

## Welcome!

Please identify one Special Education conflict you have experienced, or are experiencing, and write that on one of the chart papers on the wall.



**COLORADO**  
Department of Education

## Using Facilitative Skills to Improve Outcomes in the IEP Process

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Courage to Risk  
2020

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*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 Curriculum

The curriculum was developed for and approved by the Colorado Department of Education.

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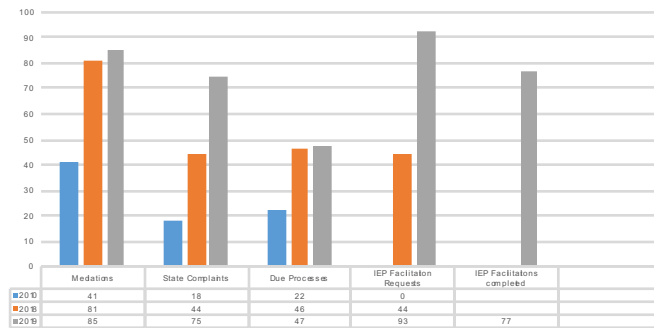
## The Challenge



- 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.



### Colorado's Dispute Resolution Statistics



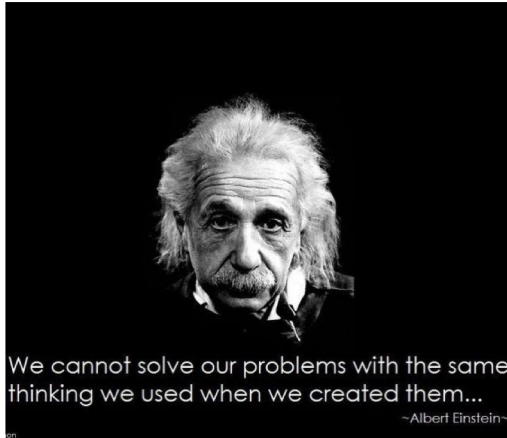
Note: The Special Education population in Colorado has grown by 19,278 from 2010-2018.



### 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



### Our Solution: Facilitative Skills for all IEP Stakeholders

THE BEST SOLUTION FOR  
RESOLVING CONFLICT AND  
BUILDING COHESIVE TEAMS.

When are facilitative skills helpful?

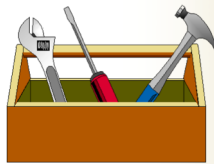
- **EVERY day.**
- **At EVERY IEP team meeting.**
- **Before disagreements become disputes.**



## 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
- Parent Reports



## The Opening Sets the Tone

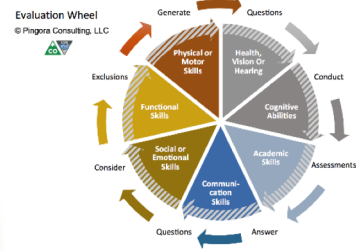
- Welcome and Introductions
- Recognize and affirm participation and commitment
- Explain purpose of the meeting
- Explain agenda use and purpose
- Explain meeting norms and seek agreement (if used)

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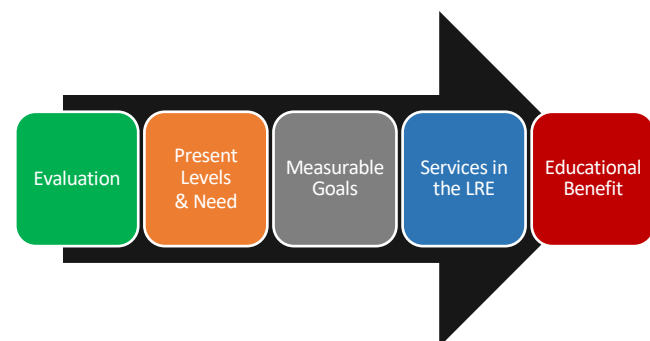
## It Begins with a Comprehensive Evaluation

- 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.



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## The FAPE Continuum



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## Productive Meetings

# Agendas

Are living documents.



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## 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.

Schwarz, et al. (2005).

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## 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.

