Effective Meetings and Collaborative Resolution

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Special Education Resolution Center

Who is SERC?

Special Education Resolution Center

- Third-party, neutral organization who serves in partnership with the Oklahoma State Department of Education – Special Education Services (OSDE-SES)

- Mission to help parents and schools resolve disputes at the *earliest stage possible*

- <u>Not</u> an advocate for families or schools, but we work with both in supporting the IEP team process...*at no cost!*

SERC Staff

- Dr. Allison Fennell-Conch, Assistant Director
- Alisa Holuby, M.Ed., Program Manager
- Dr. Rob Keiter, Program Coordinator
- Shannon Esmeyer, Administrative Specialist
- We are a sponsored agency through OSU
  - Allyson Robinson, Director of OSU Accessibility Programs

- Facilitators/Mediators, Hearing Officers serve through a Roster Agreement and are assigned to cases rotationally

Agenda

- Intentions and Goals
- Setting Expectations
- Gaining Consensus
- Building Trust
- Emotions and Disengaging
- Collaborative Resolution

Intentions and Goals

Intentional Introductions

- Introductions should include your name, position in the district, and your function in the meeting
  - This clarifies and sets **expectations** for how **each person should participate**

- Key questions to ensure the introductions are comprehensive
  - **"What work are you here to do in today's meeting?"**
  - "What work do you do with the student?"

Comprehensive Examples

- "I am Holly Smith, [student]'s special education teacher of record. That means I write the IEP and collaborate with the other team members on the provision of services."

- "I am Mark Johnson, [student]'s general education science teacher. I'm here to give input as to their performance in the general ed setting and use my knowledge of the curriculum to help develop appropriate accommodations for coursework."

- "I am Bonnie Martin, the administrative representative for the meeting. While I don't work directly with [student], I am here to ensure the provision of an appropriate education for [student] and help allocate resources the team determines necessary."

Varied Perspectives

- Each party brings their own perspective and meaning as to their priorities to address with the team
  - The *parent* may be concerned if their child is making friendships at school
  - The *SPED teacher* may be focused on completing the IEP and making sure the language arts goals are updated
  - The *science teacher* may be concerned about the student's behavior in their class and lack of work completion

Influence on Purpose

- While all team members' perspectives are valid, their **differing priorities can influence the direction** of the meeting and the intentions set for ultimate outcomes

- A meeting is more likely to go awry when the team is not in sync on intentions and expectations

- With varied perspectives in the meeting, establishing *mutual purpose* is important to move the group forward

Setting Expectations

Mutual Purpose and Expectations

- Purpose of Meeting - short, basic description as to why the team is meeting
  - Review of Existing Data, Initial IEP, Eligibility, IEP Amendment, etc.
  - This sets *mutual purpose* – the parties come together in agreement as to the intention of the meeting (including communication guidelines)

- Desired Outcomes - what you want to walk away from the meeting having accomplished
  - **Brief statements** that can be shared prior to or at the start of the meeting in written form that are **specific** and may be measurable

Desired Outcomes

- "By the end of the meeting, we will have...
  - An awareness of... Jack's strengths and weaknesses
  - An understanding of... Jack's present levels of performance
  - An agreement on... Jack's eligibility for special education"
- If the meeting has more than 2-3 outcomes, it *may* require more than one meeting
  - Recall that not only families, but *also* school team members, can be overwhelmed with lengthy meetings!

Redirections

- Parking Lot - for questions or topics unrelated to the desired outcomes of the meeting
  - The Team Lead or LEA Rep can continue to **redirect the team** to desired outcomes, while also **acknowledging the question/topic** by taking notes in a "parking lot"
  - These issues can be discussed with pertinent stakeholders outside of the context of the full IEP team

- The Purpose, Desired Outcomes, and Parking Lot can all be documented on a single page in the meeting

Communication Guidelines

- The IEP team is intended to be a *collaborative partnership* between school personnel, parents, and other parties that have the goal of working together to make appropriate educational decisions regarding the student on an IEP
  - *Effective communication is an essential tool that supports teaming and collaboration*
- Consider setting Tier 1 / Universal expectations for <u>all</u> meetings
  - When the guidelines are shared at the beginning of the meeting, they can be referred to when a conversation is moving away from dialogue (and starting to go south)
  - They illustrate when the team is beginning to operate outside of integrity in terms of communication

Communication Guidelines

1. **Everyone will have an opportunity to share.** As a result, each member should allow those sharing to finish without being interrupted or shut down. Parents must have an individual voice.

2. **Keep the focus on the student.** The IEP team meeting is not about the adults in the room – it's about the student!

3. **Keep the focus on the future.** The parties can get stuck when conversations are geared toward what happened in the past. The focus needs to be on "what are things going to look like moving forward."

4. **Think about how to share what you need to say in a way that makes it easier for others to hear, understand, and respond.** When sharing with the team, be sure to share your thoughts with others in a way that is respectful. Mutual respect between team members helps members to stay engaged and not become defensive.

