# IEP Facilitation

**Effective collaboration and shared problem solving through facilitation**

Arizona Department of Education
Dispute Resolution

# Let's talk about worst case IEP meetings...

http://www.azed.gov/disputeresolution/

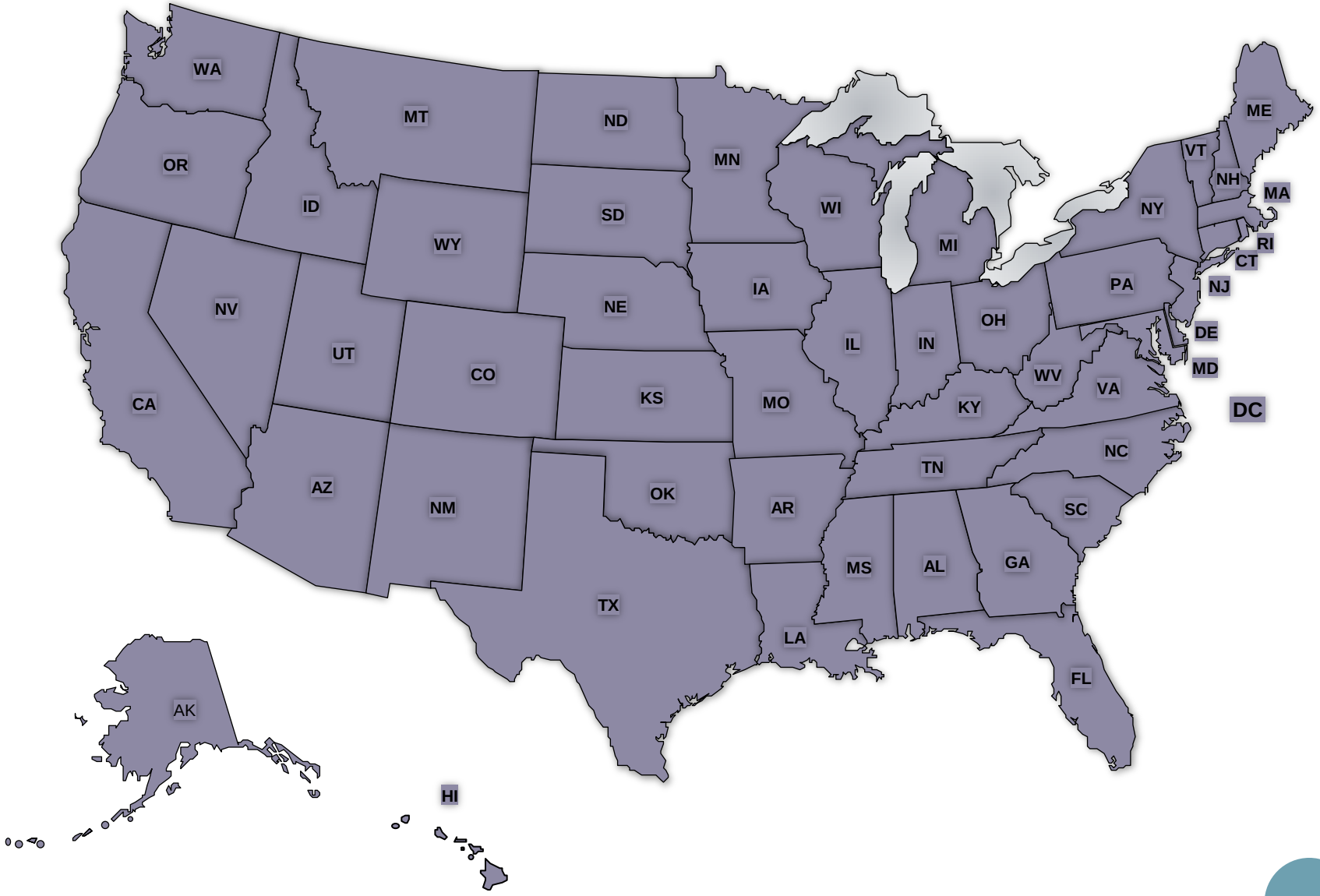
# National Trends in Dispute Resolution under the IDEA

- The IDEA requires states to offer formal processes to resolve conflicts arising between parents and schools.
- Use of these formal processes has declined since the full implementation of IDEA 2004.
- Much of that decline results from the use of early, more collaborative approaches to resolve IDEA-related disputes between families and schools.

# National Trends in Dispute Resolution under the IDEA

- States are making significant investments in early collaborative alternative dispute resolution activities:
  - 43 states and jurisdictions are providing, developing, or exploring the use of IEP facilitation;
  - 29 of these currently offer IEP facilitation statewide (compared to 9 in 2005); and
  - At least 25 states support other activities, including local capacity building, ombudspersons, stakeholder training, advisory opinions, and other innovative approaches.
- Some states indicate that the use of collaborative approaches is linked to less use of formal processes, leading to fiscal savings, increased system efficiencies, and improved school-family relationships.

