



*In The Best Interests  
of the Child:  
Individualized  
Education Program  
(IEP) Meetings  
When Parents  
Are In Conflict*

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*Eight-year-old Collin is in the third grade and is having difficulty learning to read. Although a variety of strategies were tried during first and second grade, his reading skills remain at a kindergarten level. Collin's teacher believes that he may have a learning disability, so she suggested to school administrators that he be tested. In response, the school principal invited Collin's parents, who are divorced, to a meeting to discuss Collin's reading skills and to recommend that Collin be assessed to determine whether he may be eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).*

*At the meeting, as the principal began to explain why the school recommends evaluating Collin to determine whether he may be eligible for special education services, one of his parents accused the other of not helping Collin with his homework and letting him play video games. The other parent responded that Collin is treated harshly when he spends time with the first parent, and that Collin doesn't want to visit the first parent because he is punished when he doesn't complete his homework correctly. Although the principal attempted to redirect the conversation back to the reason for the meeting — Collin's reading skills — and the information that may be learned from a comprehensive evaluation, the argument between Collin's parents escalated. The principal and others at the meeting were unable to restore a tone of civility or re-focus the discussion on Collin...*



*Samantha, who is 13, was diagnosed as having autism spectrum disorder when she was three years old. Sam does well when it comes to her school work; however, she seems to be having difficulty interacting socially with her peers. In addition, she impulsively calls out answers in class and cries when not chosen for special group projects, causing concern for her teachers and parents. At Sam's last IEP meeting, the school psychologist recommended that she participate in an after-school social skills group. Sam's IEP team, which includes both of her parents, agreed and added this to her IEP.*

*Five months have passed since then and Sam has not attended any of the social skills group sessions. One of Sam's parents recently requested an IEP meeting, telling the special education director that they wanted the IEP team to support their request for full custody of Sam. At the IEP meeting, that parent blamed Sam's other parent for Sam's non-participation in the group sessions, adding that the other parent never follows through with commitments and that it's in Sam's best interest for her to live exclusively with the first parent. The second parent responded by yelling that the meeting was a waste of time and began making derogatory statements about the first parent. The special education director tried to intervene but Sam's parents continued...*

## **I. Introduction/Overview**

The examples above illustrate issues that confront Individual Education Program (IEP) teams every day in American schools. IEP teams are composed of diverse individuals, each bringing a unique set of experiences, knowledge, and skills to the table. Given this, it isn't uncommon for team members to have different views on the special education and related services needs of the student whose plan is being developed. When divergent views between families and local educational agency (LEA) staff cause deadlock in the IEP process, the Individuals with Disabilities Education Act (IDEA) makes available a continuum of dispute resolution options. These options range from collaborative approaches, e.g., mediation, to more adversarial ones, such as written State complaints and due process hearing requests. These processes focus primarily on anticipated dissension across the table between families and educators. IDEA does not address instances when the child's parents are disputing with each other. What happens when tensions between the child's parents undermine the IEP process?

The vignettes offer examples of situations in which parents or caregivers — who may be divorced, separated, never married or just have significant difficulty working together — are engaging in disagreements at IEP meetings. Their disputes are often rooted in interpersonal disagreements, power struggles, and other issues unrelated to the child's educational needs. Emotions may surface in a number of different ways, but often reflect a parental concern for their child's education. Stirred emotions can escalate quickly resulting in an atmosphere that is contentious enough to derail the progress of the meeting. This can leave other IEP team members feeling awkward and uncomfortable, even wanting to avoid communications with the child's parents. In addition to adversely affecting the home-school communication that is central to student success, it can also complicate procedural requirements. How does an IEP team work together when the parents' conflict, which is outside the scope of the IDEA's dispute resolution options, overwhelms discussion about the student and his or her IEP?

The purpose of this publication is twofold: (1) to assist the reader in better understanding the problem, and (2) to highlight both preventative and responsive strategies for IEP teams when parents or caregivers are having difficulty working together. Children's best interests are served when all members of the IEP team cooperate to design the IEP. Properly prepared and appropriately skilled IEP team members — administrators, educators, related service providers, the student, and parents alike — can improve the dynamics and interactions among team members in service of this goal.

The following information, strategies, and approaches were drawn from a variety of sources, including research on the effects of parenting a child with a disability on parent and family relationships, literature on conflict resolution practices, and data collected through surveys and interviews with a cross-section of IDEA stakeholders from around the United States.

<sup>1</sup>See 34 C.F.R. § 300.321.

<sup>2</sup>See 20 U.S.C. § 1400 et seq.

<sup>3</sup>See 34 C.F.R. §§ 300.152-154; 34 C.F.R. §§ 300.506-518.

## II. Methodology

This resource presents findings and recommendations on the role of intra-family tension, strife or conflict in the IEP process based on three coordinated research efforts: a literature review, a survey of stakeholders related to IEP development, and interviews conducted with a broad range of experienced professionals.

A review of the existing literature identified valuable resources to guide this inquiry. These academic and policy resources are rich in information but few in number. Complementing the literature review were surveys and interviews of knowledgeable stakeholders, including state and local school administrators, parents, advocates, attorneys, and policy analysts. The survey was conducted online between July and November 2012, with 154 respondents taking part (See Appendix A). To ensure candor, the survey was administered anonymously with an option for survey respondents who wished to participate in follow-up interviews to share their contact information.

The authors conducted in-person or telephone interviews of 15-30 minutes in length, on average (see Appendix B for a list of interview participants). Detailed findings from the surveys and interviews are presented in subsequent sections, but a fundamental conclusion bears note here: intra-family strife during IEP meetings is a major concern for families and school personnel. Survey respondents indicated high prevalence of significant tension or active conflict between parents in IEP meetings.

Note: The issues and strategies presented here arise from experiences in IEP development or meetings — for students between ages three to twenty-one — and are tailored to that context. Given the similarities between IEPs and Individualized Family Service Plans (for children ages birth to three), many of the recommendations presented here may be valuable in the conduct of IFSP meetings. Readers interested in Part C\* are also directed to Appendix C.

## III. Parental Relationships, Conflict, and IEPs

“All families experience stress from time to time,” but both the types of stress, and the availability of resources and supports to help families cope with stress, vary from family to family (Duis, Summers, & Summers, 1997). Families of children with disabilities regularly deal with stressors that are not experienced by other families, including:

- Exhaustion from managing medical and related appointments;
- Financial strain from costs related to the child’s disability;
- A reduction in income due to time away from work;
- Social isolation as a result of time spent caring for the child; and
- Increased incidence of depression in both parents, affecting mothers at a greater rate (Hanson, 1990; Kraus’s, 1993).

It comes as no surprise that raising a child with a disability may have a negative effect on family relationships (Trute & Hiebert-Murphy, 2002). Some families adapt positively, and factors that affect this adaptation include the

\* Part C of the Individuals with Disabilities Education Act (IDEA) focuses on improving services and outcomes for infants and toddlers with disabilities through age 2 and their families.

parents' interpersonal relationship and their levels of "parental stress" (Trute & Hiebert-Murphy, 2002). 'Parental stress' is defined as, "the effect of aspects of parents' functioning (e.g., sense of competence, relations with their spouse/partner) on their capacity to parent effectively" (Krauss, 1993). A number of studies show that families with strong coping mechanisms adapt positively to their child's disability and experience lower levels of parental stress than other families in similar situations. Availability of family resources and supports, resiliency, and parental perceptions of the disability weigh into this equation, but coping skills and parental locus of control, in particular, can be used to predict both parental stress and the effect the disability will have on the family (Jones & Passey, 2004; Krauss, 1993). Parents who have a variety of family resources and supports, good coping skills and a sense of internal locus of control seem to adapt more easily to their child's disability, and this generally equates to lower levels of parental stress (Jones & Passey, 2004). Researchers also found that these parents tend to engage more easily with others regarding their child's disability and needs (Jones & Passey, 2004).

