

IEP Facilitation

A Promising Approach to Resolving Conflicts Between Families and Schools

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The Individuals With Disabilities Education Act (IDEA) was created to ensure that students with disabilities receive a free and appropriate public education. One hallmark of IDEA is the promotion of collaboration between school districts and parents of children with disabilities. The letter and spirit of IDEA encourages a working relationship between the home and school that fosters an educational team with the goal of providing the child with appropriate services. IDEA provisions regarding parent involvement imply a picture of the family and school team working together amicably sharing visions and goals, and ultimately making decisions collectively. Unfortunately, this scenario is not always the outcome.

Current IDEA Resolution Procedures: A Means to No End

A major gap in special education conflict resolution procedures exists today (Feinberg, Beyer, & Moses, 2002). IDEA has attempted to protect the educational rights of children with disabilities by establishing three formal procedures for resolving disputes: due process hearings, formal complaints, and mediation. Each procedure has limitations because of its reactive nature. Research has shown that due process is expensive, adversarial, and leaves the resolution to an outsider (Lake & Billingsley, 2000). Due process hearings are actual

court hearings where the district and the child's family participate in a legal procedure that is focused on the evaluation and resolution of the issue of dispute. A hearing officer is required to objectively listen to both sides of the issue and to make a decision following

(CADRE, 2008). The costs accrued per hearing can range between \$50,000 to \$100,000 (Congressional Record, 2002; Opunda, 1999). Based on the CADRE (2008) report, school districts across the United States potentially spend more than \$90 million a year in con-

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the letter of the law, acting like a judge. Due process hearings involve standard elements of civil dispute resolution including discovery, presentation of evidence, sworn testimony including that of expert witnesses, and cross-examination.

The number of due process hearings between parents of children with disabilities and school districts is growing nationwide. This litigation costs billions of dollars and destroys the relationships between the home and school envisioned during the creation of IDEA. A recent analysis conducted by the Consortium for Appropriate Dispute Resolution (CADRE) showed that during the 2005 to 2006 academic year, 19,042 due process hearings were requested nationally with 5,385 actually going to a fully adjudicated hearing

conflict resolution. Such data indicate that our school districts are in crisis with conflict and are currently resolving their disputes through extremely costly and adversarial measures. Simply put, too often districts and parents experience conflict that results in an extremely emotional and financially draining strategy for resolution.

Mediation is viewed as a potential alternative to due process procedures; however, there are limitations to mediation. First, because IDEA offers this strategy as a first step to due process hearing requests, it is possible that mediation may be offered too late to actually make a difference in the resolution of conflict. Requiring or threatening due process before utilizing mediation may worsen an already litigious dispute. Participants may view

mediation as a procedural delay in obtaining a formal hearing (Feinberg et al., 2002). Further, lawyers are permitted to attend mediation, allowing the possibility for potential argumentative strategies.

In 2004, during the IDEA reauthorization, Congress added "resolution sessions" (IDEA 2004 34 C.F.R. § 300.510) requiring that the local education agency (LEA), parents, and all relevant school staff must meet, without the presence of attorney, before any due process hearing can take place. A resolution meeting must be held within 15 days of receiving notice of a parent's due process complaint and is intended for, "the parents of the child to discuss their due process complaint, so that the LEA has the opportunity to resolve the dispute that is the basis for the due process complaint" (IDEA 2004, 34 C.F.R. § 300.510[2]). Although resolution sessions are meant to decrease the use of due process

