

# Communication, Collaboration, and What to Do When You Just Can't Agree



October 11, 2023  
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[www.FormedFamiliesForward.org](http://www.FormedFamiliesForward.org)

FORMED FAMILIES **FORWARD**

# Pretest

Please complete this BRIEF anonymous pretest. NO WORRIES if you don't know the answers, you don't need to at this point!

[bit.ly/3Q9Qxqi](https://bit.ly/3Q9Qxqi)



# Formed Families Forward - who we are...

- A family-led resource center in Northern Virginia supporting foster, adoptive and kinship families who are raising children, youth & young adults with special needs, and professionals who work with our families.
- We offer free training, consultations to families, events, resources, and systems navigation. Also - peer support groups; Resource Directory; *Learning Your Way* self-paced classes; youth classes, videos and other resources.
- Family partner to Virginia Tiered Systems of Supports (VTSS; a VDOE project)

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# Housekeeping

- Use Chat or Raise Hand.
- Please mute your microphone when you are not speaking.
- All recordings, slides and handouts will be on FFF website under RESOURCES and WEBINARS by Friday.
- Email [Stacia.Stribling@formedfamiliesforward.org](mailto:Stacia.Stribling@formedfamiliesforward.org) if you need certificate of attendance (only for those attending live).
- Time for Discussion at end.
- PLEASE complete session evaluation.



# Fall Webinars:

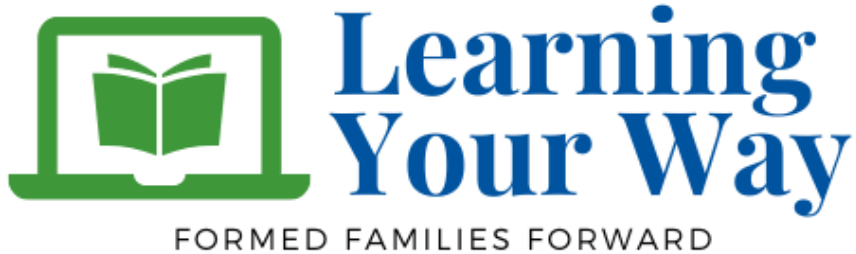
September 27- **From Referral to Special Education Eligibility: What It Takes to Get Through the Door**



October 4 - **Special Education for Formed Families: Making It Work**

October 11 - **Communication, Collaboration, & What to Do When You Just Can't Agree**

November 15 - **Sexualized Behaviors in Children & Teens: When Should Caregivers Be Concerned**



**Register at**  
**[www.FormedFamiliesForward.org](http://www.FormedFamiliesForward.org)**

- Free, on-line, on-demand learning
- Self-paced & interactive
- Certificates of Completion
- 6 Courses Available:
  - Special Education 101
  - Constructive Communication & Collaboration
  - Special Education Dispute Resolution
  - Trauma 101
  - Kinship Care
  - Other Health Impairment

# POLL

## What's your role(s):

- Adoptive parent
- Kinship caregiver
- Foster or resource parent
- Professional
- Birth parent

Mark all that apply. Chat in any additional roles.



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# Plan for our time

- Basic Communication
- Barriers to Effective Communication
- Tale of 2 Conversations, Part 1
- Tips for more collaborative IEP meetings
- Tale of 2 Conversations, Part 2
- Options for dispute resolution
  - Informal options
  - Formal options (IDEA)





# The Interpersonal Communication Process

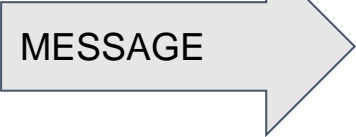
ENCODE



DECODE



CHANNEL



# Communications

## Components:

- ★ Verbal Messages - the words we chose
- ★ Nonverbal Messages - our body language
  - facial expression, body posture, gestures, spatial distance
- ★ Paraverbal Messages - how we say the words
  - pitch, speed of cadence, tone of voice