Center for Appropriate Dispute Resolution in Special Education (CADRE), October 2015




# States Offering IEP Facilitation in [redacted]

# Introducing a Facilitated IEP culture to your PEA:

Arizona step 1: IEP facilitation trainings

- Beginning in 2014, Dispute Resolution committed to provide state-wide capacity building FIEP trainings

# What is a PEA-led facilitated IEP meeting?

- A PEA-led facilitated individualized education program (IEP) meeting is one in which:
  - A PEA employee, designated as the facilitator, assists the IEP team in developing an IEP that provides a free appropriate public education (FAPE) to the student
  - An IEP is developed by a collaborative team whose members share responsibility for the meeting process and results
  - Decision-making and any conflicts that arise are managed through the use of facilitation skills
  - Keeps the meeting focused on the student

# How does a FIEP culture benefit your PEA?

- Builds and improves relationships among IEP team members and between parents and schools
- Keeps the meeting focused on the student
- Models effective communication and listening
- Provides opportunities for team members to resolve conflicts if they arise
- Supports the full participation of all IEP team members
- No cost to the parties and typically less stressful than formal dispute resolution options
- Is the IEP meeting and thus does not require a separate meeting

# Creating a state-wide facilitated IEP culture

Arizona step 2: State-wide facilitated IEP system

- During the 2016-2017 school year, a state-wide facilitated IEP system was established
- Similar to the current mediation system:
  - The parent(s) or the public education agency must contact ADE/DR to request a facilitation
  - ADE/DR obtains assurances that both parties are willing to participate and a facilitator is assigned
  - At no cost to either party
- The facilitators:
  - Maintain impartiality and do not represent the parent, student, school district/charter school, or state education agency
  - Does not make decisions. The members of the IEP team are the decision-makers

# Vision

The Arizona FIEP Program's vision is to build capacity among educators and families to ensure that collaborative, student-focused IEP teams are equipped to make sound decisions in the development of IEPs that offer children with disabilities a free appropriate public education.

Break

# The FAPE Mandate

Under the IDEA, all children with disabilities are entitled to a free appropriate public education – a FAPE – that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living.

# The FAPE Mandate

FAPE is defined to mean special education and related services that:

- Are provided at public expense, under public supervision and direction, and without charge
- Meet the standards of the State Education Agency
- Include preschool, elementary school, or secondary school education in the State
- Are provided in conformity with an IEP

# Individualized Education Program (IEP)

An IEP:

- Is a written statement for a child with a disability
- Is developed by the child's IEP team
- Must be reasonably calculated to provide a FAPE
- Must be reviewed and revised, as appropriate, at least annually
- Must be implemented as written
- Must be in effect at the beginning of the school year
- Must be provided to the parent at no charge

# IEP Team

The IEP team <u>must</u> include:

- The child's parents
  - The adult student, if legal rights have transferred
- Not less than one of the child's regular education teachers
- Not less than one of the child's special education teachers
- Individual to explain evaluation results
- A representative of the public school
- The student when secondary transition is being discussed

# IEP Team

The IDEA defines parent as:

- A biological or adoptive parent
- A foster parent
- A legal guardian
- An individual acting in the place of a biological or adoptive parent
- A surrogate parent

*When more than one person meets the definition of a parent, the biological or adoptive parent (when attempting to act as a parent) must be presumed to be the parent unless he or she does not have legal authority to make educational decisions for the child.*

# IEP Team

The Student

- Should be invited to the IEP when appropriate
- Must be invited to the IEP meeting anytime secondary transition components will be discussed

Transfer of Rights at the Age of Majority

- Rights transfer at the age of 18
- Discussion and documentation of the transfer of rights must occur by the students 17th birthday

# IEP Team

Representative of the public school

- Is qualified to provide, or supervise the provision of, special education
- Is knowledgeable about the general curriculum
- Is knowledgeable about the availability of the school's resources, <u>and has the authority to commit those resources</u>

# IEP Team Meetings

Consensus

What it is:

- A general agreement
- What all teams need to work toward

What it isn't:

- A popular vote where majority rules
- Unanimous
- Unilateral

*When consensus is not reached, the decision is made by public agency representative*

# IEP Team Excusal

IEP team excusal if the member's area <u>is not</u> being modified or discussed:

- Any member may be excused from the entire, or part of, an IEP team meeting
- The parent and the school must *agree* to the excusal in writing

IEP team excusal if the member's area <u>is</u> being discussed:

- Any member may be excused from the entire, or part of, an IEP team meeting
- Parent and school must *consent*
- Excused member must submit written input prior to the meeting

# The IEP Team may also include:

- Related service personnel
- Additional general and/or special education teachers
- Paraprofessionals or other classified personnel
- Any person the parent or school believes has knowledge or special expertise regarding the child
- Whenever possible, the student (even if postsecondary transition is not being discussed)
- Outside agency representatives (with prior permission from the parent or adult student)

# Prior to the Meeting

Know the IEP team members <u>and their roles and responsibilities</u>

- If you are a required team member, you are at the meeting for a reason and have a job to do
- No one likes to participate if they do not fully understand their role
- Begins the creation of a true team
- It is the facilitator's responsibility to educate team members about their roles

# During the IEP Meeting

Roles and responsibilities

- As a part of the introduction, each of the team members should state their names and their roles.