The picture is quite different, however, for families whose internal and external resources are more limited. For families with smaller networks of support, and for whom relationships, such as with doctors and other practitioners, tend to be more formal, the hydraulic relationship between family adaptability (lesser) and parental stress (greater) is linked to other significant challenges (Taaniila, Syrjala, Kokkonen, & Jarvelin, 2002). These parents generally demonstrate a great level of fear and uncertainty about their child's future, and believe that the disability controls their lives. They often have difficulty dealing with the disability itself, experience social isolation, and have a high probability of interpersonal difficulties with their child's other parent (Taaniila et al., 2002).

Most parents will disagree at some point on matters relating to their child (Jones & Passey, 2004). So it makes sense that those parents with high levels of stress, who also have difficulty working together, may disagree about their child's educational needs. According to survey respondents, during times of family transition, such as separation or divorce, parents may find it especially challenging to distinguish or isolate disputes about other parental rights and responsibilities (e.g., custody, parenting time schedules, or visitation and child support issues) from issues relevant to the creation of an educational program or plan for a child with special needs. When these disagreements and

## Cross-Cultural Considerations

*Educators must provide inclusive and culturally relevant services to diverse populations of students and families. Many families may find the IEP process formidable or unfamiliar. Additionally, changing mores about the traditional roles of parents and expanding family structures further challenge educators to create IEP meeting environments with an atmosphere that is conducive to team building and collaboration. There are a number of reasons for making IEP meetings more accessible and responsive to families from culturally diverse backgrounds. When disagreements are resolved collaboratively, they result in stronger communities, better relationships between educators, service providers and families, and improved outcomes for children and youth.*

*(See Keys to Access, 1999)*

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differences of opinion erupt at IEP meetings, the disruptive dynamics between the parents affect the entire IEP team and compromise its ability to work collaboratively on the child's behalf.

Each of a child's parents will have a unique understanding of that child, and they may disagree over important aspects of parenting, including educational needs and approaches. Professionals will bring additional viewpoints to the IEP meeting. When one considers the complicated mixture of these voices, potentially differing goals, and the complex regulations and procedural requirements of IDEA within which IEPs are developed, the potential for disagreements to delay team consensus is highly elevated. For parents who are divorced, separated, estranged or have a difficult working relationship, differences of opinion about educational planning and frustrations with the other parent can become additional sources of intra-family conflict.

***“Teachers who are overly empathetic toward the parent who communicates more regularly with them can cause problems with the other parent who feels left out of the loop.”***

**Dr. Michael Thew, Executive Director, LEA**

Parents are key members of their child's IEP team. No one else on the IEP team knows the child in the same way as his or her parents. When parents' perspectives differ on their child's educational needs or share contradictory information about their child with the IEP team, team members find themselves in a precarious position. They have to figure out what to do with these opposing viewpoints and divergent perspectives, while continuing the process of developing a plan for the student's education. Though federal regulations specify steps that an LEA should take to ensure that one or both parents are present at the IEP team meeting, or afforded the opportunity to participate, the regulations also list specific timelines in which the IEP must be developed and implemented. Numerous respondents reported that parents experiencing intra-family tension or strife who engage in arguments or contentious behaviors during IEP meetings can severely disrupt their child's IEP process.

Individuals interviewed for this study recounted a wide range of difficult behaviors and awkward situations in IEP meetings. These include parents screaming or shouting at each other in fits of anger, or physically attacking each other. In some instances, parents directed hostilities at other members of the IEP team through continuous interruptions, or off-topic sidebar conversations; in other cases, negative communication was directed at the other parent: sarcasm, criticism for alleged offenses unrelated to the IEP, and the initiation of topics that were potential sources of embarrassment to the other parent.

LEA staff and parents alike report being perplexed as to how to deal with these outbursts. Such occurrences are not just emotionally draining for IEP team members but can significantly interfere with the purpose of the meeting — the student and developing his or her IEP. In the absence of state and local guidelines, there is a sense of chronic uncertainty as to how to deal with these situations. Some administrators set ground rules for interaction among participants. Others remind parents that the purpose of the meeting is to deal with the child's educational needs and that disrespectful behavior disrupts the team's work. And still others attempt to deal with the presenting issues even when such issues are not relevant to the child's educational program. A considerable number of school administrators

reported that such meetings are emotionally draining for staff, are difficult to manage, do not accomplish the serious discussion that is needed to review the child's educational services, and require an extraordinary amount of time.

Below are strategies that can be used by professionals and family members to prevent or respond to intra-family strife in the hope that these conflicts don't interfere with the development of an IEP that is in the best interests of the child.

#### **IV. Planning and Preparing for IEP Meetings**

Both the process and outcomes of an IEP meeting can be improved if team members are prepared to deal constructively with conflicts among IEP team members, including those between the child's parents. Listed below are some ways in which LEA staff and related service providers can plan and prepare for meetings that may be high-stress, such as when a child's parents are divorced, separated, or have difficulty working together. They include big-picture strategies that an LEA might consider, such as conducting an institutional self-assessment leading to the modification or enhancement of policies or procedures, to meeting design and planning that can prevent disputes from escalating during the meeting, to professional development activities that can improve the ability of staff to more capably manage conflict when it arises during IEP meetings.

People generally appreciate having some idea of what will be discussed at meetings, as it gives them a chance to gather materials and prepare mentally so they can participate fully. In addition to a meeting agenda and the opportunity to review paperwork that might be discussed at the meeting, participants find it helpful to know who is expected to attend the meeting, how long the meeting is expected to last, details about the meeting space, transportation and parking, as well as the opportunity to communicate about any special accommodations needed for an individual to participate.

Parents often do not inform their child's IEP team that they are or expect to be experiencing tension that may result in a high degree of stress at an IEP meeting, although sometimes one of the parents or another member of the IEP team (such as a school staff member or related service provider) can anticipate that family members will disagree during a meeting.

#### **Cross-Cultural Considerations (CONT'D)**

*Participation in IEP meetings requires that educators and service providers continuously assess their own cultural and gender role expectations as well as their understanding of the cultural mores of the families with whom they are interacting. It is tempting to maintain that IEP team decisions are always made based on test data and classroom performance, but that is not always the case. A teacher who was divorced and became a single parent may have a strong sense of identification with a mother who appears to be valiantly raising her children with little support from the other parent. A teacher whose partner has refused to modify career aspirations to spend more time with their children may have little sympathy for parents who complain they can't help their child with homework because of working late most evenings. It is exceedingly difficult to refrain from judgments regarding the choices that parents make. Despite attempts to achieve neutrality, those judgments affect the way in which educators and service providers interpret the statements, aspirations and expectations of parents.*

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While it is not typical for IEP team members to be trained on what to do when an IEP meeting deteriorates into a contentious battle between parents, preparation and planning can go a long way toward fostering effective communications and maintaining focus on the student's educational needs.