# Barriers to Effective Communication

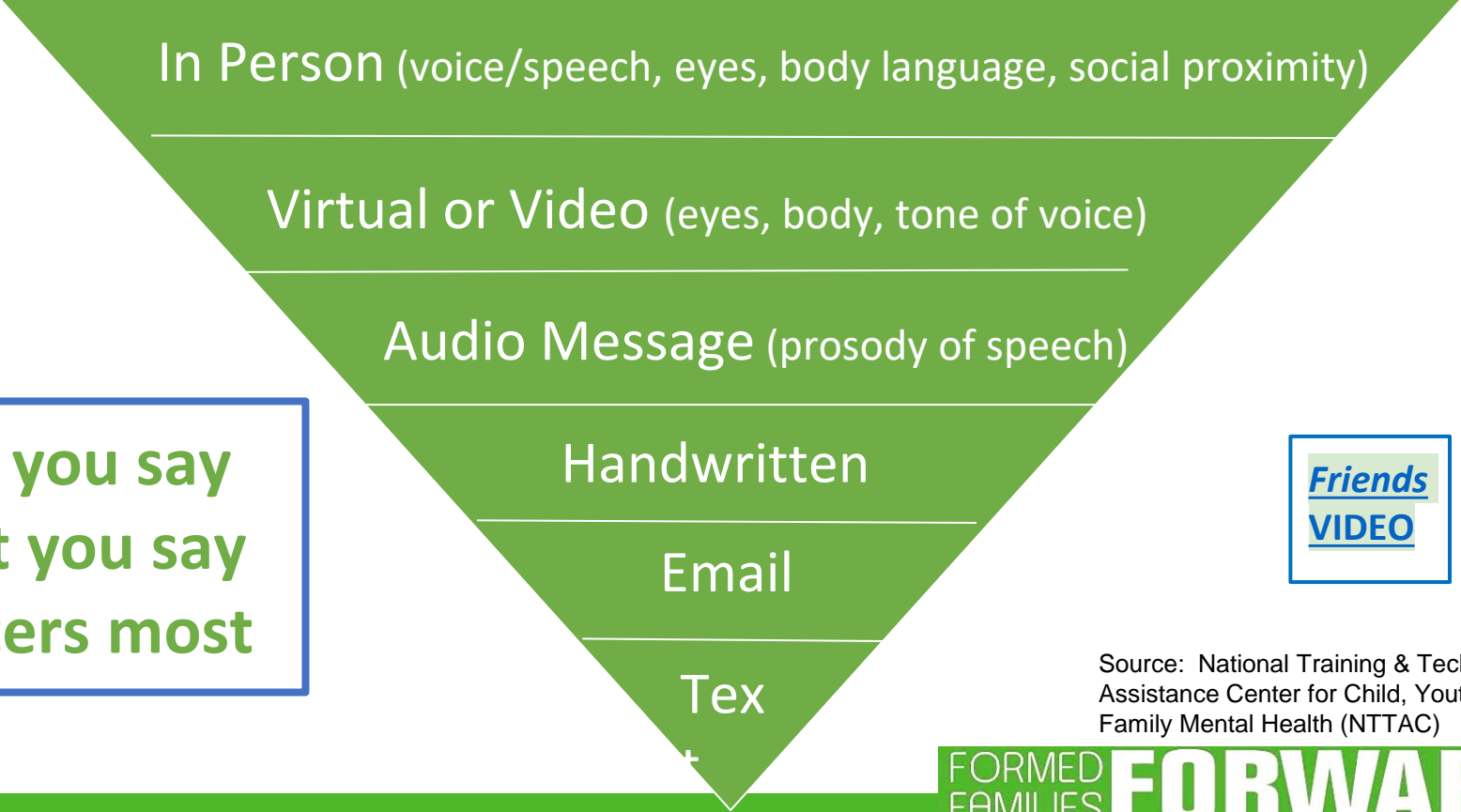
## ★ Verbal Barriers

- Interrupting
- Attacking (interrogating, criticizing, blaming, shaming)
- You Messages (preaching, advising, diagnosing)
- Challenging someone's message
- Showing power (threatening, ordering, commanding)
- Shouting, name-calling, refusing to speak

## ★ Nonverbal Barriers

- Rolling eyes
- Gestures made with exasperation
- Arms crossed
- Staring or avoiding eye contact

# Communication Barriers



How you say what you say matters most



Source: National Training & Technical Assistance Center for Child, Youth, and Family Mental Health (NTTAC)