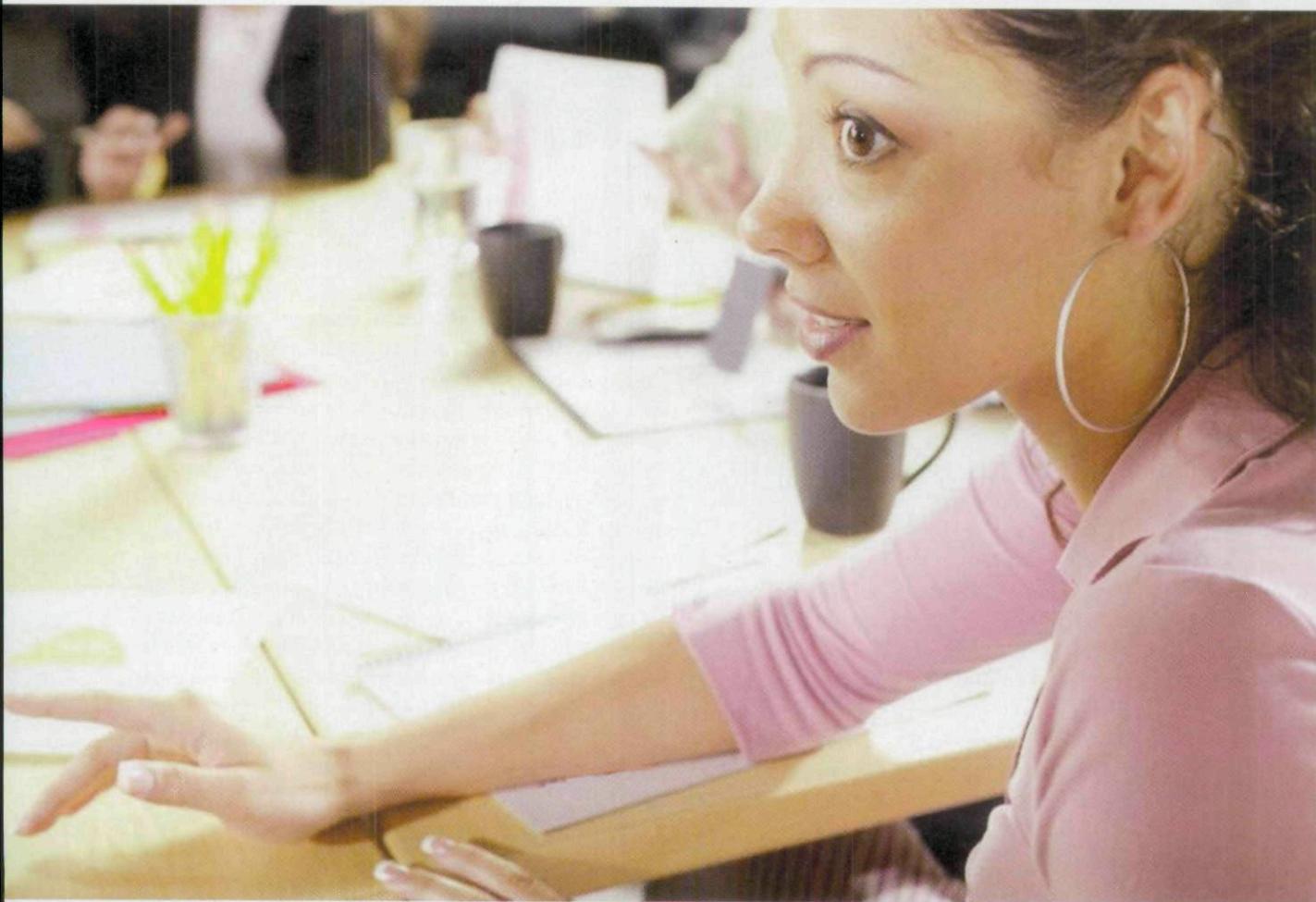
hearings, they are still formal procedures that are only offered after a request for due process has been filed.

IEP Facilitation

As previously explained, due process, mediation, and resolution sessions are reactive and do not include specific strategies that can empower the team to resolve their dispute amicably. This is a problem because students who are protected under IDEA are served in the school system until 21 years of age; therefore, it is likely that other conflicts in need of resolution may arise at other points in time. IDEA procedures for conflict do not take into consideration the potential of future disputes. Consequently, researchers are beginning to recognize the need for more appropriate dispute resolution procedures that can empower both parties (i.e., parents and school districts), to more effectively resolve their disputes together (Feinberg et al., 2002; Lake & Billingsley,

2000; Mueller, 2004). Contrary to due process procedures, many alternative dispute resolution strategies provide both parties with opportunities to resolve the issues and to come to a collaborative agreement.