For example:

"Hi, I'm Randy. I am Sally's second grade general education teacher. Sally spends most of her day in my classroom. I monitor how she is progressing in the general education curriculum, and what accommodations work for her in my classroom. I am here today as an expert on the second grade curriculum, and can answer questions about the second grade. I will also be the time-keeper at today's meeting."

Break

*"Success depends upon previous preparation, and without such preparation there is sure to be failure."*

*~ Confucius*

# Prior to the Meeting

Pre-Meeting Interviews with:

- Parent
- School- based IEP team members (which may include non-required team members)
- Student

Purpose of pre-meeting interviews:

- "De-mystifies" the process
- Works to build trust
- Helps to prevent surprises at the IEP meeting
- Helps gather information to create the meeting agenda

Packet pg.7-8

# Prior to the Meeting

**Agenda**

- Welcome, Introduction and Roles
- Review ground rules, parking lot, action plan
- The IEP:
  - PLAAFP
  - Measurable annual goals
  - Services/supports
  - Educational placement
- Conclusion
- Procedural Safeguards
- Parking lot, Action plan

# IEP Development

In developing an IEP, teams must consider:

- The child's strengths
- The parents' concerns
- The results of the child's most recent evaluation
- The child's academic, developmental, and functional needs

# The Parts of the IEP

Each student's IEP must include several specific components, each of which is meant to be considered carefully by the entire IEP team.

The IEP has four main parts:

- **Present levels**—What do we currently know about the student and his needs?
- **Measurable annual goals**—Based on his needs, what do we want the student to be able to do next in order to move forward?
- **Special education and related services & supports**—What kind of help does the student need in order to work on those goals and the general curriculum?
- **Educational placement—**What is the least restrictive environment in which the student should be placed in order to successfully access these services and supports and the general curriculum?

  - **This is meant to be a process. Each decision sets up the next part.**

# Present Levels of Academic Achievement and Functional Performance

*Step 1: What do we currently know about the student and his needs?*

- **Present:** Describe what has happened recently and what is happening right now with the student.
- **Levels:** Describe actual data—the levels at which the student is performing. Give qualitative and quantitative levels.
- **Academic Achievement:** Describe the student's academic performance. How is his performance in the general curriculum across all subject areas? Is he advancing toward attaining his academic measurable annual goals?
- **Functional Performance:** Describe how the student is functioning in school. What is his behavior and attitude like? Does he make friends easily? How is his communication? Is he advancing toward attaining his functional measurable annual goals?

- This is the PLAAFP formula for ***all*** students regardless of their disability categories.

# Measurable Annual goals

*Step 2: What do we want the student to be able to do next in order to move forward?*

- The IEP must include a statement of measurable annual goals based on needs identified in the PLAAFP.
  - There will not be a goal for every need; the team must prioritize.
  - Goals are not limited by disability categories, but rather are needs based and individualized.
- Include academic **and** functional goals that meet the student's needs that arise from the disability, and other needs, to enable the student to be involved in and make progress in the general curriculum
- Include benchmarks or short term objectives for children who are assessed using assessments aligned to alternate standards
- Include how progress toward meeting each goal will be measured and when periodic progress reports will be given to parents

# Services and Supports

- *Step 3: What kind of help does the student need in order to work on those goals and the general curriculum?*
  - **Special education:** Specially designed instruction, which means adapting the content, methodology, and delivery of instruction as appropriate to meet the unique needs of each student with a disability and to ensure the student's access to the general curriculum so the student can meet the same educational standards as all children
  - **Related services:** Developmental, corrective, and other supportive services that are required to assist a student with a disability to benefit from special education
  - **Supplementary aids and services:** Includes program modifications, supports for school personnel, assistive technology, paraprofessional support, other classroom aids, etc.
    - Provided in regular classes, other educational settings, extracurricular activities, and nonacademic settings to enable students with disabilities to be educated with nondisabled children to the maximum extent appropriate based on the individual student's needs

# Educational Placement

- *Step 4: What is the least restrictive environment in which the student should be placed in order to successfully access these services and supports and the general curriculum?*
  - **LRE:** To the maximum extent appropriate, students with disabilities should be educated with nondisabled peers in their home schools. Placement in special classes or schools away from nondisabled peers should only occur when students cannot be satisfactorily educated in the regular classroom with supplementary aids and services.
    - For each student, his or her LRE will be the environment that puts the least restrictions on learning and allows appropriate participation in the general curriculum.
  - **Continuum of Alternative Placements:** Schools must ensure the availability of a continuum of educational placements. Placement decisions must be made by the IEP team based on the student's unique needs and may not be dictated by schools' service models or staff resources.