# Why are conversations difficult?

- The topic is emotional
- It involves issues that are important to us
- Outcomes are uncertain
- There is a power imbalance (real or perceived)

Source: Center for Parent Information and Resources (CPIR)



*"I don't really know how to tell you this, sweetheart, so I'm just going to come right out and say it: Your goldfish ran away."*

# Managing Your Own Emotions

“Feelings are not right or wrong they just are It’s what we do with them that can be helpful or hurtful”

- CareLerner

- ★ Become self-aware & understand your triggers
- ★ Take time to understand your feelings
- ★ Recognize your needs
- ★ Use strategies that work for you
- ★ Practice self-care



Source: Center for Appropriate Dispute Resolution in Special Education (CADRE)

# Responding to Others' Emotions

- ★ Observe without judging
- ★ Identify emotions and check for agreement
- ★ Ask questions to gain understanding
- ★ Focus on important information learned
- ★ Respond with care



# Rules of Thumb

- ★ Consider the **What** and the **Why** of your message
- ★ Active voice
- ★ **Don't assume knowledge**; Build information piece by piece
- ★ Leave out unnecessary details
- ★ Rule of three; beginning, middle, end
- ★ Include:
  - The Ask
  - The How
  - Thank You



Source: P. Weinzapfel, 2018



# Comfort with Conflict - Think about it:

What is your view or experience with conflict? Is it helpful or harmful?

Does your background or culture view conflict in a particular way and guide you in how to handle conflict?

Have you had an experience where conflict ended up being useful?



# *A Tale of Two Conversations: Take One*



Source: CADRE

[A Tale of Two Conversations: Take One - YouTube](#)

# What did you notice about this interchange?

Body language?

Words?

Tone?

Facial expressions?

How might their relationship be impacted?



# TIPS for a More Collaborative IEP Meeting

## → Prioritize and Plan

- ◆ Make a list & prioritize goals
  - Can it wait?
  - Can it be eliminated?
  - What are the barriers?
- ◆ Plan what you will say
  - Role play or practice



Source: VT Family Network

# TIPS for a More Collaborative IEP Meeting

## → Listen

- ◆ Actively listen

## → Ask Questions

- ◆ If you don't understand, speak up
- ◆ Ask clarifying questions
- ◆ Take advantage of the experts at the table

## → Clarify

- ◆ If someone looks confused, explain

# TIPS for a More Collaborative IEP Meeting

## → Present options in a collaborative way

- ◆ “We can” vs. “you should”
- ◆ “Yes, and” vs. “yes, but”
- ◆ Avoid blame

## → Be prepared with and willing to consider alternative options

- ◆ “How about....?”

## → Deal with disagreements right away

## → Keep the focus on the child

# TIPS for a More Collaborative IEP Meeting

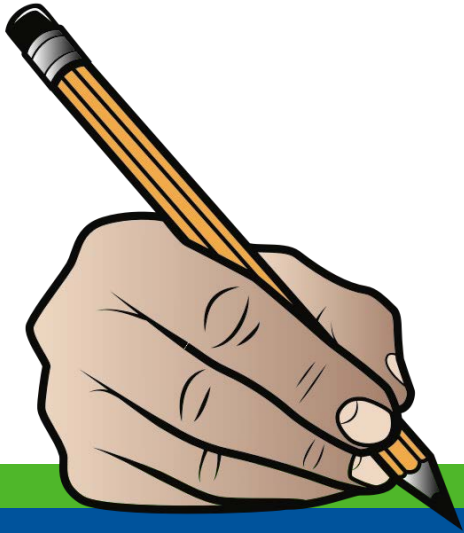
→ Put things in writing

→ Ask for things in writing

- ◆ Make sure everyone is on same page
- ◆ Documentation
- ◆ Prior Written Notice

→ Know and represent your interests

- ◆ You are the expert on your child



# TIPS for a More Collaborative IEP Meeting

## → Remember we are all human!

- ◆ If needed, say “sorry”
- ◆ Ask for time if you need it
- ◆ Acknowledge the things that are going well
- ◆ Acknowledge the efforts of others
- ◆ Remember please and thank you
- ◆ Extend grace