5. **Be sure to listen when others are speaking.** When listening, your goal isn't to come up with answers or build your argument. Instead, you are listening with the goal of understanding what the other person is saying and where they are coming from.

Parent Friendly Language

- Builds trust/reduces stress
- Promotes collaboration, rather than conflict
- Ensures that parents feel like equal team members

- Slow down, break down acronyms, **stop** to check for understanding often, time and invitation for questions

Gaining Consensus

Internal Conflict and Meeting Prep

- It is important the school present a **unified front** in their proposals for the parent to consider in reaching consensus.
  - School staffings can be a vital step in preparation for potentially difficult meetings and to **develop *options*** that are based on student needs in the provision of an appropriate education

- Disagreement, when respectful and data-driven, can be an ethical imperative

- Sometimes others' challenging questions or ideas can broaden **creative thinking and problem-solving** to better meet student needs

What is "Consensus"?

- A **general agreement**, something everyone can live with, support, implement

- Consensus is achieved when all participants can support, to at least a minimum level, the decisions reached and are willing to implement those decisions, even if it's not the "best one"

- Agreement to an IEP is dependent on a *team decision*, not individual votes!
  - There are **two parties in a meeting** – school and parent

Get to Dialogue - Asking Questions

- Asking the right questions helps uncover important information that helps to make informed decisions

- Ask Yourself:
  - How thoughtful am I when I ask questions?
  - Why am I asking this question?
  - Is this the right time to ask this question?
  - What outcome do I want from the answer to this question?

Seven Types of Questions (1-3)

- Broadening Questions
  - Encouraging, not threatening; Invite further discussion
  - "Tell me more about…"; "What else happened?"

- Clarifying Questions
  - Help gain understanding; Move from general to specific
  - "What do you mean by…?"; "What do you need help understanding?"

- Explaining Questions
  - Gain understanding of respondent's reasoning; Encourage reflection
  - Ask instead of "why"; "What leads you to that conclusion?"

Seven Types of Questions (4-5)

- Exploring Questions
  - Helps shift thinking into what is trying to be accomplished
  - "What concerns you about…?"

- Challenging Questions
  - Create a shift in point of view; Challenge inconsistencies
  - "You say you are open to these suggestions, but you turn away when I try to talk… can you explain what is going on?"

Seven Types of Questions (6-7)

- Brainstorming Questions
  - Generative alternatives or options; Develop new ideas
  - "What is one thing you could do to accomplish that?"; "How else might that be done?"

- Consequential Questions
  - Reality test a possible solution; Explore a decision's outcome
  - "How does that meet your criteria for fairness?"; "What might happen if you did that?"

Positions and Interests
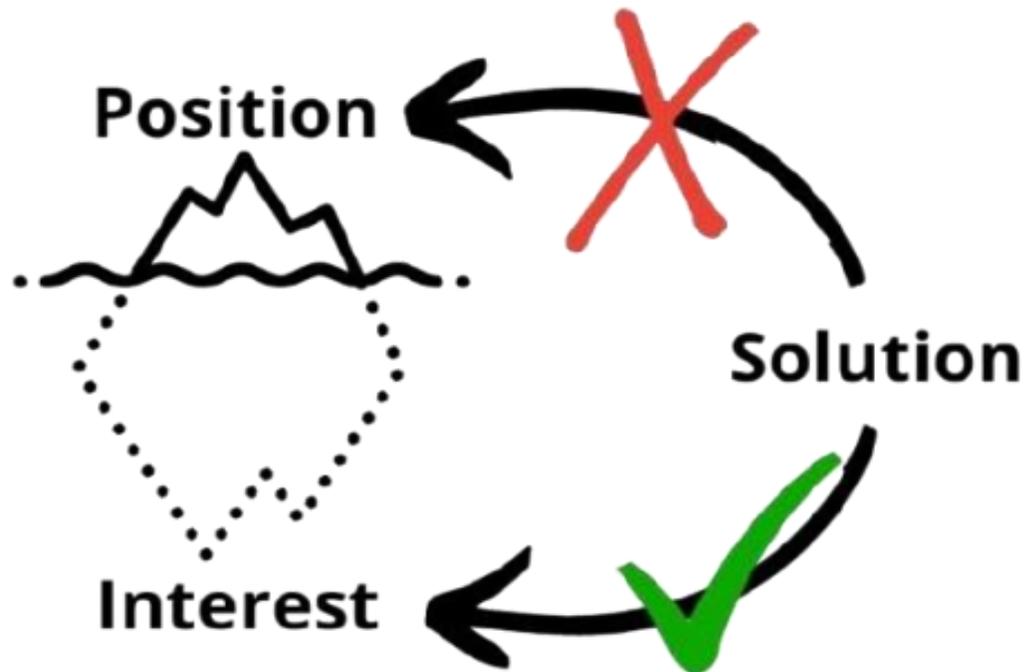
- Position – Specific solution proposed to resolve the problem
  - The *"what"*

- Interest – underlying real need or desire that gives the position its life (beliefs, values, fears, expectations, priorities, hopes, concerns, etc.)
  - The *"why"*

- Depositioning
  - Why is *that* solution so important to you?