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FOLLOW THE LEADER



## IEP Agenda Handout

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## Parent Reports

- Purpose is to gain input from the parent, as well as provide meaningful input, and an opportunity for parents to report at the meeting. Report can include:
  - Student strengths
  - Behavioral performance
  - Social interaction
  - Parent concerns

**Parent Input to IEP**

Please take a few minutes to complete this form for your student's upcoming Individualized Education Plan (IEP) meeting. The information you provide will assist the special education team in developing an appropriate individualized plan for your student. Thank you for your input.

Student Name: \_\_\_\_\_ Case Load Teacher: \_\_\_\_\_

1) Student Strengths: describe your student's assets and educational strengths.

2) Behavioral Performance: describe behavioral at home or school and/or specific examples of behavior that impede your student's performance.

3) Social Interaction: describe the student's interaction with parents, siblings, teachers and other students including specific examples where and how possible.

4) Please describe your concerns for your student (including future goals).

5) Please describe areas that you feel your student needs assistance.

6) Describe any concerns that your student may have about school.

7) Additional Comments:



## Identify one of the tools that you could use in the future

- Return to your conflict on the wall
- Review the tools shared
- Identify a tool that would support your situation
- Share how this will affect future outcomes



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## Additional Skills to Consider!

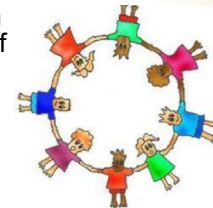
- You have the tools, now focus on these skills!
  - People First Language
  - Identifying Underlying Interests
  - Using Strategic Questions
  - Striving for Symmetry in Tone and Body Language



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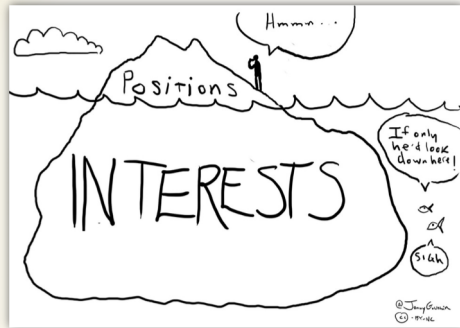
## People First Language

- Value and recognize the person first. This is an important part of the IEP process.
- Using People First Language helps the IEP team to stay focused on the child.



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## Positions vs. Interests



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

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**Dig deep.**



## 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.

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## Strategic Questions



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



## Clarifying Questions

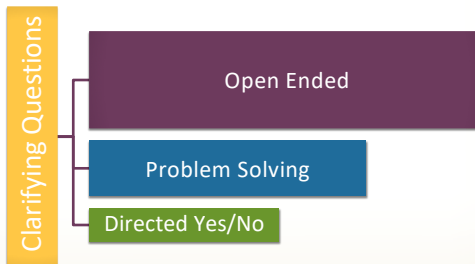
- Be careful not to ask questions in a manner that suggest merits on either parties' position.
- Avoid putting participants on the defensive.
- Strive for symmetry in the way parties are treated.

*Straus Institute (2014).*

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## Focus on Open Ended



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## 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 . . .

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## 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).*

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## Problem Solving Questions

- **Helpful to find out what really motivates the parties:**
  - Why is it that you want . . .
  - Help me to see why this is important to you.
  - I'm not sure I understand why you want . . .

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## Problem Solving Questions

- **Ask WHY NOT:**
  - Why not try . . .
  - What is the down side of . . .

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## Problem Solving Questions

- **Ask WHAT IF:**
  - What if the IEP incorporated . . .
  - What if the teacher was able to . . .
  - What if the student struggles . . .
  - What might happen if . . .

*Ury (1993).*

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## Directing Traffic Questions

- Can I hear from someone who hasn't spoken on this topic?
- Let's move to the person on your right.
- Have we reached consensus on this issue?

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## What Questions Are Effective for You?

Add to  
Your Question Bank!



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**Strive for Symmetry!**  
In tone and body language.

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## Think About This....

- 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*.

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## 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?