### **LEA Self-Assessment of Its Approach to High Stress Meetings**

One of the actions an LEA can take is to evaluate its organizational policies and procedures, and engage in an assessment of whether its current approach to IEP meetings sets a tone that fosters effective parent-professional relationships, encourages collaboration and cooperation in IEP teams, and includes sufficient capacity to work with parents experiencing intra-family conflict. Such an undertaking might include participation by a broad array of stakeholders (e.g., parents, educators, advocates, staff, administrators), and may benefit from the assistance of a third party facilitator or consultant to help navigate through the process. Self-assessment can be incorporated into a larger school improvement or professional development plan that the LEA may already be working on. (See Appendix D for more information on implementing this strategy.)

Some aspects of the needs assessment process might include identifying:

- Governance changes needed (e.g., policies, procedures, leadership) to enhance the LEA's current capacity for preparing for and managing conflict during IEP meetings;
- Resources needed to build capacity among staff members (e.g., professional development, teambuilding, conflict resolution skills, cultural sensitivity);
- Resources of potential benefit to parents, regardless of their relationship status, that can serve as sources of support for addressing family needs and stressors; and,
- Measures to ensure consistent application and on-going maintenance of this capacity across the LEA.

### **Professional Development for LEA Staff**

LEA staff who participate in IEP meetings benefit from professional development opportunities that build skills and knowledge relating to sources of conflict, components of effective communication, and routes to resolution in order to develop abilities to effectively pre-empt and manage high stress situations. Over time, meeting management and conflict resolution skills can increase self-confidence, trust, and reliance among colleagues, and result in a more effective approach to working with parents and caregivers experiencing intra-family strife.

*“Parents need to feel safe, and heard. Sometimes when the power or aggressiveness of one parent is strong it can be very uncomfortable. All professionals need some training in dealing with difficult conversations.”*

**Anonymous Survey Respondent**

### **Skill Building for Other IEP Team Members**

LEAs might also consider making skill-building opportunities available to a broader array of stakeholders, including parents, students, and advocates. Team members with skills in appropriate communication and conflict resolution

can contribute to more productive meetings. Trainings can be incorporated into annual stakeholder meetings or workshops featuring sessions on collaborative decision-making, the language of resolution, verbal and non-verbal communication, and an overview of additional resources on these topics available in the community.

***“Meet with the staff before and discuss the possibility of conflict during the meeting and decide which staff member has the best skills to redirect the parties.”***

**Dr. Birdie Rodriguez, Retired School Administrator in Brownsville, Texas**

### **Team Planning Meeting**

Team members often share knowledge informally with each other regarding a child's family based on previous meetings and encounters with family members. If such sharing takes place more intentionally, such as at a team planning meeting in advance of developing an IEP, members can use the opportunity to identify potential stressors that might disrupt the upcoming meeting. They can also discuss ways for the team to work together to keep the meeting focused on the student and his or her educational needs, and to develop courses of action they might use to diffuse any parental conflicts that might arise during the meeting. This may be an appropriate time to preview any anticipated disagreement between parents about decision-making authority and discuss a team approach to that issue.

***“I recommend meeting with them beforehand and then, during the meeting, being compassionate but also requiring that all meeting members treat each other respectfully. If this is not possible, reconvene the meeting.”***

**Diane Willcutts, Education Advocate**

### **Pre-meeting Phone Calls to Parents**

Before an IEP meeting is convened, it may be helpful for the person who will be chairing the meeting to contact each parent by phone. Such calls provide an opportunity to discuss the agenda, scheduling, location, any accommodations a parent may need to participate fully, and to reinforce the importance of parents' participation in their child's IEP.

When working with parents who are divorced or estranged, and having difficulty working together, if the IEP team has a question about legal authority to make educational decisions for the child, it may be helpful to inquire about each parent's understanding of his or her authority and whether this is an issue that may cause conflict during the IEP meeting. If the LEA has an administrative policy regarding parental decision-making authority in the face of a disagreement between the parents, the caller can inform each parent of that policy and clarify whether there is a conflict between the LEA policy and either parent's asserted authority. If it is necessary to obtain a legal decision or verify a legal determination, doing so before the meeting can avoid conflict during the meeting.

### **Parent Preparation**

Parents will also benefit their child by preparing themselves to participate effectively in IEP meetings. For parents in high conflict relationships, this will include managing their interpersonal challenges with the other parent. Suggestions

for parental preparation may be drawn from resources in Appendix E, and are available online, such as *Tested Tips for IEP Meetings*, *Steps to Success*, and *IEP/IFSP Facilitation: Practical Insights and Programmatic Considerations*.

***“Most important, I would say that there should be no surprises at the IEP meeting. Everything possible should be done to plan with parents before the meeting: share information and ideas in writing with each other, share IEP drafts and feedback before the meeting. This really prevents tense situations from occurring.”***

**Anonymous Survey Respondent**

### **Use of Electronic Communications**

A key characteristic of successful IEP meetings is listening. It is critical for team members to listen intently to others' suggestions and concerns and engage in candid discussions about student needs with all team members working together



in a single space. There are a variety of occasions, however, when a student's parents cannot be physically present in a room together, i.e., parents serving in the military, long distance parenting, or perhaps circumstances involving domestic abuse. In these situations, use of electronic communications may be necessary. In parenting situations involving intra-family conflict, a team might also consider using some form of electronic communications to conduct the meeting in real-time with parents participating from different locations. Options for conducting meetings this

way include teleconferencing or using an internet-based video conferencing service (e.g., Skype, Google Talk).

If one of these tools is used to conduct the meeting, it will be especially important to be mindful of potential audio/video limitations that team members may experience, to check technology in advance, and to be attentive when others are speaking. Also, if any printed information is going to be shared at the meeting, it is important to provide those documents to all team members before the meeting.

***“It has been very frustrating when the school personnel begin talking only with the parent who is in agreement with their position. This shuts the other parent out of the meeting and causes even greater strife between the parents. It also causes additional challenges when the other parent is interacting with staff on subsequent visits to the school or class.”***

**Heather Hebdon, Director of Specialized Training of Military Parents**

### **Separate Meeting Spaces, Separate Meetings, Alternating Attendance**

One option for parents having difficulty engaging in a productive discussion when in the same room with the other parent is to schedule one meeting time and provide separate meeting spaces for each parent. With the child's parents

in different locations, team members or a team representative will go back and forth between the rooms. Use of separate meeting spaces like this is referred to as a “caucus” approach in mediation, and is a practice that is used often when parties cannot occupy the same space due to their conflict. The mediator shuttles between two rooms, attempting to bridge the gap between parties; here, the parties would be the child’s parents and anyone accompanying them to the meeting. Another possibility might be to hold separate IEP team meetings for each parent.

On occasion, a child’s parents may have an understanding or legal agreement to alternate which of them will attend and participate at their child’s IEP meeting. In this case, as well as those above, it will be important for all team members to be aware of the meeting arrangements in advance. Both parents are to be provided with copies of all preparatory materials (such as the meeting agenda) and anything that the team works on at the meeting(s).