Costly Comments

Avoid troublesome statements:

- The district cannot afford that.

- We do not do that here.

- We cannot find anyone to do that.

- Our superintendent would never approve that!

- This is our district's program for students with that disability.

- After today's MDR, he's going to need an FBA for a BIP in his IEP!
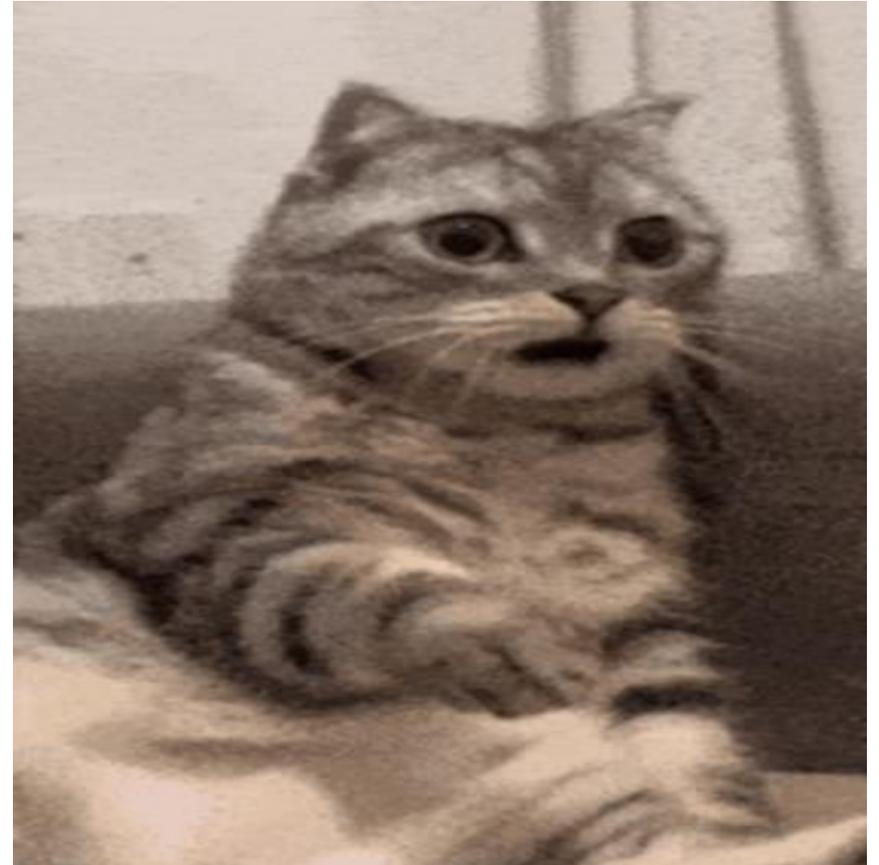
Building (or Re-Building) Trust

Trust and Relationships

- A common denominator in any good relationship is trust

- Trust isn't automatic - it needs to be built

- There's no better time to start building trust than *right now*

- Trust takes time to build, but can be **torn down in a second**

- The foundation of trust is mutual respect

- One of the best ways we show that we care about someone is through our willingness to listen to them

The Power of Listening

I always feel like somebody's watching me
And I have no privacy
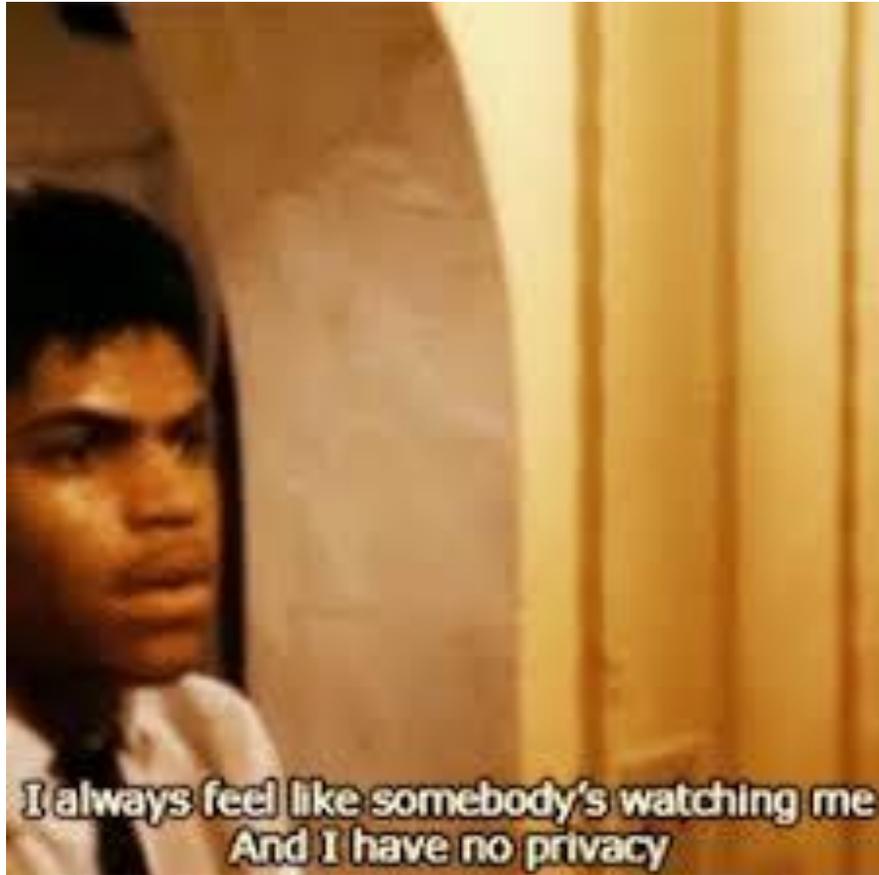
- Not just listening to generate an answer
- Not listening to build an argument to prove our point
- Listening to understand what the other team member is saying and where they are coming from
- When we listen for understanding, we **listen non-defensively**
- When others can see that we are really listening and paying attention to them, it shows them that we care!

