

LEVELING THE PLAYING FIELD: IFSP/IEP MEETING FACILITATION AS EQUALIZER



Developed by Diana MTK Autin, Esq.
Executive Co-Director,
Statewide Parent Advocacy Network of New Jersey (SPAN)*
© Statewide Parent Advocacy Network, 2005
For permission to reprint, contact 973-642-8100 x 105

Leveling the Playing Field: IFSP/IEP Meeting Facilitation as Equalizer

IFSP/IEP Meeting Facilitation: A New Development

While the concept of meeting facilitation is relatively new in terms of IFSP and IEP meetings under the Individuals with Disabilities Education Act (IDEA), it is a well-established tool for meetings in the corporate, non-profit, and government sectors. Essentially, facilitation is guidance of a group in a problem-solving process. The group leader – a facilitator – is neutral in regard to the issues or topics under discussion. The facilitator works with the group as a whole and provides procedural help in moving toward a conclusion of those issues or topics.

The concept of *facilitation* implies that the facilitator is managing the process with the informed consent of all the participants.¹ The goal of both the facilitator and the group is to arrive at a collective decision through substantive and meaningful discussions. Effective facilitation leads toward both empowerment and consensus. When meetings are effectively facilitated:

- Group energies are focused on a task for a limited issue or set of issues;
- Discussion is structured without controlling what is said;
- Discussion is kept to the topic, with new issues identified and reformulated as they arise;
- Participation in discussion is equalized; and
- The facilitator probes for consensus or agreement on the issues.

A meeting facilitator may play some of the same roles as a mediator, and facilitation is similar to mediation in that participants are working towards mutual understanding with the help of an impartial leader. However, there is a major difference between meeting facilitation and mediation: facilitation works toward building consensus within a meeting right from the beginning of the process, while mediation is usually employed when an impasse is reached.

The Uneven Playing Field

In considering the usefulness of facilitation in IFSP and IEP meetings, it is critical to understand and focus on the uneven playing field, i.e, the power imbalance that exists between parents and professionals on these teams. This power imbalance includes differences in the parties':

- Emotional investment in the process and outcomes;
- Access to resources (money, time, documents, etc.);
- Knowledge and expertise; and
- Authority to make and implement decisions under the law.

¹ This presumes that all parties to a meeting have the capacity to be effectively engaged and to come to an agreement, which is not always the case in IFSP or IEP meetings. The capacity of families to participate effectively may be limited due to cognitive disability, lack of information, limited English proficiency, etc.

Emotional Investment

Even the most committed educator or administrator does not have the same emotional investment in the IFSP/IEP process or the child's development and achievement as the child's parent(s). The intense emotional investment that parents have regarding their child manifests itself in many different emotions that families feel at IFSP/IEP meetings – strong emotions that can interfere with the families' ability to effectively express their perspectives and positions and advocate effectively for their position at meetings.²

In focus groups with families from diverse backgrounds, the Statewide Parent Advocacy Network of New Jersey (SPAN) identified the following emotions that families of children with special needs often experience at meetings with health, education, and human services professionals:

- Fear (of retaliation, of being blamed for their child's disability, of negative ramifications for their child if they disagree with professional opinions or recommendations, of what will happen to their child if they make the wrong decision, of being reported to the Immigration & Naturalization Service and/or child welfare system if they disagree with professionals and refuse to follow their advice or recommendations)
- Hurt, sadness, or disappointment (caused by hearing the negative things professionals say about their children, or thinking about what their child's life will be like with this disability)
- Shame, embarrassment, and guilt (feeling that their child's disability is their fault, caused by something that they did or didn't do, thinking that the professionals think less of them because their child has a disability)
- Powerlessness and hopelessness (feeling powerless to make things better for their child or to change the professionals' minds or perspectives, no matter what they say)
- Confusing (what are my rights? What is best for my child? What is happening right now? What do those words really mean? What is my role?)
- Panic (what is going to happen to my child if I can't convince the professionals to see things as I do? What is going to happen to my child if I am wrong or make the wrong decision?)
- Intimidated (feeling "ganged up on" by professionals, or overwhelmed/overpowered by the sheer number or educational background or experience of the professionals)
- Frustration (at their inability to effectively express and advocate for their positions, or their lack of understanding of what is being said at the meeting, the terminology used, their child's lack of progress, etc.)
- Fatigue (physical fatigue caused by lack of sleep from dealing with work, their child with a disability, other child-rearing responsibilities, combined with emotional fatigue)
- Distrust (caused by previous negative experiences with professionals, or the lack of cultural competence of the professionals at the meeting)
- Anger or exasperation (at the real or perceived lack of knowledge, expertise, interest in, or commitment to their child, or the low expectations that the system seems to have for itself and for their child, or even at themselves)