While these options may be appropriate for certain situations, there are at least three significant challenges or considerations when conducting IEP meetings in separate spaces or at different times:

- 1) When one parent shares his or her knowledge, impressions, and concerns for the child without the other parent present, the benefit of shared knowledge is lost and the possibility of perceived differences is increased.
- 2) Conducting separate IEP meetings can be physically, mentally, and emotionally taxing on everyone and may increase parental stress levels, rather than reduce them.
- 3) While reducing the opportunity for active conflict, separate meetings also create additional barriers to collaboration and cooperation. Parents don’t have an important opportunity to develop a shared understanding of their child’s needs, challenges and the best way for them to mutually support each other and their child’s education.

Use of separate meeting times and spaces is advisable only when all other approaches have been explored and this is the only means of incorporating both parents’ input into their child’s educational program.

***“A Parent Mentor is there to support the parents and educators with information and technical assistance. They are non-threatening to both parents and educators.”***

**Anonymous Survey Respondent**

### **Parent Mentoring, Support Groups and Support Persons**

A number of parent centers offer parent mentoring services. Parent mentors provide telephone or in-person consultation to parents before, during, and after IEP meetings. Most of the time, mentor parents assist families who are in dispute with their school system; however, they report occasionally assisting parents with issues relating to difficulties with the child’s other parent. Some parent centers, as well as other community-based organizations, provide support groups for divorced, separating or parents experiencing intra-family strife. These types of groups can provide support and other forms of assistance including helping families keep the focus on the best interests of the child during IEP meetings. Some of these organizations also conduct workshops that help parents focus on areas of agreement and on building the child’s strengths. Another approach might be for a support person — a relative, advocate, friend or other trusted individual — to attend the IEP meeting with the parent. More information,

including how to contact a center, can be found here: <http://www.parentcenterhub.org/>

*“The conflict between the parents can go well beyond educational issues. Sometimes parents need the help of a third-party counselor to help them work together.”*

**Diane Willcutts, Education Advocate**

## V. At the IEP Meeting

*“Acknowledge the fact that the family is experiencing conflict, but focus the parents on their child and not their marital issues in a very diplomatic manner before beginning the meeting. This will help in having a productive meeting.”*

**Dr. Birdie Rodriguez**



As mentioned earlier, it can be beneficial for all IEP team members to have some time in advance of the meeting to prepare. The LEA is responsible for developing the meeting agenda (hopefully with input from team members), sending notices, and holding the meeting. On the day of the meeting, the points below might be considered and followed, to reduce parental stress and create an environment that will encourage collaboration among team members:

- Meeting Time — To the extent possible, the meeting is scheduled at a time that is convenient to all team members with sufficient time allocated for important discussions, and starts and ends on time.
- Arrival/Waiting Area — A comfortable waiting area for parents and other meeting participants is available. Separate waiting areas may be necessary for parents and family members who have difficulty being in the same space at the same time.
- Personal Needs (e.g., restrooms, water, snacks, tissues) — Meeting participants are advised of the location of restrooms, places around the meeting space where they may retreat for a break, water fountains, beverages, and the availability of food/snacks. The team leader or facilitator might check in advance with team members on whether it is appropriate to have food and drinks in the room, and if so, what types. This may be especially helpful for meetings that are expected to go several hours. Also, the team leader or facilitator ensures that tissues are available in the room.
- Arrangement of Meeting Space/Seating — While some consider it ideal for team members to select where they will sit, the configuration of the room may necessitate that members be seated in certain places. If this is the

case, the meeting leader or facilitator seats apart, though not opposing, team members and participants who do not work well together.

- **Introductions and Name Cards** — The meeting leader or facilitator begins introductions, including name, relationship to the child, and role on the team. Some may find it helpful for each participant to make a name tag or card that reflects this same information. The same degree of formality is used in addressing all participants.
- **Review Meeting Schedule/Timeline and Agenda** — The meeting leader or facilitator reminds team members of the time allotted for the meeting, and advises them that another meeting can be scheduled, if needed. It is useful for a clock to be on the wall in a place where participants can see it clearly.

***“Preface the meeting by respectfully acknowledging that the team is aware there may be some disagreement and remind the team that it is about the child.”***

**Diane Rudzitis, Parent Mentor, Hudson City Schools, Hudson, Ohio**

- **Rules and Etiquette** — Some teams will work together to develop rules for their meetings. In other cases, the meeting leader or facilitator can share suggested rules of conduct for the meeting. These might include:
  - The reason for the meeting is the student’s educational needs.
  - Discussion will focus on the student’s educational needs.
  - Everyone will be treated with respect.
  - Everyone will have the opportunity to participate/speak.
  - The person speaking will not be interrupted.
  - Plain language will be used as much as possible. Jargon and acronyms will be explained/defined by a speaker who uses them, to ensure that all team members understand what is being said.
  - Electronic devices (e.g., phones, tablets) that are not needed to participate in the meeting will be silenced and put away during the meeting.
  - **Parking Lot** — Thoughts, questions, and comments that come up during the meeting that are off-topic and might sidetrack current discussion can be written to a “parking lot” (e.g., white board, flip chart) and saved for later discussion. This can help team members stay on track with the meeting and keep an eye on ideas that may be worth considering.

***“If need be we will stop meetings until all parties are calm or agree to work collaboratively for the benefit of the child.”***

**Dr. Michael Thew**

- **Reports and Discussion** — The meeting leader or facilitator solicits feedback in a way that promotes discussion, such as using open-ended questions. Special attention is paid to the student’s parents, to ensure that the discussion is balanced — especially when it comes to their understanding of the information presented/interpreted in reports, or at points in the discussion where one parent’s participation dominates the other.
- **Closure and Planning/Preparations for Next Meeting** — Prior to the close of the meeting, the leader or

facilitator reviews the team's accomplishments for that day. Then he or she checks in with all team members about outstanding agenda items, if any, follow-up that might be needed, parking lot issues to address, and the timeline for the next meeting. The leader or facilitator also confirms how notes or other documents produced or shared at the meeting will be provided to team members after the meeting, and by when.

***“I think it really comes down to running an efficient, student centered meeting where everyone is heard and respectful communication is upheld.”***

**Jill Heuer, SELPA Director**

### **Strategies for Staying Child-Focused**

As core members of the IEP team, it is important for parents to strive to work together as much as possible. Staying focused on their child's educational needs is essential to the IEP process, and is one way that parents who have difficulty working together may be able to get through meetings without engaging in arguments. Though it may sometimes seem difficult in the moment, leaving aside personal feelings and disputes not related to educational planning is essential for a parent to stay focused and participate effectively in IEP meetings.

***“No matter what negative statement someone says about my son, I will keep my eyes on the big picture and move past it. For me it's always been... How are we going to make something happen, not IF. Be honest and human. Let the people around the table know that this situation is getting tense and ask what can we do to move forward in a positive manner.”***

**Anonymous Survey Respondent**

Some parents find it helpful to compartmentalize differences they have with the other parent when they are at IEP meetings, because the reason they are there is to work together for their child (Block & Smith, 2013). Others say that having a photo of their child with them at the IEP meeting helps them, and the other team members, remember why they're there (Block & Smith, 2013). A similar suggestion was for the team to view a video tape of the

### **Cross-Cultural Considerations (CONT'D)**

*It is imperative for educators and service providers to be mindful of the cultural traditions and gender role expectations of the families whom they serve. A priority for all school system employees is the development of cultural competence. This is particularly crucial for participants in IEP meetings. Not only must team members be mindful of the potential cultural stigma of disability among some families but they must also understand how family roles are delineated. For example, families from traditional patriarchal backgrounds may defer to the preferences of the child's grandparents if they are present in the meeting. Even though educators and service providers are likely to address their comments primarily to the parents, the grandparents may very well be the de facto decision makers.*

Continued on page 13

child together. Yet another group reported having had success meeting with a third party (see below), such as a trusted family counselor, spiritual advisor, or facilitator, to work through areas of disagreement relating to their child's education prior to attending IEP meetings together. In cases when the child is not present, it may be useful at the start of the meeting to invite participants to pause for a moment and imagine the child is present. What is it the child hopes for and needs from the most important adults in her or his life?