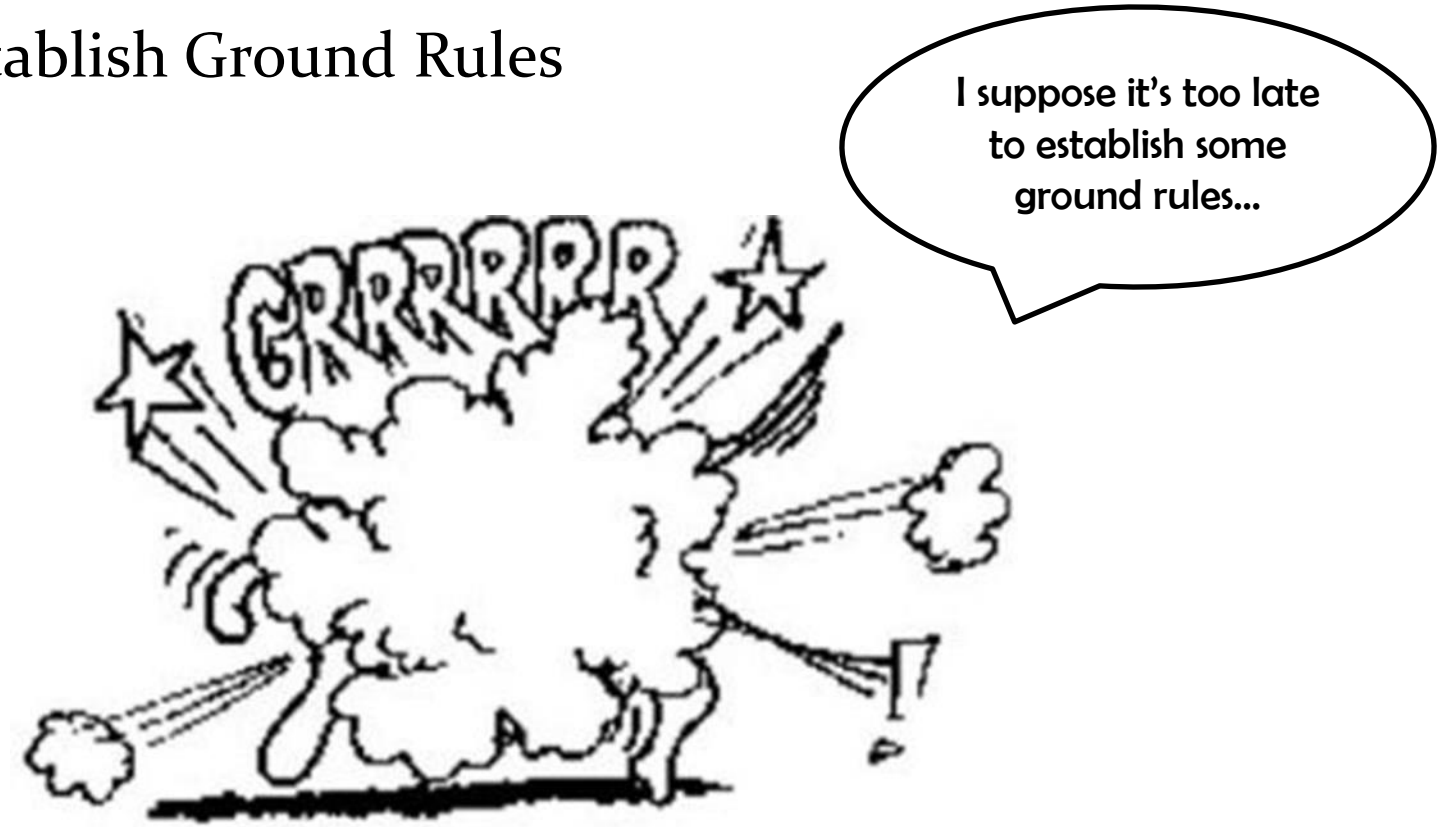
# Prior to the Meeting

**Agenda**

- Welcome, Introduction and roles
- Review ground rules, parking lot, action plan
- The IEP:
  - PLAAFP
  - Measurable annual goals
  - Services/supports
  - Educational placement
- Conclusion
- Procedural Safeguards
- Parking lot, action plan sheet

# Prior to the Meeting

## Establish Ground Rules



# Prior to the Meeting

Upon Arrival. . .

- Allow time to select and/or arrange the meeting room.
  - As a facilitator, you may want to establish a specific seating plan.
- Will technical devices be used? Are these in place?
- Interpreter?
- Did you bring copies of the agenda, chart paper, and the ground rules?
  - Additional matters to consider:
    - Location of building resources (bathrooms, etc.)
    - Do you have your needed supplies?
      - Markers and flip charts? Clock/watch? Access to copy machine? Kleenex? Pencils and paper? Water? Snacks? Fidgets?
    - Specific needs of the parties (when accommodations are requested)
- Prepare front desk person for the arrival of participants.