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## 10 Commandments Activity

- Take a walk!
- Read the 10 commandments
- Identify:
  - Green- what you do well
  - Yellow- what you are developing
  - Red- what you struggle with

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## What if I Need More?

When more assistance is needed,  
facilitation by an impartial Facilitator  
is

**POWERFUL**



## 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.

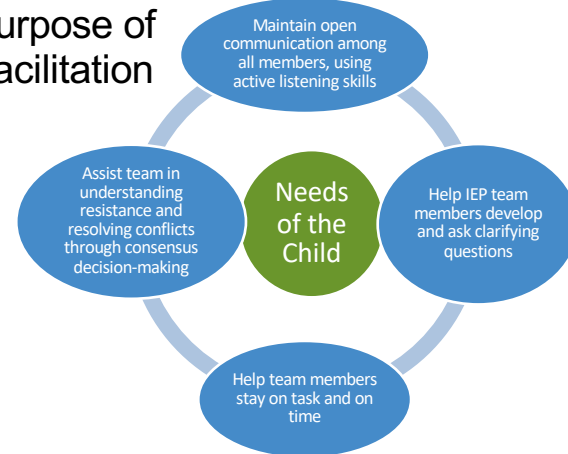
**Facilitation deals with feelings:** It respects that a child is at the heart of every disagreement.

**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 Facilitation



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## Facilitation is NOT

- An advocate representing one side or the other
- A mediator or confidential mediated agreements
- Due process
- A third party saying someone wins or loses



## Facilitation Continuum

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



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## Alternative Dispute Resolution at CDE

**Alternative Dispute Resolution**

The Alternative Dispute Resolution Project at CDE:

In 2014, 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. ADR resulted 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 Overview
- Facilitated IEP Meetings Brochure (PDF)
- Request an IEP Facilitator (GoogleDoc)
- Resolution IEP case facilitation (PDF)

[Information on the ADR Advisory](#) [Information on IEP Facilitation](#) [Information on Trainings in Fac.](#)

**Additional Resources:**

- The Center for Alternative 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 Learning, 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
- CADRE Direct Contact

**Contact:**  
 Mary Anne Fleury, Ph.D.  
 Alternative Dispute Resolution Specialist  
 Exceptional Student Services Unit  
 1500 Broadway, Suite 1200, Denver, CO 80202

**Dispute Resolution Homepage**

**Special Education Home**  
 Parents / Families  
 Directors / Corner  
 Disability Complaints  
 Dispute Resolution  
 Dispute Resolution Options  
 Rules and Regulations  
 Alternative Dispute Resolution  
 ADR Advisory Board  
 IEP Facilitation  
 Training  
 Decisions  
 Case Outcomes  
 Individualized Education Program (IEP)  
 Restraint Compliance Office  
 Results Driven Accountability  
 Additional Educator Resources  
 Calendar  
 Contact Us  
 Location  
 Colorado Dept. of Education  
 Office of Special Education  
 1500 Broadway, Suite 1200  
 Denver, CO 80202  
 Phone: 303-866-6649  
 Fax: 303-866-6656  
 TTY: 303-866-7000  
 Questions: [sped@denver.k12.co.us](mailto:sped@denver.k12.co.us)

## IEP Facilitator Request Process

1. IEP Facilitation Request received.
2. Agreement of both parties is secured.
3. A statewide facilitator is assigned, or one who is trained in your area will be identified.
4. Facilitator contacts district and parents to develop a mutually agreed upon agenda.
5. Before the meeting, Agreement to Participate in IEP Facilitation form is signed by both parties.
6. Facilitator begins with introductions and review of the agenda, allowing for revisions to be made at that time.
7. Evaluation is completed following the meeting.



## Skills Driven Classes

**6 Hour Class – Improving IEP Teams. Can be delivered in shorter modules.**

For *anyone* who ever attends any IEP or parent meetings.

February 12<sup>th</sup> at UNC Lowry

Can also be scheduled for your district!

**3 Day Certification For Those Who Want To Be a Facilitator**

For those who need to facilitate any meetings in your district and who may be willing/able to swap services with another district when a need arises.

February 25-26th



## Contact Us for More Info!

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