*“In the brokering process we can't recommend any kind of specific organizational support being professionally impartial, but we explore who is involved in supporting the family in conversation with them and usually explain the benefits of bringing a support person with them which can be very helpful.”*

**Jane Burns, Dispute Resolution System Administrator and Intake Specialist**

## **VI. Follow-up/After the Meeting**

It may be helpful for someone from the LEA, who is unconnected to the student and IEP team, to make contact with the parents and other team members after the meeting and gather input on their experience with the meeting and overall process. This “debrief” can provide an opportunity to learn about the team's meeting process, how conflicts arising during the course of the meeting were managed, and what, if any, resources the team members, including the parents, might need. The information gathered during the follow up can be shared with the team members as part of a team self-assessment, and be used for future team planning.

*“Sometimes a third party can help diffuse tension when members are taking matters personally and not focusing on the child being discussed.”*

**Missy Alexander, Parent Educator**

### **Cross-Cultural Considerations (CONT'D)**

*Other families will be reluctant to discuss the child's disability in a large meeting with strangers because the notion of disability may be perceived as a private family matter as well as a source of shame. And still other families will be reticent to express their opinion when encouraged to do so by the IEP team leader because teachers are honored experts and family members may believe that they do not possess the needed expertise to have a valued opinion.*

*All of this is complicated by two factors. First, team members are correctly reluctant to apply cultural assumptions, no matter how accurate they may be for a particular group, to specific families. Simply because it is likely that a cultural group tends to subscribe to a particular set of beliefs does not mean that the individual family members in the meeting share those beliefs.*

Continued on page 15

## VII. Third Party Processes

In addition to the suggestions outlined above, LEAs and parents may find it useful to take a closer look at various



types of alternative dispute resolution options. A variety of processes use third parties to facilitate, mediate, counsel, mentor and support negotiations between parents and among members of IEP teams. For example, many states and school districts offer IEP facilitation programs that provide teams the opportunity to work through difficult discussions and decisions with the assistance of an impartial third-party facilitator.

Following are three examples of processes which may aid in moderating conflicts and restoring the focus on the student and his or her educational needs. They may also free up a team member to more fully participate in problem solving as they'll have less responsibility for running the meeting.

*“(It would be helpful) if they could meet with each parent — separately — several days prior to the scheduled IEP meeting to listen to the parent’s issues/concerns and help them separate those that are school-based and directly related to the IEP and those that are not.”*

**Linda Carter-Ferrer, Parent Advocate**

### ***IEP Meeting Facilitation***

Facilitation is a voluntary process that can be used when an IEP team agrees that the presence of an impartial third party will help with communications and problem solving. Though most often used when interactions between the school and family have been difficult, facilitation can also be helpful when team members anticipate challenges reaching agreement on critical issues, or when a meeting is expected to be particularly complex or controversial. For IEP teams that include parents who have difficulty working together, an effective facilitator can make the team’s work smoother by supporting clear communication through the use of a structured and focused process. It is important to note that a facilitated IEP meeting *is* the IEP meeting; a separate meeting need not occur.

In addition to assisting at meetings, facilitators often perform many of the steps mentioned earlier that can help members prepare for the meeting. Some of these include:

- Contacting team members in advance of the meeting to explain the meeting process, structure, and purpose;
- Ensuring that team members are familiar with what will be discussed at the meeting, including any materials or topics that will be reviewed;
- Identifying any anticipated problematic dynamics and issues that may need to be managed or addressed during the meeting; and,
- Encouraging team members to remember that the child is the reason for the meeting and to leave aside

personal issues that might prevent the team from accomplishing their work on the student's IEP.

During the meeting, the facilitator will work with all participants to establish the agenda, manage comments that detract from the team's work, and keep the meeting focused on the student's IEP. The facilitator may also suggest when the team considers taking a break to engage in private discussions about a contentious IEP-related issue, or a timeout when the emotional tone of the conversation is escalating. For more information on IEP Facilitation, see Appendix E.

*“The mediators I have the opportunity to work with here have been very good in keeping the focus on the children and their needs and interests. They have also been great in ensuring that the parents get their voices heard. This is definitely a plus when seeking out effective resolution of the many conflicts parents experience within the districts.”*

**Geraldine Moore, Information Specialist/Coordinator**

### **Mediation**

Mediation as required under IDEA is envisioned as an alternative to more adversarial procedures to resolve conflicts between educators and family members. Using a mediator outside the IDEA requirements may serve as a useful vehicle for resolving differences between parents (or among other family members) and act as a stepping stone to a more productive and less contentious IEP meeting. It has the added benefit of removing other IEP team members from the intra-family fray and shifts the conflict resolution process to a different environment. Mediation has a long and successful track record of resolving or managing parent discord and is used frequently in the context of divorce, parenting plans and other aspects of transitioning family life (Gold, 2009).

*“Sometimes parent conferences held prior to disruptions can alleviate some future problems.”*

**Dorothy H. Lewis, Federal Programs Supervisor**

### **Cross-Cultural Considerations (CONTD)**

*Second, the longer a family has been in the United States the more likely it is that they have been engaged in the process of cultural assimilation. It is vitally important that participants in team meetings be aware of the variety of cultural assumptions and gender expectations of the families whom they serve while recognizing that they must be cautious about applying generalizations to any specific family.*

*Enhancing cultural competence by educators and service providers as well as mediators, facilitators, advocates and others should be a part of any system assessment and professional development programs. The simple rule for educators is to treat families from other cultures with respect and genuine interest. Set out to ascertain how it is that people wish to be treated and do your best to behave accordingly.*

### **Consensus Development Conference**

During interviews with parents, advocates, administrators and policy makers, the idea of a Consensus Development Conference was presented by the authors. They conceptualize this conference as a place in which parents who typically do not have productive discussions are able to have a conversation with the assistance of an impartial third party about their child's strengths, needs, and challenges. Facilitated by a non-school-related mediator, the Consensus Development Conference is not part of the IEP process. Any information or written notes from the conference do not become part of the child's educational record. See Appendix F for more information about the Consensus Development Conference.

## **VIII. Conclusion**

All parents want to be respected for their insight and knowledge about their child — this is especially applicable during IEP meetings. Parents who find it challenging to cooperate with one another may feel increased tension or pressure simply because they will be, or are, in the same room as their child's other parent or family members. High levels of parental stress, combined with personal differences, can feed feelings of contention and controversy, and arguments between family members can erupt quickly.

Awareness of the student's family situation can help team members be mindful of sensitive topics or areas that might come up during IEP meetings and reduce the potential for fueling tensions between the student's parents. Building good working relationships between IEP team members and maintaining a respectful team environment can take some time and effort, but is essential to the whole team's process and is vital to working with parents who have difficulty working together.

Perhaps most important of all, is that everyone involved in a child's IEP keep an open mind about the process and the purpose — it's about the child.