# Room arrangement options

# During the IEP Meeting

Arrival of the IEP team members

- Use your first in-person contact with the parties to begin establishing rapport and setting the climate for a productive Facilitated IEP meeting.
- If possible, escort the parties into the room and to their seats.
- Before the formal introduction of roles and responsibilities, introduce yourself, learn their names, clarify again whether you will be using first or last name.

# During the IEP Meeting

The opening statement

- The purpose of a good, succinct opening statement is to:
  - Create a safe and positive environment
  - Clarify the facilitator's role, the purpose and expectations of the process
  - Allow parties to develop trust in the facilitator and the process
  - Answer any additional questions the parties may have about the process
- Refer to "Facilitator Opening Statement Checklist"

Packet pg.12-13

# During the IEP Meeting

The Parking Lot

- A place to add topics that are mentioned during the IEP meeting that are outside of the IEP
- Reassures the parties that these will be addressed, either at a later date or at the end of the meeting
- Include in project plan sheet
- Examples of parking lot items:
  - Cafeteria/lunch items
  - Playground
  - Kids being “mean”
  - Specific teacher concerns
  - Bus
  - Nursing and care plan issues

# During the IEP Meeting

The group memory

- A visual record of the meeting that helps the group stay focused on the task
- Includes the agenda, key words/phrases spoken by the participants, and agreements reached
- Helps all participants remember their ideas and agreements
- Serves as a foundation for the school to prepare the prior written notice

# The IEP Meeting conclusion

- Briefly summarize decisions
- Action Plan Sheet – Including items from the Parking Lot
- Procedural Safeguards Notice

# Procedural Safeguards Notice (PSN)

- The IDEA includes a system of “procedural safeguards” to protect the rights of children with disabilities and their parents.
- These procedural safeguards must be given to parents in the form of a notice written in the parents’ native language and in an easily understandable manner.

# Procedural Safeguards Notice (PSN)

The PSN must be provided at least once a year, and:

- Upon initial referral for an evaluation by the school or parental request for an evaluation
- Upon receipt of the first administrative complaint in a school year
- Upon receipt of the first due process complaint in a school year
- Upon removal of the student for disciplinary reasons when the removal constitutes a change in placement
- Upon parental request

# Procedural Safeguards Notice (PSN)

The PSN must include an explanation of the following topics:

- Independent educational evaluations (IEE)
- Prior written Notice (PWN)
- Parental consent
- Access to educational records
- Dispute Resolution
- Child's placement during the pendency of a due process hearing
- Placement in an interim alternative educational setting (IAES)
- Unilateral placement of children in private schools at public expense by their parents

# Parent Participation

Parent participation is a Procedural Safeguard:

- Parents must be afforded ample opportunity to be active members in the educational decision making of their child.
  - Provide multiple means of meeting notification besides meeting notice
  - Offer alternate means of participation
    - Teleconference
    - Telephone
- Holding a meeting without the parents if they refuse or are unreachable
  - Documentation of efforts to involve parent
  - Must have provided ample time in which to attend

# IEP Team Meetings

Parent participation:

- Meeting notice
- Mutually agreed upon time and location
- Alternate means of participation
- Holding a meeting without the parent

# Prior Written Notice (PWN)

Prior written notice must be given to parents a *reasonable* time before the public agency proposes or refuses to initiate or change the:

- Identification
- Evaluation
- Educational placement
- The provision of a FAPE

# Prior Written Notice (PWN)

- PWN is a vital component of parents' procedural safeguards.
- PWN communicates information from the PEA to the parents.
- PWN is a record of the PEA's decisions that have been made but have not yet been acted upon.
- PWN gives parents notice so they may seek resolution if they disagree with a decision.

# PWN Language Requirements

- PWN must be written in language understandable to the general public.
- PWN must be provided in the native language or in the mode of communication used by the parent, unless it is clearly not feasible to do so.
- If the parent's native language or other mode of communication is not a written language, the school must take steps to ensure that the notice is translated orally and that the parent understands the content of the notice.
  - The school must maintain written evidence that these steps were undertaken.

# PWN for Annual IEP Team Decisions

A typical annual IEP meeting will result in decisions about the provision of a FAPE and educational placement.