FO  
FAM

*“Everybody's only human, but  
Walter is onlier than most.”*



# *A Tale of Two Conversations: Take Two*



<https://www.youtube.com/watch?v=logiEKNt1eE&t=103s>

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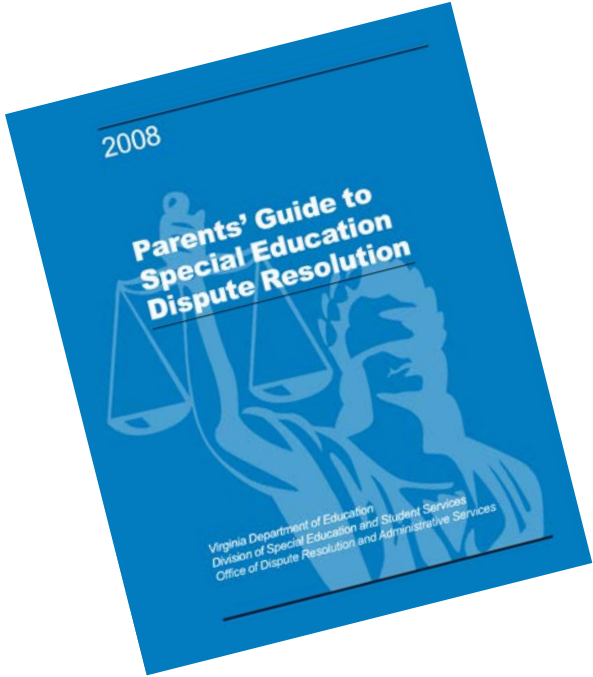
# Returning to the Conversation

What did the administrator do to create an atmosphere of positive regard and respect?

How did the mother pursue her goals without becoming negative?

What are some ways the mother could tell the administrator was truly listening and understood what was important to her?

# Family Friendly Resources



# IDEA's Definition of "Parent"

Parent means—

1. A biological or adoptive parent
2. A foster parent
3. A guardian (but not a guardian ad litem or the state)
4. An individual acting in the place of a biological or adoptive parent (including grandparents, stepparent, or other relatives)
5. A surrogate parent (cannot be an employee of an agency involved in the education or care of the child)



The term "parent" is an inclusive term.

34 CFR Sec. 300.30

Be sure to review your state regulations or speak with someone familiar with them!

*What options do parents/families have when they disagree with their school district regarding the **identification (or lack of), evaluation, educational placement, or services** or the **provision of free appropriate public education (FAPE)** for their child?*

### **Informal Methods:**

- Administrative Review
- IEP Facilitation
- Special Education Ombudsman

# 1st Step: Set up a Conference or Meeting

- Request a meeting with teacher/school
- Prepare
- Take detailed notes



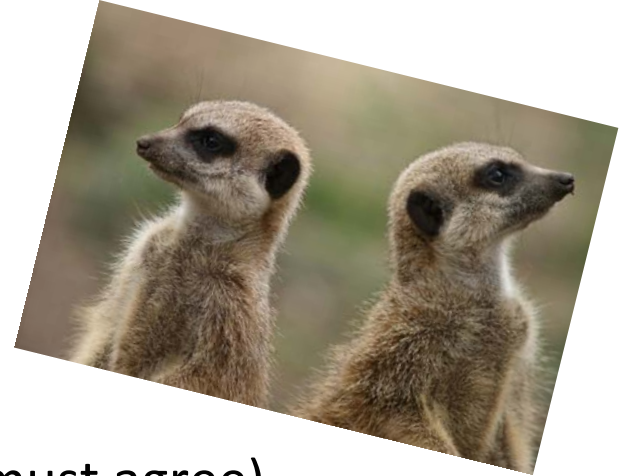
# Administrative Review

- Informal, voluntary
- Parent or principal may request
- Administrative review committee reviews information and renders an opinion/decision



# Facilitated IEP

- Early, informal dispute resolution
- Not required by IDEA
- Parent or school district may request (both must agree)
- SEA may recommend as alternative
- Provided at no cost
- Held at mutually agreed upon time and place



Submit requests to [ODRAS@doe.virginia.gov](mailto:ODRAS@doe.virginia.gov)



