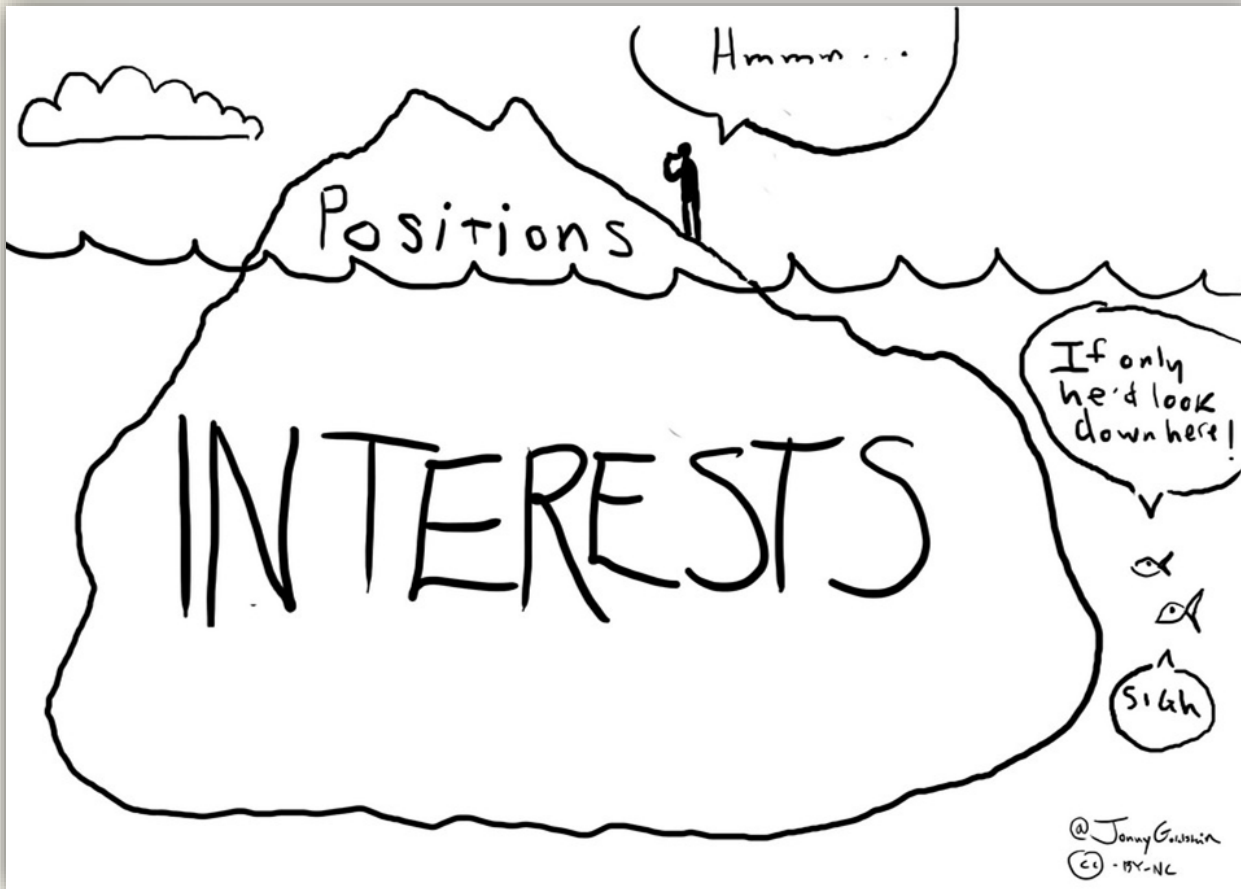
Practice the pause.

Pause before judging. Pause before assuming. Pause before accusing. Pause whenever you're about to react harshly and you'll avoid doing and saying things you'll later regret.

Lori Deschene

Daily Tips

Positions vs. Interests



**Dig
deep.**

Agreement lies in finding the interests underneath and behind the positions.

Understand the Difference

- **Issues, Positions and Interests**

- **Issue:** It is an identifiable and concrete question that must be addressed in order to reach agreement.
- **Position:** It is where a party stands on an issue.
- **Interest:** It is what motivates people. It is a concern, desire, need or something a person values.

Confusing Interests with Positions, University of Colorado.



Difficulty with Identification

Parties in dispute don't always identify their concerns, needs, and interests in a clear or direct manner. Reasons include:

- **Lack of awareness.**
- **Strategy.**
- **Emotional attachment.**
- **Unaware of how to move to their interests.**

Dig Deep



- Sometimes you have to dig deep behind the words you hear... to find the interests lying underneath the surface.
- Be focused and deliberate about neutralizing toxic language by talking about interests rather than positions.

The problem in conflict is not whether the party listens to us, but rather whether we listen to and understand the other parties' perspective."

~ Patterson, et al. ~

Evaluate Your Practices

- Where are you at in your understanding of facilitative skills?
- Do you practice these at every meeting?
- How do you deal with conflict?
- Are you able to resolve bitterness from previous experiences?
- Do you understand cultural issues/differences, and how to respond to them?
- Use the tools in the packet to improve your skills for every meeting!



Resources

- CDE website on IEP Facilitation:
<http://www.cde.state.co.us/spedlaw/edr>
- CADRE: A Tale of 2 Conversations Study guide & Videos:
<http://www.directionservice.org/cadre/TaleStudyGuide.cfm>
- CADRE Resources on IEP Facilitation:
<https://www.cadeworks.org/>
- Key2Ed: www.key2ed.com



For Additional Info on FIEP:

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cde.state.co.us/spedlaw/edr

Email with any questions or need for resources!

Strive for Symmetry!

In tone and body language.



Is This Important?

- Communication may be verbal or non-verbal.
- Communication could be through words - spoken or written, gestures, body language, facial expressions etc.

Is This Important?

- 93% of communication is nonverbal
 - 55% of the meaning is transmitted through body language,
 - 38% is transmitted through the attitude/demeanor of the communication, and
 - 7% is transmitted through words.

Dr. Albert Mehrabian, *Silent Messages*.