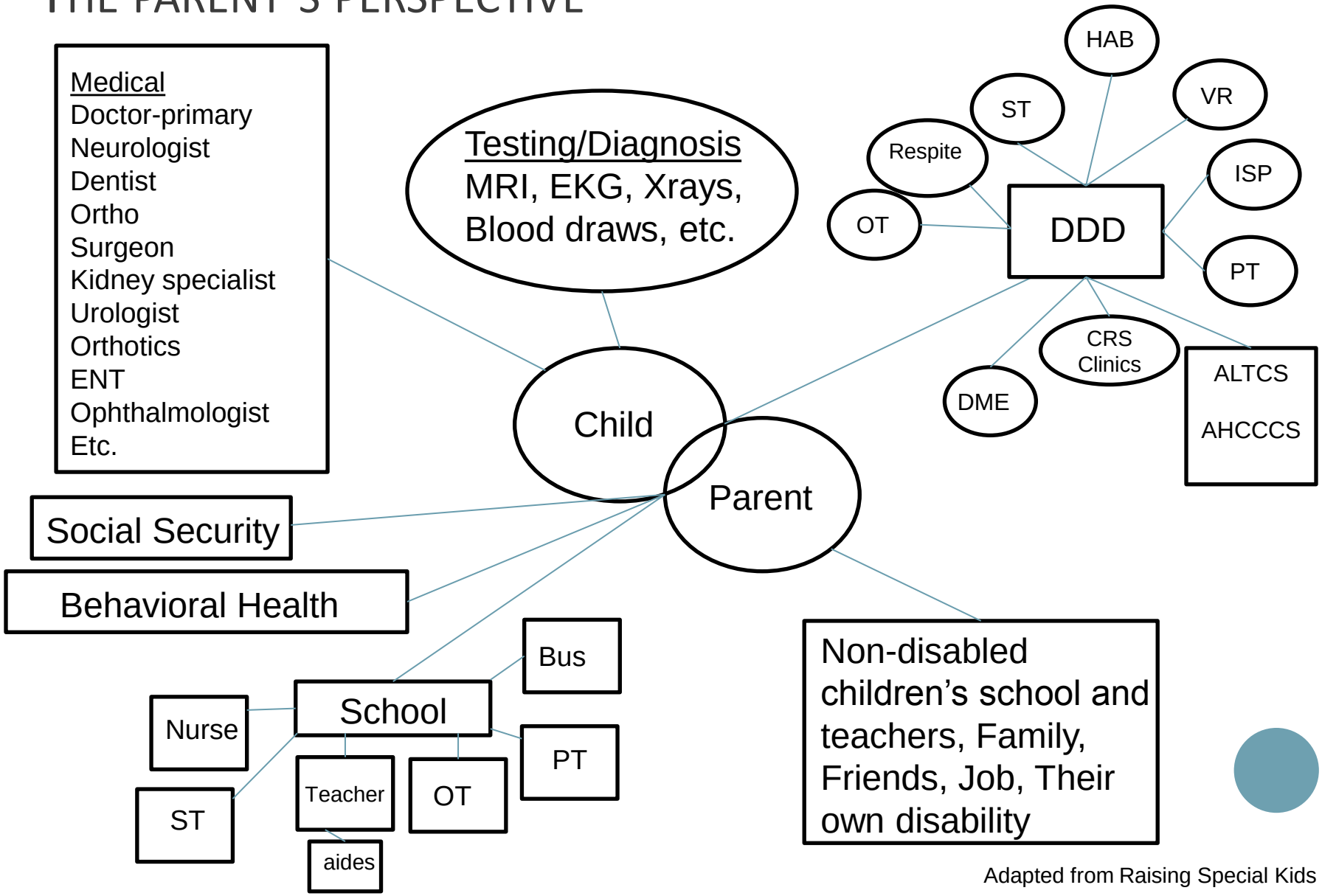
- FAPE: PWN is required after an IEP has been developed and FAPE has been determined, but before it is implemented.
  - When the IEP team has determined what constitutes a FAPE for a student (including goals, services, supports, etc.) and the school proposes to implement the team's decisions
  - When a parent requests additions or modifications to the student's FAPE that the school refuses to implement

# PWN for Annual IEP Team Decisions

A typical annual IEP meeting will result in decisions about the provision of a FAPE and educational placement.

- Educational placement: PWN is required after a student's placement along the continuum of alternate placements within the student's LRE is determined, but before the student is moved to that placement.
  - When the IEP team has determined the appropriate educational placement for a student and the school proposes to implement the team's decision
  - When a parent requests an educational placement for a student that the school refuses to implement

# The parent's perspective




Adapted from Raising Special Kids

# How do we help parents become active members?

- A parent is their child's best advocate. An advocate speaks out for another. An advocate is not an adversary.
- What should families know about IDEA to be effective advocates?
- What should families know about your school/district to be effective advocates?
  - Policies and procedures
  - Staff organization hierarchy
  - Problem solving process

**How are you teaching parents to be positive, effective advocates for their children?**

**How are you involving parents in your school/district?**

# Cultural sensitivity

There are 2 significant levels of cultural competence:

1. The first level is a basic understanding of certain beliefs, dynamics, and customs that can greatly influence the lives of individuals within certain cultures.
   - This is not to say that all of these customs or beliefs apply to all individuals within a particular culture.
   - However, such an understanding "opens cultural doors" to relationships, and leads to the second level.
2. The second level is exploration of individual and unique issues.

# Communication skills

Communication involves three components:

1. Verbal messages- the words we choose
2. Paraverbal messages- how we say the words

   "I didn't SAY you were stupid."
   "I didn't say YOU were stupid."
   "I didn't say you were STUPID."

3. Nonverbal messages- our body language

7-38-55

In all of our communications we should strive to send consistent and clear verbal, paraverbal and nonverbal messages, and hear and correctly understand messages someone is sending to us.