² At initial IFSP or IEP meetings, families are also dealing with the range of emotions that accompany an initial diagnosis or discovery that their child has a disability or developmental delay.

- Shock (at hearing the professionals talk about their child as a collection of weaknesses and “can’t do’s” as opposed to a more balanced picture that focuses on their child’s strengths and needs, or shock as they move from early intervention, with its focus on the child within the family unit, to special education, with its focus on the child alone)

Other emotions mentioned by families include feeling like they are walking on eggshells or a tightrope; feeling that the professionals are making generalizations or assumptions about them because of their child’s disability, academic progress, or behavior, or that they are misperceived by the professionals; and a sense of betrayal. Clearly, these emotions can have a powerful impact on the family’s participation at an IFSP/IEP meeting, making it difficult for them to focus on the issues being discussed or effectively advocate for their positions, and can lead to a “fight or flight” response that undermines the potential for the meeting to reach a satisfactory conclusion.

Of course, it isn’t just parents who experience emotions that may limit the potential success of an IFSP or IEP meeting. Professionals, too, often come to the meeting with strong feelings. The general education teacher may feel inadequate to the task of educating the child – s/he may even feel guilty or ashamed, incompetent, that she has let the child and the family down. The special education professional may feel hurt or defensive if the parent disagrees with her/his ideas, as if that disagreement indicates a lack of respect for their knowledge or expertise. The administrator may feel a sense of frustration with the child’s lack of academic progress (which may negatively impact on their schools’ adequate yearly progress under No Child Left Behind), behavior challenges (which may make their lives more difficult and may be extremely disruptive to the school climate), insufficient funding to meet the child’s needs, or other impacts of the child’s disability on their job. But because the parents have the vested interest in their child and will be responsible for that child throughout the child’s education (and beyond), their emotions are more likely to impact their participation than that of the professionals at the meeting.

Who’s Got the Power?

Under IDEA, parents and professionals are equal participants on the IFSP/IEP team. But stepping back from the theory of the law demonstrates that there is an inherent imbalance of power between parents and professionals. This imbalance is clear when one considers the answers to the following questions. Who has:

- All the child’s records?
- Access to education professionals at no charge?
- Access to an attorney to prepare for and consult with during the meeting, or to represent them if the meeting fails to resolve all issues?

Who is sure to:

- Speak, write, and read English?
- Be highly literate?
- Be paid to participate in the meeting?
- Have reliable transportation?

Of course, the answer to all of these questions is, the professionals. Answers to another set of questions underscores this imbalance. Who may:

- Fear retaliation against their child?
- Have self-doubts based on lack of education, expertise, English proficiency?
- Worry about what others might think of them and their child?
- Have to remortgage their home to afford an attorney, or pray that the free or low-cost attorney will take their case, if things don't work out?

The answer, of course, is the parents.

The “final straw” in this power imbalance relates to the de facto veto power that schools and districts have once a child is receiving special education services (this veto power is not present in the early intervention system). If a parent and the school/district disagree about a child's IEP, change of services or placement, etc., the school/district may implement their decision even without the parent's consent, unless the parent requests mediation or due process, which most parents are either afraid to do or do not feel they have the knowledge, expertise, or resources to do.³ This power imbalance must be addressed by the meeting facilitator if IFSP/IEP meeting facilitation is to be effective and fair.

How can the scales be balanced?

There are five things that can help balance the scales between parents and professionals:

- Equalizing the knowledge base between the parties (what does the law require? What are the child's strengths and needs? What do the evaluations tell us? What are the content and performance expectations for children without disabilities at this age and grade? What are effective instructional strategies for children with this set of strengths and needs?)
- Equalizing the access to legal resources in preparing for the meeting, at the meeting, and after the meeting
- Equalizing the effective communication and advocacy skills of the parties
- Equalizing the ongoing support available to all parties
- Creating and maintaining a “fair” environment at the IFSP/IEP meeting.