Active Listening

- Convey Interest
  - "Tell me more about..."
  - "What else happened?"
- Restate/Reframe
  - "I hear you saying..."
  - "This situation has you feeling..."
- Clarify
  - "I'm not sure I understand..."
  - "Did I understand that correctly?"
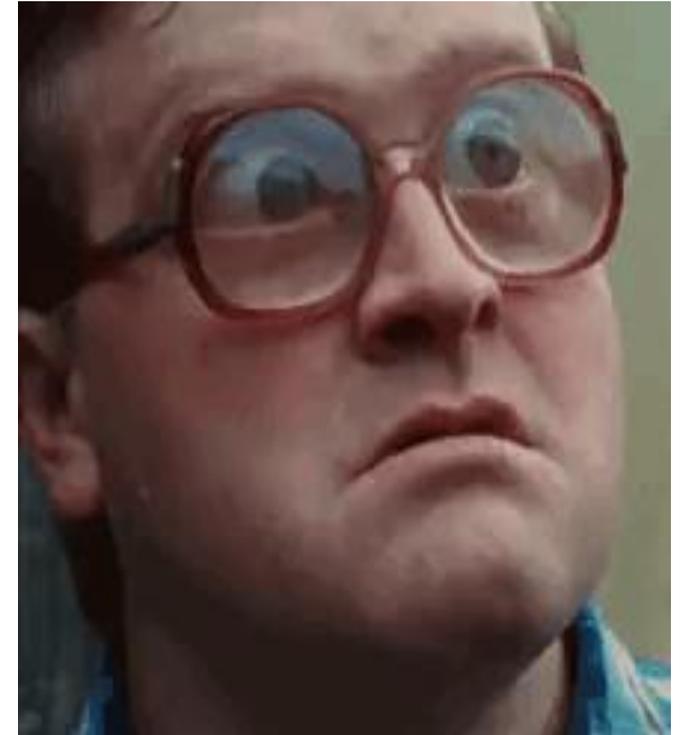- Summarize
  - "So, your concern is..."

Signs of Active Listening

5 Indicators

- Eye Contact
- Squared Shoulders
- No Distractions
- Feet on the floor
- Leaning slightly forward

Telling Stance vs. Learning Stance

|	
A "Telling" Stance looks like... • Approach the conversation with the belief that I am right, and the other(s) is/are wrong • Enter the conversation focused on proving my point • Judgmental, sometimes arrogant, and most often dismissive of what others have to say • Leads to debate, which hinders collaboration	*A "Learning" Stance looks like...* • Approach the conversation as an opportunity for new learning and shared understanding • Enter the conversation with curiosity • Model respect for diversity of opinion and are present to the opportunity for new learning • Leads to dialogue, which helps collaboration

Stone, Patton, & Heen (2023). *Difficult conversations: How to discuss what matters most (3rd ed.).* Penguin Books.