One of the more promising alternative dispute resolution strategies is the use of facilitated individualized education program (IEP) meetings (CADRE, 2002). Facilitated IEPs utilize an outside facilitator to assist with the overall organization of and conduct at the IEP meeting. The meeting is still run by the parents and school officials; however, a facilitator objectively maintains order and focus during the meeting. This model includes a flexible alternative to mediation that can provide parents and school officials with the opportunity to address concerns immediately at an IEP meeting without having to go through formal procedures (CADRE, 2002). Facilitated IEPs are provided at no cost to the family and are less



A Case of Conflict (Continued)

Communication Strategies to Eliminate Power Imbalance.

During the meeting, the facilitator allotted time for each person to speak about the agenda topics prior to having a group discussion. This strategy assured that all members' voices were heard and included. The facilitator also asked individuals if they had anything to add to a topic before the entire group moved on.

Parking Lot: Before starting the meeting, the facilitator introduced the concept of the parking lot to Timothy's educational team. A large white board was used for this strategy. Throughout the meeting, the facilitator assisted the team with staying on the topic and only had to add one topic to the parking lot when Timothy's parents began talking about a bad experience Timothy had with a substitute teacher. The team decided this was off-topic and addressed the issue during the last 5 minutes of the meeting, during time allotted specifically for parking lot issues.

Case Outcome. The facilitated IEP for Timothy Smith lasted 2 hours and ended with a mutually agreed on solution.

The Smiths and the team discussed Timothy's needs first and did not focus on the actual placement issues or programmatic issues. Prior to this meeting, the team would often talk about the placement without actually focusing on Timothy's needs. Once Timothy's needs were highlighted and agreed on by the group, the team brainstormed options for meeting his needs. They decided that Timothy would benefit from a behavior intervention plan built into the general education environment. The teachers would receive any needed behavioral support training and would reconvene monthly to discuss his behavioral progress. The team also decided that Timothy needed additional academic support that went beyond the general education and resource classrooms. Timothy would be placed with a reading specialist for 2 hours a day for intensive support. Everyone agreed that this plan would meet Timothy's needs, and they agreed to reconvene in 6 months with the facilitator to discuss his progress. The group was amicable with each other and able to problem-solve together.

formal than mediation, due process, or resolution sessions. Because there are currently no federal regulations for this process, the educational team must still abide by IDEA regulations for IEP procedures. This is a relatively new strategy that is being implemented in various regions of the country; therefore, each district or state may employ the process a little differently. For the sake of simplicity, this article presents one of the more successful IEP facilitation models that has been used and supported through research (Mueller, 2004). A case study of conflict will be presented (see box, "A Case of Conflict"), along with the seven essential components of IEP facilitation.

Seven Essential Components of IEP Facilitation

The essential components to a successful IEP facilitation include

1. A neutral facilitator.
2. An agenda.
3. Goals created by each member of the team.
4. Ground rules.
5. An environment that fosters collaboration.
6. Communication strategies to eliminate any power imbalance.
7. The use of a parking lot.

Practical application and a description of these components are described in the following paragraphs (see Table 1 for a brief description of each component).

The Use of a Neutral Facilitator

The role of a facilitator is pivotal to assuring that all team members are able to participate and that the group stays focused and on task. The facilitator is able to do this through managing the behavior of the group members, maintaining order with the ground rules, time keeping with respect to the agenda, suggesting alternative communication strategies if the team is in distress, and perhaps most important, remaining neutral (Chang & Kehoe, 1994). The facilitator may want to work alongside a recorder; however, it is possible for the facilitator to take notes at the meeting as well. Facilitators may be trained mediators, or in the case in Michigan, a trained mental health professional (Feinberg et al., 2002). Some districts may choose to train their administrators or teachers to be available for IEP facilitation. It is important to note that it is possible that the use of a district employee acting as a facilitator could make the process feel somewhat one-sided, thereby compromising the trust of the

parents. There is, however, some data that demonstrates this perception can be avoided through deliberate practices (Mueller, Singer, & Draper, 2008). For example, one key component for effective use of a district-hired facilitator is that he or she is a third party member and not a member of the education team (Mueller, 2004). In this case, the district employee does not know the family or the child involved and in many cases, works at an entirely different school site. This person cannot be a part of the IEP team. The facilitator should work with all team members allocating equal amounts of time and attention to each party member.