³ A new study released by the Legal Services Corporation, the federal entity that funds legal aid organizations, found that at least 80% of low-income Americans can't get access to a lawyer's advice; more than 1 million legal aid cases are rejected every year because of a lack of resources; and on average, every legal aid attorney serves 6,861 people while there is one private attorney for every 525 paid clients. In New Jersey, just 16% of people with problems received legal help, and only 26% even were aware that there were free legal services available. The report does not address another major issue, which is that most Legal Services agencies do not provide education advocacy, prioritizing issues such as evictions, welfare cut-offs, and other issues affecting basic daily survival. Nor does the report address the role of state protection and advocacy organizations, which vary greatly in their capacity regarding representing families in due process hearings. In New Jersey, for example, the protection and advocacy agency represented fewer than 10 families in due process hearings last year in a state with over 250,000 children identified as eligible for services under IDEA. Finally, the study does not address the issue of moderate income or middle class families who are not eligible for free legal services but who cannot afford private attorneys.

Balancing the Scales: Knowledge

Prior to the meeting, all parties must be clear about the requirements of relevant federal and state laws, regulations, and policies, including:

- Special education rights
- The impact of other education laws and regulations on children with disabilities (i.e., No Child Left Behind)
- Parental safeguards and rights
- How the meeting process works
- What happens if the meeting is unsuccessful
- What actions require parental consent, and what actions do not?
- How long do parents have to give or withhold their consent? To challenge a decision they do not agree with? What happens if they do nothing?
- How must they show their disagreement in order to impact the actions of the district?

In addition, all parties must understand the child's strengths and needs, including:

- What does the most recent evaluation mean in terms of the child's strengths and needs and progress over time? What kind of progress is the child making?
- What services is the child currently receiving and what has the impact of those services been? Which services have been effective and which have not?
- How can the child's strengths be used to address the child's areas of need?
- What are effective instructional and support strategies that are likely to have a positive impact on this child's learning?

Balancing the Scales: Legal and Other Resources

As noted earlier, most school districts either have attorneys on staff or on retainer to consult with them before, during and after potentially difficult or divisive meetings, attend meetings on behalf of districts, and represent districts in legal proceedings under IDEA. No school or district personnel have to make decisions that will affect their personal financial situation when determining whether or not to proceed to a hearing, but every parent must consider their personal financial situation when making that decision. Few parents can afford to spend precious financial resources on expensive attorneys when they are simply preparing for an IFSP or IEP meeting, or even when they are attending such a meeting. So how can we address this power imbalance? What legal resources other than attorneys are available to help families prepare for the IFSP/IEP meeting? Accompany them to the meeting if they feel that it will be difficult, or if they have limited literacy, don't speak English well, or don't understand how the school system works (for example, because they are recent immigrants)? Represent them if the meeting is not successful? How accessible are the Parent Training and Information Center and/or Community Parent Resource Center, Protection and Advocacy agency, legal services, or even private attorneys? How knowledgeable are private attorneys about special education? What is the capacity of the free and low-cost legal system to represent families in education cases?

In addition to these questions regarding legal resources for individual families, there are critical questions that must be asked about the overall system. For example, what can states and parent centers do together to enhance the knowledge and resources available to families to help them more effectively prepare for IFSP and IEP meetings? What kinds of tools could be developed, translated, and disseminated, that would give parents the information they need to be more equal partners in IFSP and IEP meetings? What kinds of trainings could be conducted?

How can Parent Centers and states help equalize meetings before they occur?

There are several key steps that parent centers and states can take together to help equalize IFSP and IEP meetings before they occur.

Parent centers and states⁴ can develop easy-to-use, “fill in the blank” forms for families to use when preparing for and participating in IFSP/IEP meetings.⁵ The forms should elicit information from the family on each required component of the IFSP/IEP. There should also be easy-to-understand, step-by-step instructions for completing the form as a part of the form itself. Once the form and instructions are developed, they must be piloted with diverse families to ensure that they are appropriate for families from diverse backgrounds, languages, etc. If the state will not work with the parent center to develop the form and instructions, the parent center can develop them on its own, and disseminate them widely to families as part of their Basic Rights manual and workshops. It’s critical that the form and instructions be in multiple languages and at a reading level that families with low literacy can understand.