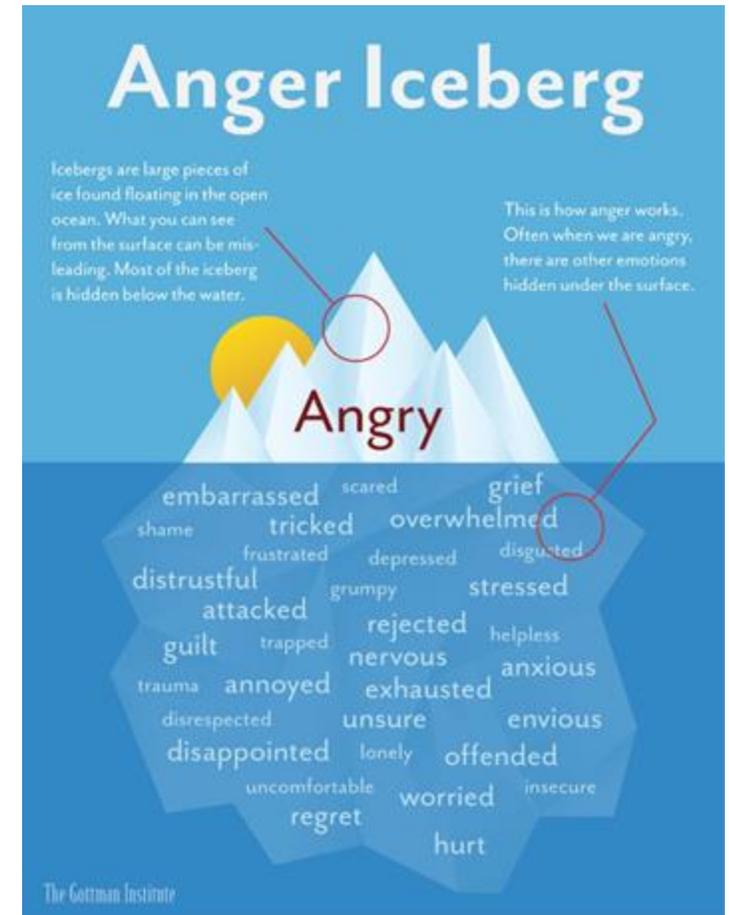# Emotions and Disengaging
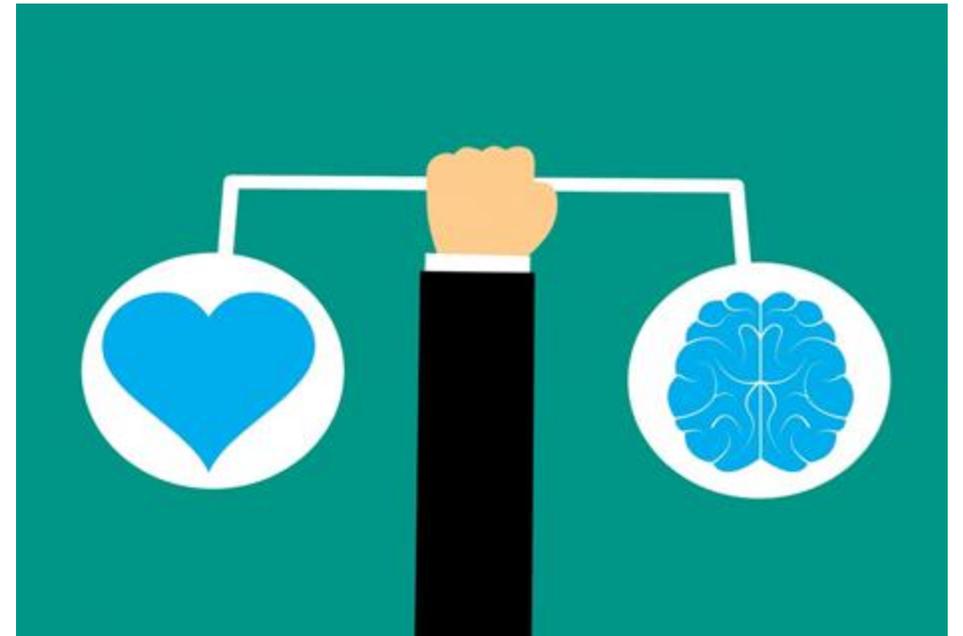
Working with People

- When you work with different people... You will encounter different emotions!

Anger – The Tip of the Iceberg

- *Many* emotions underlie the expression of anger

- While anger can trigger a fight or flight response….
  - Understanding what causes anger can help a person take a deep breath, suspend judgment, and cope more effectively

Anger Iceberg

Icebergs are large pieces of ice found floating in the open ocean. What you can see from the surface can be misleading. Most of the iceberg is hidden below the water.

This is how anger works. Often when we are angry, there are other emotions hidden under the surface.

Angry

embarrassed   scared   grief
shame   tricked   overwhelmed
frustrated   depressed   disgusted
distrustful   grumpy   stressed
attacked   rejected   helpless
guilt   trapped   nervous   anxious
trauma   annoyed   exhausted
disrespected   unsure   envious
disappointed   lonely   offended
uncomfortable   worried   insecure
regret
hurt

The Gottman Institute

Managing YOUR Emotions

- Remain calm
  - Watch your own tone of voice and nonverbal behavior

- Acknowledge their emotion
  - "I can see you are upset, [frustrated, etc.]."
  - Show respect for the fact that this is a difficult situation for this person

You are in Control

- Ask WHY? (What or How)
  - "Help me understand your concerns. Why do you think John needs that?"
  - "What leads you to that conclusion?"
  - "What does a 'good education' look like to you?"
  - *"If you got that request, what problem would it help solve?"*

- Reframe the issue
  - "You feel strongly that John needs day-to-day assistance with his assignments so he can be successful."