The role of the facilitator is pivotal. This person's goal is to conduct the entire meeting with the parents and school staff resulting in a mutually agreed-on IEP. Several strategies utilized by the facilitator to promote such a productive outcome may include, but are not limited to, keeping the group focused on the topic, summarizing what others have said, suggesting ways to look at issues together and to collectively brainstorm solutions, and fostering an environment that is safe for the exchange of ideas and thoughts made by all team members (see Figure 1). In a report written by CADRE (2002), a facilitator described the role by saying

Table 1. Components for Effective IEP Facilitation

Component	Description
Neutral facilitator	The primary responsibility of the facilitator is to ensure that all team members participate and to keep the team on task.
Creating an agenda	The agenda is clearly linked with the IEP, provides room for group discussion, and is posted in the room for all members to view.
Goals created by each member of the team	The facilitator contacts group members before the meeting to determine their goals for the meeting and then posts their goals throughout the room.
Establishing ground rules	Ground rules should be stated clearly, positively, and should be agreed upon by all team members before beginning the meeting.
Environmental arrangement to foster collaboration	Environment should be comfortable; seating should be balanced to assure that school team members are not dominating one side of a table (e.g., use a round table).
Communication strategies to eliminate any power imbalance	Assure everyone has the same amount of time to share and discuss (i.e., everyone must agree before moving on to a new topic).
Parking lot	Facilitator will note any off-topic points made in the meeting by scribing it in the parking lot area and will save time at the end of the meeting to discuss those issues.

As a facilitator at facilitated IEP Meetings, it is my responsibility to help keep the lines of communication open among the IEP team members. Hopefully this will lead to the development of an appropriate individualized education program for the student. At times this can be difficult because previous meetings may have been tense and stressful for all concerned. I use various facilitation skills in which I have been trained. I try to help the team establish ground rules for the meeting, aid participants in developing clarifying questions which often lead to mutual solutions and require members of the team to adhere to timelines for completion of the meeting. I do not make the final decisions; those are up to the IEP team, and the family is always a key member of that team. (p. 3)

Creating an Agenda

An agenda is the blueprint for a meeting and can provide order, allocate appropriate time for discussing issues, and remind the participants of the topics that will be the focus of the meeting. There are two key components to creating an effective agenda: (a) the

identification of the issues for discussion, and (b) the determination of time allotted for each topic (see Figure 2 for an example of a meeting agenda). Prior to the start of the meeting, each agenda topic must have a time limit for the presentation of the information and discussion. When utilizing an agenda for a facilitated IEP meeting, it is important that the facilitator ensures that everyone has an opportunity to provide input to the agenda. All participants should also be provided the opportunity to modify the agenda if needed. Prior to moving on to the next topic of the agenda, the facilitator should check with participants to make sure they have contributed as they would like to the previous issue.

Setting Team Member Goals

In a recent research study that looked at dispute resolution, a unique component of one district's practice was the identification of each team member's goals prior to the IEP meeting. The facilitator contacted each IEP member prior to the meeting to state his or her goal for the meeting. Then, prior to the start of the IEP meeting, the facilitator posted each team member's goal throughout the room so that the entire

group could see each other's perspective. One administrator in this study described the benefit of this process by saying that it provided everyone with the opportunity to express his or her position prior to the meeting, and consequently, feel "validated" (Mueller, 2004, p. 211).