### ***Platinum Rule:***

***“Do unto others as they would do unto you.”***

## Appendix A: Survey — Parental Conflict and Special Education Decision Making

*A total of 154 people responded to the survey, including state and local school administrators, parents, advocates, attorneys, dispute resolution practitioners, and policy analysts. The survey was conducted anonymously but respondents had the option of being contacted for follow-up interviews. Information gathered through the survey and individual interviews has been incorporated throughout the document. The survey questions are included here:*

1. How often have you had experiences in which the IEP team has had to deal with situations in which there is significant tension or active conflict between parents?
2. What strategies have been employed to deal with tension in these situations that have been HELPFUL?
3. What strategies have been employed to deal with tension in these situations that have been INEFFECTIVE?
4. What recommendations do you have when it is anticipated that parental conflict will surface during the meeting?
5. Are you aware of any guidance and/or resources offered by State or Local Education Agencies addressing parental conflict in special education decision making?
6. Are you aware of provisions in juvenile or family court orders that address parental conflict in educational decision making?
7. Please comment on specific provisions and language and whether they have been effective in reducing conflict or assisting educational decision making to proceed appropriately.
8. How might a third party (mediator, facilitator, IEP chairperson) be of assistance in working with parents to promote the best interests of the child?
9. Are there other forms of alternative dispute resolution or other strategies that could be recommended for such situations?
10. Any other comments or ideas you would like to share?

## Appendix B: Individuals Interviewed

Greg Abell, *Mediator and Principal*, Sound Options Group, Bainbridge Island, WA

Diana Autin, *Executive Co-Director for Health and Family Support*, Statewide Parent Advocacy Network, Newark, NJ

Trisha Bergin-Lytton, *Mediator, IEP Facilitator, Trainer & Consultant*, Tijeras, NM

Jo Anne Blades, *Program Manager*, Oklahoma Special Education Resolution Center, Tulsa, OK

Eric Broussides, *Attorney*, Carney, Kelehan, Bresler, Bennett & Scherr LLP, Columbia, MD

Jane Burns, *Intake Coordinator/Administrator*, Wisconsin Special Education Mediation System, Hartland, WI

Eileen Callegary, *Attorney*, Callegary & Steedman P.A., Baltimore, MD

Linda Carter-Ferrier, *Parent Advocate*, Severn, MD

Millicent Carvalho-Grevious, *Mediator and Principal*, Pennsylvania Conflict Resolution & Mediation Services, Jenkintown, PA

Eileen Coen, *Attorney & Mediator*, Mediation Matters, Bethesda, MD

Bill Eddy, *Attorney, Mediator & Clinical Social Worker*, High Conflict Institute, San Diego, CA

Carolyn Fiume, *Advocate*, Odenton, MD

Julie Gentili Armbrust, *Attorney, Mediator & Principal*, Mediation Northwest, Eugene, OR

Lois Gold, *Mediator, Social Worker & Author*, Family Mediation Center, Portland, OR

Linda Goodman, *Director*, Connecticut Birth to Three Early Intervention, Hartford, CT

Joicey Hurth, *Education Specialist & Author*, Early Childhood Technical Assistance Center, Chapel Hill, NC

Melinda Jacobs, *Attorney*, Knoxville, TN

Betty Lever, *Special Education Teacher*, Upper Township, NJ

Dorothy Lewis, *Federal Programs Supervisor*, East Carroll Parish School Board, Lake Providence, LA

Patricia McGinnis, *Coordinator*, Minnesota Special Education Mediation Service, Roseville, MN

Jerri Newman, *Parent Advocate & Council Officer*, Special Education Parent Advisory Council, Arlington, MA

Michael Opuda, *Non-Attorney Special Education Consultant*, Drummond Woodsum, Portland, ME

John Reiman, *Licensed Professional Counselor*, Monmouth, OR

Birdie Rodriguez, *Retired School Administrator*, Brownsville, TX

Debbie Satcher, *Owner/Consultant*, IDEAs for Success, Longview, TX

Carl Schneider, *Mediator*, Mediation Matters, Bethesda, MD

Wayne Steedman, *Attorney*, Callegary & Steedman P.A., Baltimore, MD

Victoria Sulerzyski, *Attorney*, Ober Kaler, Baltimore, MD

Mark Ward, *Consultant*, Special Education Services, Kansas State Department of Education, Topeka, KS

Connie Zienkewicz, *Executive Director*, Families Together Inc., Wichita, KS

## Appendix C: Contending with Family Conflicts in Part C of IDEA

While a goal of both Part C and Part B of IDEA is the maximization of developmental potential of children, Part C operates with a set of assumptions that are somewhat different from Part B. The concerns, priorities and resources of families are a central component of Part C. Services are provided in natural [home and community] environments by multiple child-serving agencies. A central tenet of Part C is the establishment of an effective working relationship between families and early intervention providers with the goal of assisting families to acquire developmentally appropriate strategies they can use in the daily life of the child.

Since the home of the child is the typical site of service in early intervention, it can be particularly difficult for providers to contend with parental or intra-family conflict. If a child spends most of his or her time in the home of one parent but both parents want to participate in early intervention services, programs must work with family members to figure out how to provide services in a way that meets the needs of all members of the family. Early intervention staff need to learn to negotiate with parents as the interests of each parent as well as the potential interests of child care providers and grandparents are discussed. Resource allocation can also be an issue. In programs in which third parties pay for services, only the needs of the child will be considered when determining what is “medically necessary” or “developmentally appropriate.” For example, if a child with cerebral palsy is determined to need physical therapy one time per week a third party payer will not pay for a session at the home of each parent because parents are estranged and live in different residences. The needs of the child drive decisions when determining frequency and intensity of services.

There are a variety of strategies that early intervention programs can employ when working with families who are struggling.

- Many parents are able to separate the breakdown of their relationship and the need to continue to engage in co-parenting. Skilled clinicians can work with family members to determine expectations and goals for the child, even when there are serious challenges in the relationships among the adults.
- In situations in which parents cannot be in the same residence at the same time, videotaping sessions can be very useful. With the ever-increasing miniaturization of video cameras, a clinician can work with a child in one setting and engage in voice over while implementing a strategy. For example, the provider might explain how she/he is feeding the child, what techniques she/he is using and what suggestions she/he has for parents during the feeding regimen. The entire session or portions of the session can be electronically sent to the other parent, grandparents, child care providers and any other family stakeholder.
- When family members no longer live in the same residence, home visits are typically conducted in the environment where the child spends a majority of her time. Families may determine that sessions be held in several of the child’s natural environments in the course of a month. The session can be held in the home of one parent during the first week, the other parent during the second week, the child care center during the third week, and the home of a grandparent during the fourth week. If the child spends time in each of these

settings it can be helpful for the clinician to provide service in each residence so that activities to generalize skills can be fostered.

- Six month and annual reviews are a required component of Part C. These meetings tend to be less formal than those in Part B. In addition to reporting on developmental achievement of IFSP outcomes, families and early intervention providers can strive to use their time together to discuss how each stakeholder is experiencing the provision of early intervention services.

## Appendix D: LEA Self-Assessment — Suggested Steps

LEAs can undertake a process to improve how IEP meetings are planned, conducted and responsive to parental or intra-family conflict when it occurs. The process can be conducted on its own or as part of a more comprehensive improvement plan. This Appendix serves as a brief orientation to self-assessment; many resources can be readily found on the Internet.