How to Disengage

- It is a choice to disengage from a meeting or discussion
  - The **manner of disengaging can strengthen or weaken** continued discussion and the relationship between parties

1. Acknowledge
   - "I can see we view this differently."
2. Commit to Involvement
   - "I'm committed to working with you."
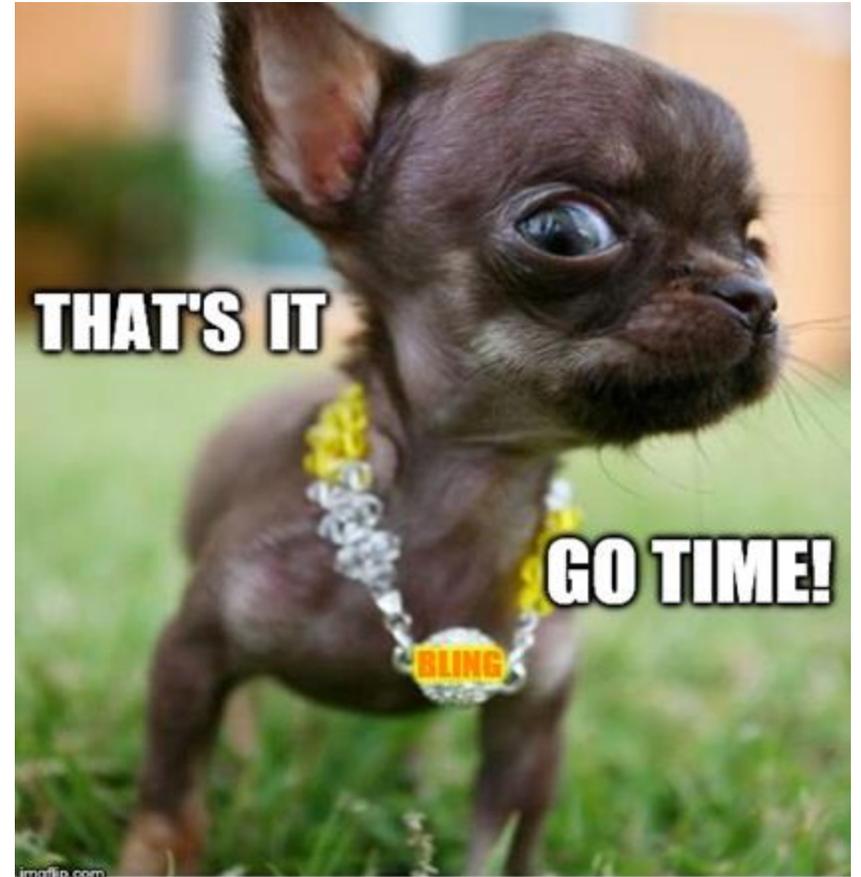
Disengaging, continued...

3. Describe
- "Words like 'incompetent' and 'stupid'..."

4. Effect
- "...don't work for me. I get defensive and can't listen."

5. Specify Preferred Scenario
- "Right now, I need to step away and collect my thoughts."

6. Time
- "I can continue this meeting on [specified date/time]."
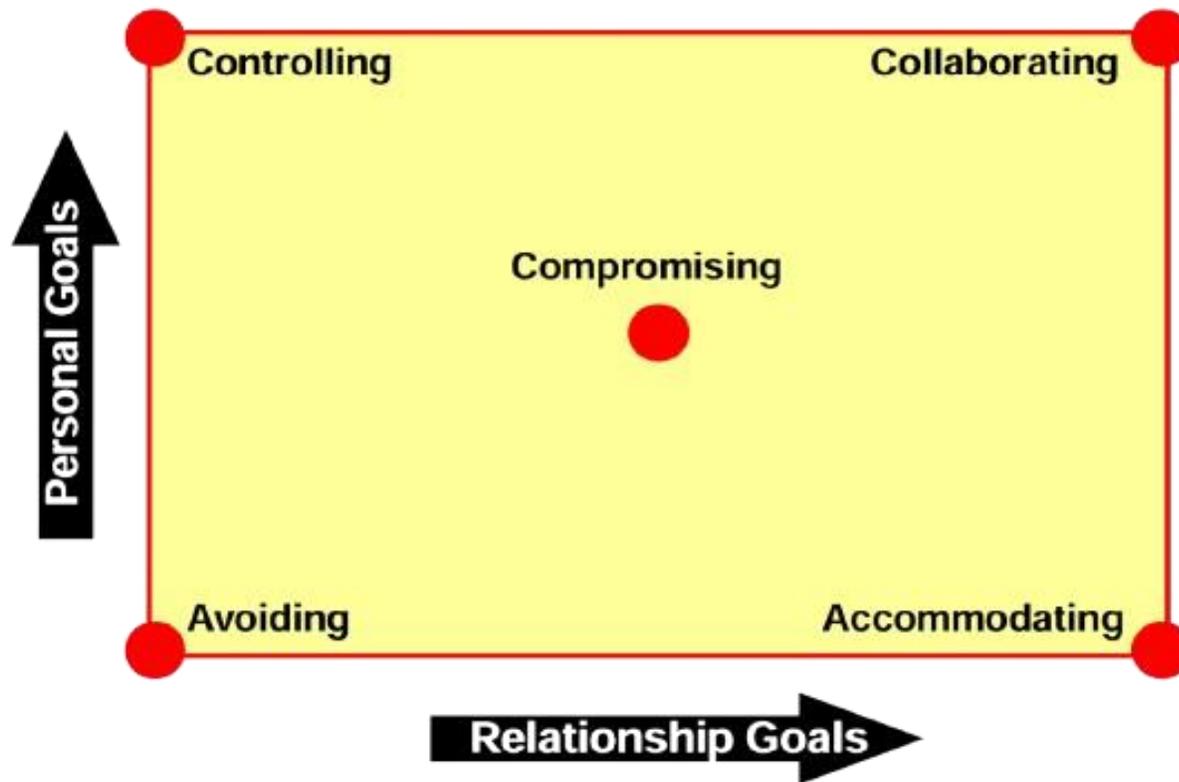
7. Leave
- "Thank you."