# The Facilitator



- Selected on a neutral basis
- Does not take sides or make decision
- Models & maintains effective communication
- Helps identify points of agreement and disagreement
- Helps create an agenda and ground rules
- Keeps team on task and on time
- Ensures IEP document reflects decisions made during the meeting

# Benefits of a Facilitated IEP

- Builds and maintains relationships
- Encourages consideration of alternative solutions
- Decision made by those who know the student best
- Quicker resolution



# Ombudsman

- Neutral party
- Resource to parents and schools
- Promotes collaboration and communication
- Informal/no formal complaint or request form
- Confidential

VA Parent Ombudsman for Special Education

Toll Free: 800-422-2083

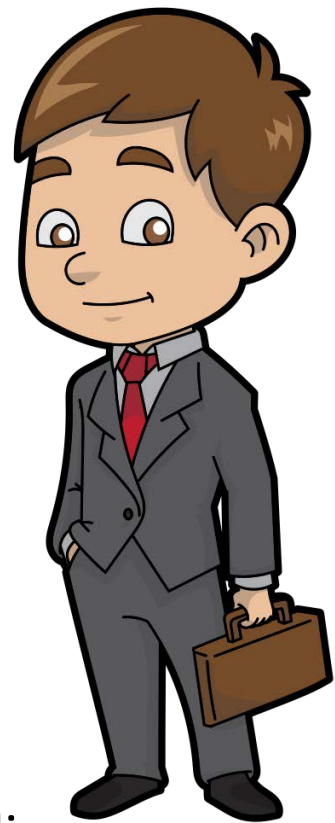
Email: [SpecialEducationOmbudsman@doe.virginia.gov](mailto:SpecialEducationOmbudsman@doe.virginia.gov)



"Helping Hands" by Alec Peever

# The Ombudsman

- Listens to concerns
- Serves as a resource:
  - Provides information
  - Helps locate assistance
  - Clarifies processes
  - Helps develop options
- Provides conflict coaching
- Explains district policies and procedures
- Makes recommendations to Superintendent for policy or practice changes



*What options do parents/families have when they disagree with their school district regarding the **identification (or lack of), evaluation, educational placement, or services** or the **provision of free appropriate public education (FAPE)** for their child?*

### **Formal Methods:**

- Mediation
- Written State Complaint
- Due Process Complaint/Hearing

# Mediation



- Voluntary process
- Both the family and school must agree to participate
- Participants may leave mediation at any time

# Benefits of Mediation

- 70% of mediations result in agreements
- Increases understanding of differing points of view
- Decision made by those who know the child
- More satisfaction when decisions are made together
- Quicker resolution

Source: CADRE

# Mediation

Your grandson was found eligible for special education services as a student with Other Health Impairment (ADHD). During the meeting to develop the IEP, you disagree with the school regarding services and are unable to come to an agreement. You request mediation and the school agrees; however, after 2 mediation meetings, you feel like you are banging your head against the wall and getting nowhere.

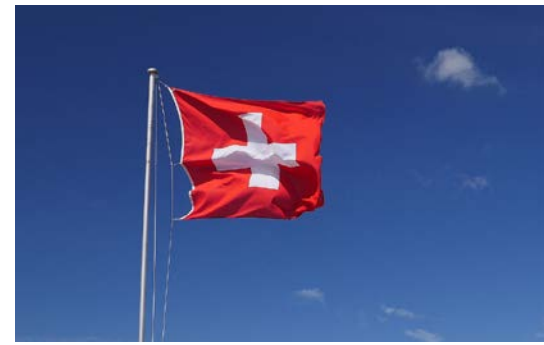
**True or False:** Once you begin mediation, you must continue with it until you reach an agreement.