The assistance of an impartial third party consultant or facilitator can help committee members work together more efficiently, especially through difficult communications, and better position the committee to weigh current and proposed approaches. Use of a facilitator or consultant could also increase public perception of the process as being balanced and fair, particularly if they are unaffiliated with the LEA.

Below are brief descriptions of six steps that could be used as guidance for the process:

**Step 1: Form a group.** A committee or workgroup composed of stakeholders from across the LEA is created to assess the existing state of how IEP meetings are planned and conducted as well as how staff are prepared to both prevent and manage conflict resolution. Identifying a leader for this group will assist with consistency and progress.

**Step 2: Identify a vision and goals.** As part of the assessment, the committee can use a logic model or other mapping devices to help shape and give structure to evaluating progress. The committee can track their progress throughout the assessment to ensure that the goals of the assessment are being met.

**Step 3: Collect data.** Collect data through interviews, surveys and/or focus groups on how IEP teams and meetings currently function. Review current and historical data that the LEA has on IEP meeting planning and conflict resolution, and collect any additional information that stakeholders offer during the process.

**Step 4: Analyze data.** Review the data and information collected to determine the degree to which IEP meetings are working well, and in particular, how conflict is managed and areas where improvement would be beneficial. This analysis will inform the LEA's priorities and plan of action to implement specific activities and targeted improvements.

**Step 5: Develop and implement an action plan.** Identify promising improvement strategies with the greatest potential for achieving meaningful change and incorporate them into a plan with timelines and responsibilities. Considerations may include relevance, desirability, effectiveness, efficiency, financial viability and other aspects of feasibility.

**Step 6: Evaluate implementation of the action plan.** Collect data from a cross-section of stakeholders on individual components of the action plan and the impact they are having on IEP meetings. Identify successes as well as "Lessons Learned" and make adjustments.

## Appendix E: CADRE Publications

**Effective IEP Meetings: Tested Tips**, This brief document offers suggestions for convening successful IEP meetings. It includes preparation tips for parents and educators.

<http://www.directionservice.org/cadre/pdf/Tips.pdf>

**Facilitated IEP Meetings: An Emerging Practice**, This guide provides an introduction to IEP facilitation for parents and other family members to help orient them to this emerging practice.

<http://www.directionservice.org/cadre/pdf/Facilitated%20IEP%20for%20CADRE%20English.pdf>

**Keys to Access**, This document is intended to provide educators with guidance that may help them understand why some families may not participate in mediation, and strategies for increasing the participation of families from diverse backgrounds. Most importantly, **Keys to Access** offers practical recommendations that school personnel, early intervention service providers, mediation providers, and families can use to develop the knowledge, positive attitudes, skills and strengths necessary for genuine collaboration.

<http://www.directionservice.org/cadre/pdf/Keys%20to%20Access.pdf>

**Parents' Experiences with the IEP Process: Considerations for Improving Practice**, This publication reviews literature exploring findings from 10 studies published after 2004 that focus on the experiences and perceptions of parents or other caregivers related to the IEP process. The review also highlights recommendations from this body of literature for improving the experiences of parents and encouraging their participation in IEP meetings.

<http://www.directionservice.org/cadre/pdf/Parent-IEP%20Process.pdf>

**Steps to Success: Communicating with Your Child's School**, This brochure offers specific communication strategies that may be helpful to parents as they develop and maintain partnerships with their child's school.

<http://www.directionservice.org/cadre/pdf/Steps%20to%20Success.pdf>

**For a full list of CADRE publications, videos and other resources, visit our website:**

<http://www.directionservice.org/cadre>

## **Appendix F: Consensus Development Conference — A Focused Mediation**

This idea, adapted from a process of the same name used by the U.S. Department of Health and Human Services to evaluate information and develop a consensus statement on health-related issues, can be used to address differences that parents have related to the development of the IEP. The Consensus Development Conference offers family members an opportunity to work with an independent mediator to deal with issues that distract them from focusing on their child's educational concerns. This is not a mandatory conference and it is not part of the IFSP or IEP process. The conference is conceptualized as a one or two session mediation forum in which an independent mediator works with the parents and, if desired, other family members. While most mediations take place with parents and the mediator talking together in the same room, such a conference can also take place telephonically or through other electronic means.

The Consensus Development Conference may be a valuable process to address the needs of parents who have a highly conflictual relationship and have been unable to attend an IEP meeting and participate in a productive discussion about their child. Barriers to IEP participation may be acknowledged in a private venue where parents can share differing perspectives, express feelings and beliefs they have toward each other, and have a safe place to develop consensus on how they perceive their child's academic needs. Estranged parents are rarely in the same room and have little experience independently managing a discussion about parenting matters of concern to one or both parents. Without the opportunity for such a conference, parents may unintentionally use the IEP meeting as a place where they engage in debate and argument over important issues about how their child is being raised, but which are extraneous to the purpose of the IEP meeting.

The goal of the session(s) is to facilitate discussion so that the parents are able to come to the IEP meeting with responses to several questions:

- How is our child doing in school?
- What are his/her current academic strengths?
- Where are his/her academic challenges?
- What are the goals that need to be worked on in the coming year in school?
- What is being done at home to support the child's educational needs?

It is likely that a variety of concerns will be voiced during the Consensus Development Conference session(s) that one or both parents believe are interfering with their child's educational achievement. These may include: bedtime expectations; food that is provided to the children; timing of homework; under what conditions homework is done [with or without television or electronic media in the background]; types of movies that the child is permitted to see; clothing that the child is allowed to wear to school, etc. Other issues — timeliness of child support, role of grandparents or the other parent's special friends — may also be brought up by each parent.

Payment for this service is likely assumed by the parents but in some communities volunteers may be able to support this process through local mediation programs. The assumption is that this service is not paid for by the

school system. In order to create an infrastructure for Consensus Development Conferences, a school system can work with independent mediators in the community or initiate a relationship with a community mediation center. Mediators will be trained to understand the IEP process, the purpose of the conference and issues that are frequently confronted by families of children with disabilities.

## Appendix G: Checklist for IEP Meeting Preparation for LEA Staff

*Below are some tips LEA staff might consider to help improve participation in IEP meetings:*

- ☐ Find out how the student's parents like to be addressed (being mindful that parents may have different surnames from their child).
- ☐ Remember that the central purpose of the meeting is to plan, implement, and review services for the student's educational needs.
- ☐ If the student will not be attending the meeting, ask each parent to bring a picture or two of the child to share during the meeting, as a reminder of the reason why everyone has come together.
- ☐ Recognize that attending a meeting together can be a source of emotional tension for parents who have difficulty working together.
- ☐ Schedule convenient meeting times and dates. Allow enough time for full participation among team members, and the date far enough in advance of deadlines to prevent unnecessary pressure.
- ☐ Have the team meet in a setting that is welcoming to the student's parents and family members, as well as other team members.
- ☐ Monitor their own interactions so that they are not appearing to be more responsive to one parent over the other.
- ☐ Suspend judgment on the factors that they may have heard has caused tension, stress or conflict in the relationship.
- ☐ Acknowledge parents' contributions to the discussion, and respect their perspectives on their child's strengths and challenges.
- ☐ Keep in mind that a student's parents will make choices about raising their child based on a variety of cultural factors, including experiences from their own childhood. What is considered "right" or "appropriate" for some may be perceived differently by individuals from other cultures and backgrounds.
- ☐ Let the parents know in advance the types of questions and information they may be asked to answer or share during the meeting. This can be particularly helpful for a parent who has limited day-to-day contact with their child.
- ☐ Understand that both parents are balancing multiple commitments and are striving to do the best job that they can do as parents to their child.
- ☐ Be careful not to engage in discussions with one parent that may be uncomfortable having the other hear.