Collaborative Resolution

Conflict Prevention

The Five Conflict Handling Modes

Controlling   Collaborating

Personal Goals ↑

Compromising

Avoiding   Accommodating

Relationship Goals →

Source: Thomas Killmann

Conflict prevention and early dispute resolution processes are _really_ about building relationships and working together

Early Intervention is KEY

- The relationship between school districts and families in developing an appropriate Individualized Education Program (IEP) for a student with a disability is **ongoing and involves differing opinions**
  - It's human nature that individuals will not always be in agreement
- However, disagreement can open opportunities for **deeper discussion and creative problem-solving**
  - When individuals take the chance to look at a situation more closely and **listen to different points of view**, it has a positive impact on everyone involved and helps effective resolution

State DR Systems
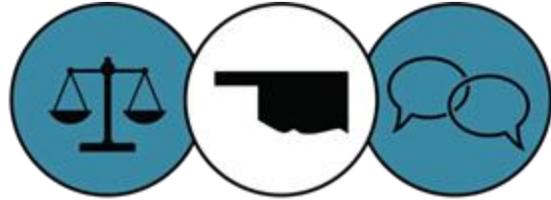
*IEP Facilitation*

Mediation

Due Process Hearing

State Complaints

Early Dispute Resolution Options

- Early dispute resolution (EDR) includes collaborative and proactive approaches to resolving conflicts at early stages

- These can provide mutually beneficial outcomes for schools, families and students; emphasizing cooperation, creative thinking and problem-solving, timely information exchange, and can rebuild or strengthen relationships

- The goal of EDR is to be efficient and cost-effective, saving time and resources while preserving relationships and reputations

Facilitated IEP Meeting

- A neutral third-party attends to *assist as needed*, not lead, the team through the IEP process during an annual IEP review, amendment, eligibility meeting, etc.

- The intended outcome is a successful IEP meeting with mended relationships between parties and consensus regarding the student's educational plan
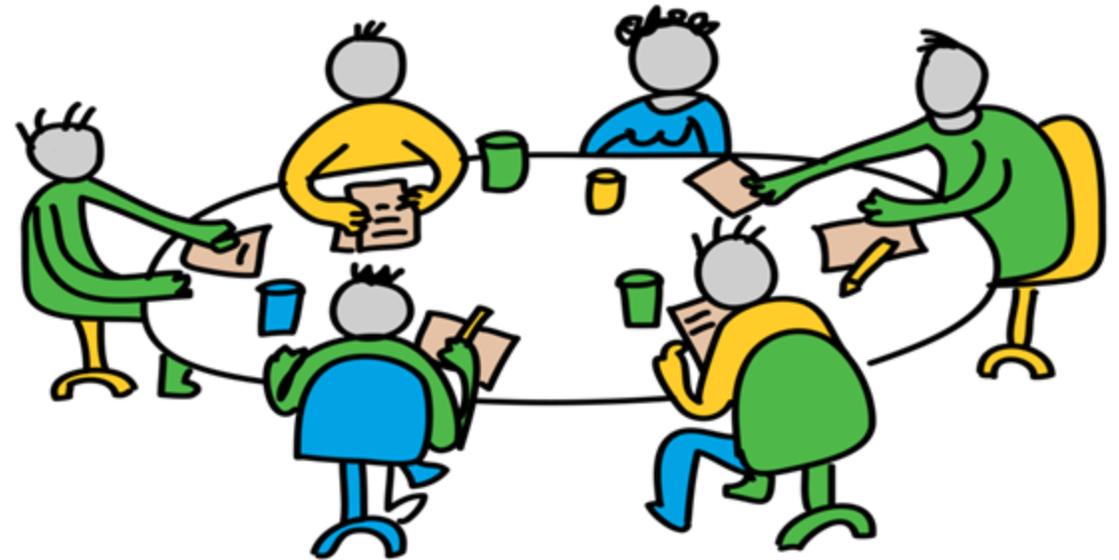
Facilitated IEP Specifics