Establishing Ground Rules

Although team members who participate in an IEP meeting may feel that they are able to conduct themselves appropriately, it is still important to establish ground rules that can serve as reminders for expected participant behavior. Establishing ground rules should be completed in four stages:

1. The facilitator should inform the team about the importance of having conduct expectations for the meeting.
2. The team should brainstorm a list of potential ground rules.

Figure 1. An IEP Facilitator Checklist

- Is it clear why you're meeting?
- Have the right team members been invited—the ones who have the power to decide and the ones who will implement or affect the decisions?
- Have all the team members been contacted prior to the meeting and asked to provide their goals for the meeting? Are the goals posted in the room so that everyone may view them?
- Have the ground rules been established and agreed on by all team members prior to the beginning of the meeting?
- Is the agenda available and displayed in the room for all team members to view?
- Is the environment arranged to avoid power imbalance?
- Is the space adequate and pleasant so that all team members can see and hear one another clearly?
- Is there a specific space available for parking lot issues?

Figure 2. Facilitated IEP Meeting Agenda Example (Smith Case)

Time (Allocate appropriate time for each topic)	Topic (Briefly state the topic of discussion)	Outcome (Clearly write the outcome of the discussion)
5 minutes	Establish ground rules	Established 10 ground rules that are posted in the room.
5 minutes	Review meeting goals	Team members stated the goals they shared with facilitator 1 week ago.
30 minutes	Timothy's academic needs	Team members shared their perspectives of Timothy's academic needs. Facilitator wrote visual map and notes of the discussion on butcher paper.
30 minutes	Timothy's behavioral needs	Team members shared their perspectives of Timothy's behavior needs. Facilitator wrote visual map and notes of the discussion on butcher paper.
25 minutes	Strategies to address Timothy's academic and behavioral needs	Team members shared and discussed potential strategies to address Timothy's needs. Facilitator wrote visual map and notes of the discussion on butcher paper.
20 minutes	Team action planning	Team completed action planning worksheet for implementing the strategies to meet Timothy's needs.
5 minutes	Parking lot issues/closure	Team members addressed any parking lot issues brought up during the meeting.

Note: The careful orchestration and planning with the agenda may result in a longer meeting than some districts typically plan; however, this carefully thought-out and planned agenda will accomplish the goals of the IEP team and, in the long run, will save time, provide an appropriate IEP, and potentially heal relationships.

3. All team members may select the ground rules.
4. The ground rules should be posted for all team members to view. (Chang & Kehoe, 1994).

In an effort to save time, it is appropriate for the facilitator to present a group of suggested ground rules with the expectation that the team could add or delete any rules upon which they agree. An example of ground rules includes the following items (Chang & Kehoe, 1994):

1. One person may talk at a time.
2. Allow all team members to share their ideas (even if they may be different from your own).
3. Try to build on the ideas shared by others.

4. Remain open-minded and non-judgmental.
5. Start and end the meeting on time.
6. Everyone participates, and no one dominates the meeting.
7. Complaints are okay when they come packaged with a solution.
8. Make compromises when necessary.
9. The facilitator is empowered to enforce ground rules.
10. Stick to the agenda and timeframe.

Environmental Arrangement to Foster Collaboration

The environmental arrangement for a meeting can have an important effect on the overall outcome. A facilitator must take the necessary steps to assure that all team members feel safe and comfortable enough to share their

thoughts. It is not uncommon for IEP meetings to include an imbalance of team members with a large number of school professionals/lawyers and sometimes only the father and mother representing the home. Therefore, the facilitator must arrange the environment in order to reduce the potential intimidation of a perceived power imbalance. Some strategies used to avoid this perception include the use of a round table, U-shaped table, couches or chairs arranged in a circle, kidney shaped table, or if sitting at a rectangular shaped table, having the participants sit diagonally from each other. Other components to consider when trying to arrange an environment to foster collaboration may include, but are not limited to, setting a comfortable room temperature, providing

paper and pens for everyone, posting the agenda for everyone to view, providing personal agendas, posting the ground rules, providing drinks and snacks, placing a picture of the student at the center of the table, and providing comfortable chairs/seating space.