## Appendix H: Checklist for IEP Meeting Preparation for Family Members

*If you can anticipate that your relationship with another family member might result in disagreement or conflict, the following tips may help you to participate in IEP meetings more effectively. Your child's IEP will benefit from your resourceful participation.*

- ☐ Make recommendations and decisions based on a mutual understanding of the best interests of the child.
- ☐ Engage in respectful behavior toward team members, each other and any other individuals who are attending the meeting.
- ☐ Recognize that as the co-parent of the child, each parent plays an important role in advocating for the needs of the child.
- ☐ If you find yourself disagreeing with something that the other parent says during the meeting, think about whether your disagreement is genuinely based on your perception of your child's interests, or an attempt to challenge or criticize. Understand that each parent is likely to make some different choices in raising the child.
- ☐ Remember that the child wants to love, admire and respect both parents.
- ☐ Remember that your child's educational needs are the reason for the meeting and focus on their needs and interests.
- ☐ Bring anything you might need to help maintain your focus during the meeting, including a photo or two of your child.
- ☐ Prioritize and plan — make a list of important things relating to your child's IEP that you want to talk about at the meeting.
- ☐ Be mindful of your emotions while working with the other members of the IEP team.
- ☐ If someone suggests taking a break, use the opportunity to gather your thoughts.
- ☐ Actively listen to understand all team members' perspectives, including your child's other parent.
- ☐ Ask for clarification of statements or information to avoid misunderstandings.
- ☐ Strive to ensure that when you disagree with the other parent in the meeting, that you are disagreeing based on your perception of the interests of the child rather than any attempt to undermine the other parent.
- ☐ Keep an open mind, consider creative options, and offer thoughts for discussion, as appropriate.

## Appendix I: Checklist for IEP Meeting Preparation for Advocates & Attorneys

*Attorneys and advocates can play a positive role in helping parents experiencing intra-family conflict.*

*Below are some tips attorneys and advocates might consider to help parents participate in IEP meetings:*

- ☐ Help to nurture or create an environment in which the child's parents can work together to advance their child's interests.
- ☐ Help foster a candid and respectful dialogue.
- ☐ Assist parents in focusing on the needs of the child rather than dwelling on past occurrences or difficulties that they have with each other.
- ☐ Assist parents in identifying and understanding their underlying interests.
- ☐ Provide a valuable viewpoint and facilitate settlement.
- ☐ Help address power imbalances related to use of:
  - jargon by school officials
  - lack of parental experience with participating in IEP meetings
  - cultural differences between families and school officials
  - differences in negotiating skill and experience
  - pressure or coercion used by one parent against the other

## Appendix J: Checklist for IEP Meeting Preparation for Facilitators

*Facilitators can play a positive role in helping parents experiencing intra-family conflict. Below are some tips facilitators might consider to help parents participate in IEP meetings:*

- ☐ Create a safe environment, allowing parents to interact and understand each other's point of view.
- ☐ Help create an overall agenda and assist in generating ground rules for the meeting.
- ☐ Guide the discussion by keeping the team's energy centered on student-focused questions:
  - “How is the student doing?”
  - “Where does the student need to be a year from now?”
  - “In what ways can we help him or her to reach his/her goals and objectives?”
- ☐ Work to facilitate open communication between the parents and all team members.
- ☐ Assist the team to resolve conflicts and disagreements that arise during the meeting.
- ☐ Help team members develop and ask clarifying questions about issues that may have come up in the past.
- ☐ Help keep team members on task and within the time allotted for the meeting.
- ☐ Maintain impartiality and do not take sides, place blame or determine if a particular decision is right or wrong.
- ☐ Do not impose a decision on the group.
- ☐ Clarify points of agreement and disagreement.
- ☐ Help identify options.
- ☐ Assist with writing down the terms of the agreement.

## Appendix K: References

34 C.F.R. §§ 300.152-154 (2006).

34 C.F.R. §§ 300.321 (2006).

34 C.F.R. §§ 300.506-518 (2008).

Block, J. & Smith, M. (January 2013). Tips for divorced parents: Co-parenting with your ex & making joint custody work. *Helpguide.org*, Online at [http://www.helpguide.org/mental/coparenting\\_shared\\_parenting\\_divorce.htm](http://www.helpguide.org/mental/coparenting_shared_parenting_divorce.htm).

Center for Appropriate Dispute Resolution in Special Education. (2003). Steps to success: Communicating with your child's school. Online at <http://www.directionservice.org/cadre/pdf/Steps%20to%20Success.pdf>.

CADRE and the Alliance. (2004). Facilitated IEP meetings: An emerging practice.

Online at <http://www.directionservice.org/cadre/pdf/Facilitated%20IEP%20for%20CADRE%20English.pdf>

Duis, S. S., Summers, M., & Summers, C. R. (1997). Parent versus child stress in diverse family types: An ecological approach. *Topics in Early Childhood Special Education*, 17(1), 53-73.

Gold, L. (2009). The healthy divorce. Naperville, IL: Sphinx Publishing (Sourcebooks).

Hanson, M. J. & Hanline, M. F. (1990). Parenting a child with a disability: a longitudinal study of parental stress and adaptation. *Journal of Early Intervention*, 14(3), 234-248.

Individuals with Disabilities Education Act, Pub. L. No. 108-446, 118 Stat. 2647 (2004).

Jones, J. & Passey, J. (2004). Family adaptation, coping, and resources: Parents of children with developmental disabilities and behaviour problems. *Journal on Developmental Disabilities*, 11(1), 31-46.

Krauss, M. W. (1993). Child-related and parenting stress: Similarities and differences between mothers and fathers of children with disabilities. *American Journal on Mental Retardation*, 97(4), 393-404.

Taanila, A. Syrjala, L., Kokkonen, J., & Jarvelin, M. R. (2002). Coping of parents with physically and/or intellectually disabled children. *Child: Care, Health & Development*, 28(1), 73-86.

Trute, B. & Hiebert-Murphy, D. (2002). Family adjustment to childhood disability: A measurement of parent appraisal of family impacts. *Journal of Pediatric Psychiatry*, 27(3), 271-280.



The Center for Appropriate Dispute Resolution in Special Education (CADRE) works to increase the nation's capacity to effectively resolve special education disputes, reducing the use of expensive adversarial processes.

CADRE works with state and local education and early intervention systems, parent centers, families and educators to improve programs and results for children with disabilities.

CADRE is funded by the Office of Special Education Programs at the US Department of Education to serve as the National Center on Dispute Resolution in Special Education.

### **CADRE's Priorities**

- *Identify effective, cost-beneficial dispute resolution practices and support their implementation*
- *Enhance collaboration between education/early intervention agencies and parent organizations*
- *Promote improved problem-solving skills across stakeholder groups*
- *Assist states to implement the dispute resolution provisions of IDEA '04*
- *Support integration of dispute resolution management and improved state system performance*
- *Compile State Performance Plan data and information on the characteristics of state systems*