# Effective listening- more than simple hearing

- Keep the focus on the speaker
- Listen with care, empathy, and curiosity
- Demonstrate understanding

Empathy is trying to understand a situation from another person's perspective. It is not sympathy which is only being nice and agreeing with their values and beliefs.

*"I like to listen. I have learned a great deal from listening carefully. Most people never listen."*

*~ Ernest Hemingway*

# Reflective listening skills

- Paraphrase for clarity
- Acknowledge feelings- emotional labeling
  - It seems like…
  - It sounds like…
  - It looks like…

  Then be quiet and listen.
  Most people will expand.
- Inquire to learn- ask open-ended questions
  - What…?
  - How…?
  - ~~Why~~…?

  Invites collaboration, feelings of being treated with respect.
- Effective pauses
- Minimal encouragers
- Mirroring
  - Insinuates similarity.
  - Repeat the last three words (or critical 1-3 words) or what someone just said.

# Conflict

Our society's view of conflict is brought into focus with this definition from the Merriam-Webster Dictionary:

1. Fight, battle, war
2. A competitive or opposing action of incompatibles
3. A difference that prevents agreement

# Conflict:

## beginning to look at conflict in a new way

- Conflict is a natural part of human social life.
- Conflicts occur when real or perceived differences between individuals (or groups) impede parties from meeting their needs, values, or goals.
- Conflict in and of itself is neither negative nor positive.
- Conflict can be destructive when it is not resolved.
- Conflict can be positive when parties are able to manage their differences and can resolve issues constructively.

# Seven types of Conflict

- One of the first steps in resolving conflict is to understand what the conflict is actually about
- Most conflicts will have one or more of these elements as root causes. Generally, a solution to conflict will match the cause.
  - DATA
  - RELATIONSHIP
  - VALUES
  - RESOURCES
  - HISTORY
  - STRUCTURE
  - PSYCHOLOGICAL

- Activity
- Role-play

Packet pg.33

# Collaborative problem solving vs. being positional

- All people are involved in problem solving on a daily basis
- For many of us our repertoire of negotiating skills is limited. Out of habit and lack of knowledge about alternative strategies ,we try to solve problems by stating and then sticking to our position.
- When we insist on our position as a way to solve a problem- one party will be satisfied and the other will be dissatisfied

# Collaborative problem solving vs. being positional

Problem solving from positions is limited because:

1. It is inefficient. Haggling, attempting to convince, resorting to tactics such as stonewalling or holding out often results in multiple meetings, stress for participants.
2. Produces unwise agreements. When we bargain from 2 positions- yours and mine- we are only considering 2 possible solutions.
3. Can be hard on relationships. Can create stress, anger, resentment.