- A facilitated IEP meeting may be appropriate when (1) the parent and school are unable to agree upon important issues related to a child's IEP, (2) the meeting is expected to address complex or controversial topics, (3) team conversations or dynamics have become strained

- SERC conducts a full intake and engages in an intermediary process with both parties to determine agreement to the service and preparation for the facilitated IEP meeting

- The agency will work with the school, parent, and assigned facilitator to find a mutually agreeable time for the facilitation that may occur within a few days or weeks of the initial request

Facilitated IEP Benefits and Data

- The facilitator models and *supports communication* and strategies that create an environment in which the IEP *team members can listen* to each member's point of view as they work together

- Agency intake and telephone intermediary process can *improve creative thinking* and understanding of the parties for better collaboration

2023-2024	
Number Held	61
Successful	N/A

2024-2025	
Number Held	65
Successful	97%

2025-2026 (as of 12/5/25)	
Number Held	38
Successful	95%

Facilitated IEP Feedback

"I would personally appreciate [Facilitator] being at **any meeting** with me when there is a parent request to SERC. It is obvious that [Facilitator] **truly cares** about their role as a facilitator and that both parties **feel heard**."

"The facilitator was great. We were able to **communicate freely** and with **respect**. The team certainly felt that the temperature of the participants was **better** than in previous meetings."

Mediation Session

- A neutral third party *leads* the school and parent through a separate session for discussion on the issues of disagreement (but does not decide for the parties), with a goal of coming to consensus on one, more, or all issues submitted

- The intended outcome is a written, **legally binding agreement** between the school and parent, and improved team problem solving

Mediation Specifics

- Mediation may be appropriate when there are *specific issues of disagreement* between the parent and school regarding the education of a child with disabilities

- SERC conducts a full intake and engages in an intermediary process with both parties to determine agreement to the service and ensures both parties' preparation for the mediation session

- The agency will work with the school, parent, and assigned mediator to find a mutually agreeable time for the mediation that may occur within a few days or weeks of the initial request

Mediation Benefits and Data

- The focus is on the *student's needs*, not on any disagreements between the parents and school

- The session is not an evidentiary hearing where you "prove" your case, nor is the focus on what has gone wrong in the past, but on *how to move forward* to meet the student's needs

2023-2024	
Number Held	17
Agreements Reached	76%

2024-2025	
Number Held	25
Agreements Reached	71%

2025-2026 (as of 12/5/25)	
Number Held	14
Agreements Reached	79%

Mediation Feedback

"[Mediator] did a great job making **everyone feel at ease and heard**. [Mediator] shared back the thoughts we agreed upon and was expedient in drafting the agreement."

"[Mediator] was instrumental in helping the **school and parent** reach an agreement on the top concerns of the parent... Both the parent and school would like [Mediator] to facilitate the subsequent IEP."

Brief Comparison of All DR Options

IEP Facilitation & Mediation	State Complaint & Due Process
Voluntary; collaborative focus	Not voluntary; compliance, procedural, and legal focus
Can preserve or repair relationships	Typically adversarial in nature
Decision-making lies with the parties	Decision imposed by third-party
Can be scheduled within a week to a few weeks, depending on availability	Decision issued at 60 days (state complaint) and 75 days (due process)

Practical Considerations

- Know federal special education law and state-level policies
  - Engage with other experts on your team and don't go at it alone
  - Work to develop and implement comprehensive district policies

- Make connections with OSDE/SERC for assistance
  - State support agencies can give suggestions, provide perspective, and get you 'centered' before acting to move forward

- Spend time to educate parents on their rights and refer them reputable advocacy agencies and/or other supports
  - Effective and collaborative partnerships are a valuable tool
  - Don't let ego or defensiveness get in the way of progress (it's almost never personal when schools are questioned or conflict arises)

Community of Practice Resources

- The Center for Appropriate Dispute Resolution in Special Education (CADRE) – national dispute resolution organization
  - Engaging Parents in Productive Partnerships
  - National and State Dispute Resolution Data Dashboard

- Special Education Resolution Center (SERC)
  - Regional Trainings and Customizeable Options
  - Live and Archived Webinars on Special Education
  - IEP Meeting Resources
    - Communication Guidelines
    - Asking Questions to Get to Dialogue
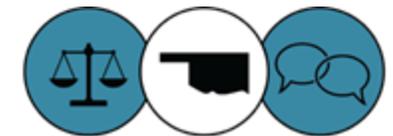   - Managing Emotions/Disengaging

THANK YOU!

Training Feedback

Effective Meetings
and Early DR

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SPECIAL EDUCATION
RESOLUTION CENTER

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