Communication Strategies to Eliminate or Prevent Feelings of a Power Imbalance

Research on parent participation in IEP meetings recounts numerous stories of families describing a feeling of power imbalance (Harry, Allen, & McLaughlin, 1995; Lake & Billingsley, 2000; Soodak & Erwin, 1995). Parents described being outnumbered, being treated as passive participants in the

Hang a flip chart in the meeting room labeled "parking lot" and if someone says something that is off the topic of the agenda, "park" the issue for future discussion.

IEP meetings, and having an overall sense of exclusion from the discussion about their child. Thus, the use of a trained and neutral facilitator who can encourage all team members to participate equally and can employ strategies to eliminate such an imbalance can be very beneficial. Facilitators should encourage all team members to share equally by asking open-ended questions. Further, a facilitator should address any team member who may appear to be dominating the discussion. (See Figure 3 for a list of other communication strategies that can eliminate power imbalance.)

Utilizing a Parking Lot

It is not uncommon for an educational team to stray from the agenda and find themselves off-topic. Although any discussion among team members is important, moving off the subject of the agenda can often result in a loss of time for issues that require discussion during the IEP meeting. Further, off-topic conversations can sometimes lead to circular discussions and may not be very productive. For this reason, the use of a parking lot in facilitated IEP

meetings has been established as a strategy for running productive meetings (Mueller, 2004). Essentially, the parking lot is a process to control issues that are "off the subject." Hang a flip chart in the meeting room labeled "parking lot" and if someone says something that is off the topic of the agenda, "park" the issue for future discussion. It is important that time be built into the agenda for parking lot issues. Using the parking lot allows team members to stay on track, while acknowledging participants' voices by recording their ideas in a visual parking lot. Simultaneously, the meeting maintains its focus, all team members' concerns are validated, and relationship issues are not constrained.

Final Thoughts

Facilitated IEPs offer teams a forum that can keep the meeting student-focused and flexible for open team communication. The use of a neutral facilitator encourages the team to communicate productively, while all members are supported equally (CADRE, 2002). As demonstrated in the Smith case (see box, "A Case of Conflict"), focus and organization allow for meaningful team dialogue. The outcomes are empowering for all team members, compared with the current IDEA formal procedures of due process.

A need exists for more knowledge and training about alternative dispute resolution strategies in today's school systems. The excessive amount of money that is required for the resolution of disputes is a concern. It is important to appropriately address conflict in school districts using the least restrictive strategy. Unfortunately, current special education conflict resolution strategies recognized by IDEA have been described as inconsistent, expensive, and unharmonious (Feinberg et al., 2002; Markowitz, Ahearn, &

Figure 3. Communication Strategies to Facilitate Power Balance

- ✓ Place picture of child at the center of the meeting (keep it student-focused).
- ✓ Allow each team member equal time to discuss an agenda issue.
- ✓ Prior to moving ahead on the agenda, ask each team member if he or she has anything else to add.
- ✓ Provide each team member with a role during the meeting (e.g., note taker, agenda reviewer, parking lot scribe, etc).
- ✓ Ask open-ended questions.
- ✓ Ask team members to practice seeing each other's perspective.
- ✓ Monitor all participation and keep any person from dominating the discussion by addressing his or her participation if needed.
- ✓ Encourage questions from all team members.

Schrag, 2003; Opunda, 1999). Alternative dispute resolution strategies, such as the use of a facilitated IEP meeting, offer parents and school officials the opportunity to think creatively and to problem-solve together. Although limited, the preliminary research on facilitated IEPs does show that this practice can be successful with resolving disputes and maintaining positive parent-school relations (CADRE; 2002; Mueller, 2004). There is a need for more research to support this procedure.

The guidelines described here are meant to provide readers with an overview of facilitated IEPs, as well as some actual strategies that can be employed immediately. Although conflict may be inevitable at times, this does not mean solutions are outside the reach of the team. This article is intended to encourage IEP teams to think creatively when conflict may occur and to try alternative paths to resolution.

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