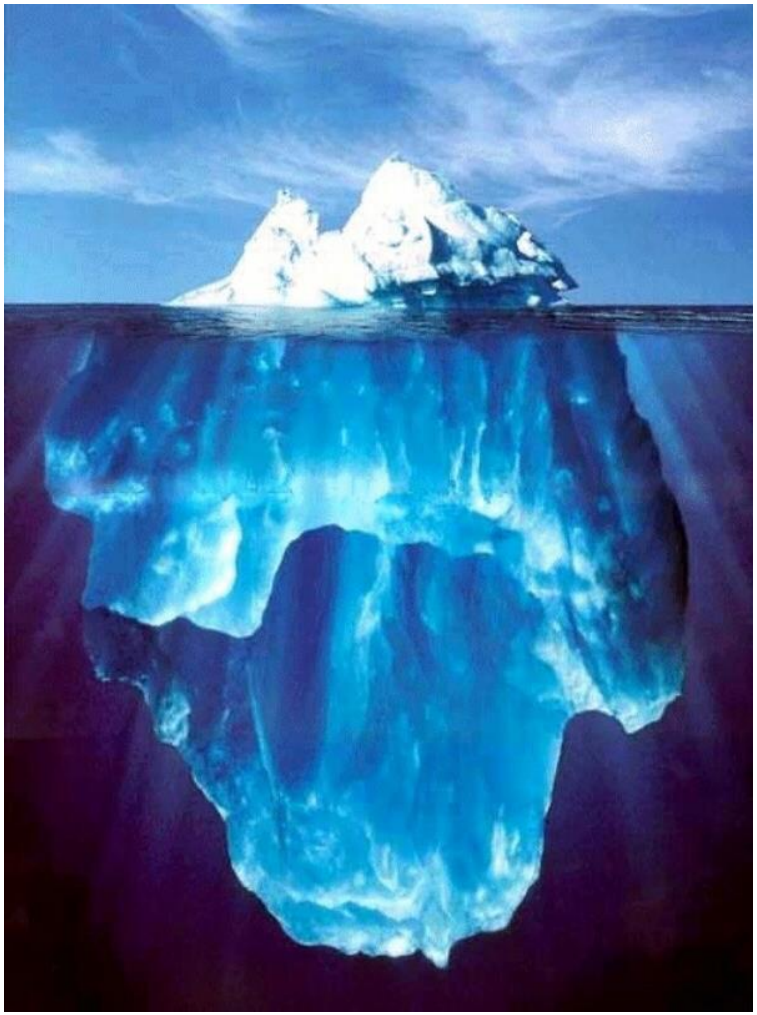


*Figure out your and their interests!*

# Understanding their point of view - Positions and interests

- Rather than negotiating from opposing positions, encourage parties to identify problems in terms of INTERESTS.
- An interest is the underlying need or concern that a party is trying to have satisfied.
- When we go beyond the position to uncover the needs and concerns, we create an opportunity to explore a variety of options of possible solutions that may not have been previously considered.

# Uncovering interests

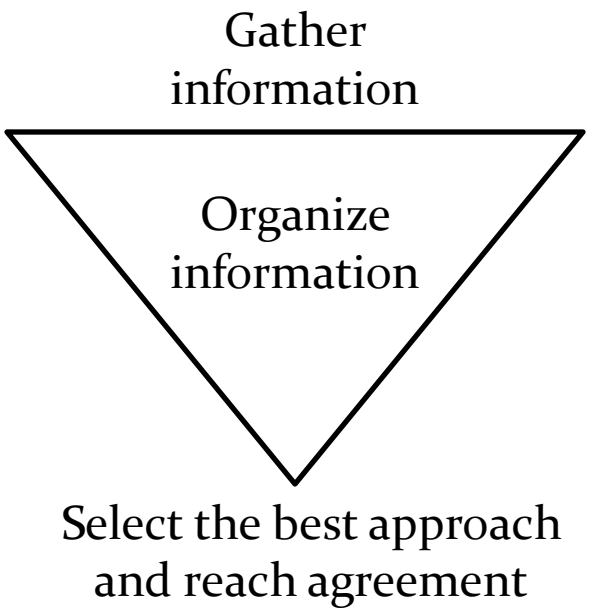
The following questions may help someone move from declaring a position (want) to identifying and explaining an interest (need).

- How will this make things better for the student?
- What makes this especially important to you?
- What problems do you think the student will have if you don't get what you are asking for?
- Please tell me how you reached that conclusion.
- What is your biggest concern about things remaining as they are?
- What important things would you like the other team members to know that might help them better understand how you feel?

- <u>How can we best satisfy everyone's motivating interests?</u>

- Role-play

# Discussion to resolve issues constructively




- All conversations are a series of discussions where participants are opening and closing on different topics, building agreements as they go.

# Tools for gathering information

- Ask problem-solving questions that are open ended
- Make a proposal
  - To start the discussion
  - "I wonder" strategy
  - Ask for a suggestion for others to consider
- Brainstorm/List
  - To provide a short inventory of ideas for the group to consider
  - To produce as many ideas as possible without evaluating
- Clarify
  - Check for understanding before you ask the group to make decisions or evaluate the ideas.

# Tools for organizing information

- Combine duplicates
- Highlight advantages & disadvantages
  - To point out important features of each alternative
  - Pros vs. Cons
- Advocate
  - Have team members give the strengths and rationale of a specific option.

# Tools for Selecting the best approach and reaching agreement

- Quick agreement
  - Reach quick agreement on things you believe have general support.
- Build up/eliminate
  - Include or delete components of different options to create a more widely accepted solution.
- Both/and
  - Avoid either/or decisions or win/lose solutions.
- Gauge consensus
  - Check how close the group is to consensus.

- Role-play

# General facilitation techniques

- Paraphrasing
- Acknowledge their points and feelings.
- Use humor (if it is not at the expense of any party)
- Ask open-ended questions to generate participation.
- Remind participants to reserve judgment while generating ideas/listening to information.
- Boomerang
- Reframe
- Perform a relevancy check
- Ask/say what's going on

# Handling difficult situations

- Breaking guidelines for respectful communication
- Intense emotions
- Non-stop talkers
- Quiet people
- Blamers
- Cultural and value differences

❖ Role-play

Packet pg.46-47

# Dealing with impasse

- During an IEP meeting, the parties may reach a point when they are no longer moving toward agreement.
- The following guidelines can be effective in overcoming impasse:
  - Identify impasse
  - Review what has been achieved
  - Provide information
  - List in the parking lot for later discussion
  - Explain if no consensus reached, PEA rep. must make decision for team
  - Discuss mediation

# Strategies for breaking impasse

- Physical techniques
  - Take a break/recess/walk
  - Food
- Focus on the process
  - Remind them of their earlier promise to participate in good faith and to give the process a chance.
  - Retrace the meeting progress/point out agreements.
  - Encourage them to retain flexibility.
  - Ask parties for additional suggestions.
  - Role-reversal: Have each party describe the other party's point of view.

# How do you bring this back to your district/charter?

# Contact information

Amy Dill

Amy.dill@azed.gov

602-542-7579

Toll Free

855-383-9801