True  
FALSE



# The Mediator

- The mediator is a neutral or impartial party
- Selected, trained, and appointed (strict random order\*) by the VDOE
- Paid by the VDOE
- Does not make decisions
- Helps the parties communicate and guides problem solving



# What else should I know about mediation?

- Available at any time – even if due process hearing or written complaint has been filed
- Families & school district decide who will attend
- If agreement is reached, it must be in writing
- Signed, written agreements are legally binding



# What else should I know about mediation?



- Meetings are confidential
  - Parties may be required to sign a consent form...containing a confidentiality pledge *8VAC20-81-190. Mediation E(3)*
- Things that are said cannot be used as evidence in a due process or civil lawsuit

# How do I request mediation?



- Both parties must agree and sign the request
  - Form available in Spanish and English
- Indicate any necessary accommodations

# How do I prepare for mediation?

- Get organized
- Think about questions and concerns
- Plan for setting boundaries and maintaining confidentiality
- Consider different solutions
- Deal with emotions
- Talk it out
- Arrive early



## Stay Put

While negotiations are ongoing, the child continues to receive the program which was last agreed upon.



# Written State Complaint



- When there has been a violation of IDEA
- Requests an investigation
- May involve one student/child or a group
- May be filed by any person or organization (including people unrelated)

# The Investigator

- 3rd party (outside school and family)
- Reviews information/evidence
- Interviews/meets with relevant individuals
- Makes findings based on law





# How do I prepare?



- Follow requirements and include all required information
- Provide the school district with a copy of the the complaint
- Respond to all requests for more information
- Review the school district's response and provide additional information if needed

# What else should I know about Written State Complaints?

- Must be filed within 1 year of the problem
- The person or organization filing the complaint must provide facts to support the problems listed on the complaint
- A written decision must be made within 60 calendar days
- The outcome (LOF: Letter of Findings) is a final decision and includes required actions (CAP: Corrective Action Plan)
- The parent or school may file an appeal within 30 calendar days

# Due Process Hearing Request

1. Identification
1. Evaluation
1. Educational placement and services
1. Provision of FAPE

**WHEN?**



# Due Process Hearing Request

True  
FALSE

**True or False.** You are concerned that your foster child has significant learning difficulties. However, the school decides not to evaluate him, because they have not received complete records from his previous schools. This would be a legitimate reason to file a due process hearing request.

# How do I make a Due Process Hearing Request?

- Filed within 2 years
- Must be in writing and include:
  - Child's name, address and school
  - Description of dispute and proposed resolution
- Submit to school division and state education agency
- Write own request or fill out special form
  - Be sure to include *all* information requested



## Stay Put

From the date the hearing request is filed until the final decision is made, the child stays in their current or last agreed-upon educational placements (unless the family and school agree on another placement).



# What happens next?

School must:

1. Inform parents of right to mediation
2. Inform family of free/low-cost legal services
3. Provide procedural safeguards notice
4. Schedule a Resolution Session



 publicdomainvectors.org

# The Resolution Meeting

- 30 day period to resolve dispute
- Meeting scheduled within 15 days
- Parents and other relevant parties attend
- Parents decide if lawyers participate
- If agreement is reached, legally binding
- 45 day timeline begins after 30 day resolution period





# The Hearing

- Takes place in a conference room
- Hearing officer presides
- Court reporter records proceedings
- Witnesses testify
- Parents may open hearing to the public



# The Decision

- Within 45 calendar days
- Written report including rulings & action items
- Decision is legally binding
- Right to appeal



The hearing officer has the authority to grant an extension.

# Things to consider:

- Formal, legal proceeding
- Time consuming
- Emotional Toll
- Expensive
- Low probability of favorable ruling (Source: Hear Our Voices)
- Impact on relationships



**A hearing officer who does not know the child makes a decision; in mediation or resolution meetings, the family, school staff, and others who know the child, work together to come to an agreement.**

# Appeals

- Either party may appeal
- Requirements and timeline vary by state



# Expedited Hearing Request

- Special type of due process complaint
- Parents disagree with school's discipline related decision
  - Manifestation determination
- School believes child's behavior could be dangerous to self or others
- States may have same or different filing requirements

Child "stays put"

# Resources

*2008 Parents' Guide to Dispute Resolution in Special Education*, Virginia Department of Education Division of Special Education and Student Services Office of Dispute Resolution and Administrative Services.

“IDEA Dispute Resolution Parent Guides and Companion Videos.” CADRE, 17 May 2021.

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# Posttest

Please complete this quick survey using the information you gained today:

<http://bit.ly/3FdvcWu>



# Formed Families Forward – Stay in Touch!

**PLEASE COMPLETE EVALUATION.**

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