Parent centers and states can also develop model request forms that address some of the most common concerns, cite the relevant sections of federal and state law and regulation, and give examples of how parents might write their concerns and suggested resolution. Model forms can help parents think about exactly what they think about what is happening, and identify what they would like to see happen to meet their child’s needs and/or resolve their concerns.

Parent centers and states can (and often do) offer trainings for parents (and professionals) on legal issues associated with special education and with IFSP/IEP meetings.

Institutions of higher education can revise pre-service preparation programs to help professionals understand their responsibility to and be more effective at helping families understand their rights under IDEA and state law/regulation; states, through their comprehensive system of personnel development, can educate current educators and administrators in this area; organizations of mediators and facilitators can provide education to their members on special education issues, including laws, regulations, and processes, so that they are more effective in mediations and facilitations involving special education.

⁴ Either parent centers or states may develop these materials on their own if there is no interest from their potential partner.

⁵ See attached IEP form developed by SPAN and used by families to prepare for IEP meetings and at IEP meetings to ensure that all required issues are discussed at the meeting. Note that this form is based on New Jersey code, which includes requirements beyond those contained in IDEA. Other examples of useful forms are the Positive Student Profile and Goals at a Glance.

Balancing the Scales: Effective Communication and Advocacy Skills

A wide range of communication and advocacy skills are needed to enable parents to be truly equal partners at the IFSP/IEP meeting (and are also of importance for professionals). These include:

- The ability to speak, read, write, and understand English, or effective and unbiased translation and interpretation assistance;
- Information presented in a clear and understandable way without using jargon or acronyms (“alphabet soup”)
- How to decide what they want to achieve, at the meeting and for their child’s education, and prioritizing the most important issues or outcomes they want to focus on
- How to explain to others what they want and why – the reasons behind their request/position
- How to express themselves forcefully without being rude or overly aggressive
- How to understand the perspectives and points of view of others on the team
- How not to put others on the defensive by reviewing all the things that they perceive have gone wrong during their child’s entire academic career, no matter how long ago
- How to describe their ideas about what can be done to improve the situation.

Additional skills that are critical for parents are:

- *How not to* get too excited and hopeful about a new idea without taking the time to carefully consider it, understanding that a new option may seem very attractive just because it’s new
- *How to* take time to assess carefully, and to consider why a particular option might or might not be appropriate and satisfactory
- *How not to* forget that the issue is a free appropriate public education in the least restrictive environment for their child, or appropriate services for their child and family in the natural environment consistent with their family’s routines
- *How to* focus on the unique needs and strengths of their child and family in making decisions
- *How not to* become so committed to one idea that they don’t recognize a good opportunity when it is presented to them
- *How to* keep an open mind
- *How not to* blame or disrespect their partners on the team or personalize disagreements
- *How to* have difficult but productive conversations
- *How not to* get trapped by previous experiences, or past dissatisfactions which get in the way of current options
- *How to* focus on the present and the future, and recognize their long-term interests in their child’s development as well as the importance of developing as positive relationships as possible with the professionals on their team.

Balancing the Scales: Ongoing Support

What are possible sources of support for families before and/or at IFSP/IEP meetings that will help balance the scales?

Research on effective meeting facilitation tells us that it may require special preparation for participants. “Some participants may not be sufficiently prepared to participate without additional help in advance of the meeting. All participants, including less powerful interests, must have equal standing within the process. Consideration must be given to participants’ range of knowledge and experience with the subject matter. Special printed materials and briefing sessions are often necessary to give all participants an equal level of basic knowledge and understanding so they can participate effectively in the meeting process.”⁶

Ongoing Support in Preparing for the Meeting

Parent centers and states must be prepared to offer telephone or in-person technical assistance to families regarding preparation for the IFSP/IEP meeting, helping the family talk through their goals and/or concerns. If they have concerns, why do they feel that their child’s program or placement is not appropriate? What kind of “evidence” or facts do they have to support their position? What would they like to see happen differently? Issues can be divided into three main categories:

- *Clear violations of the law regarding services to the child:* For example, the child’s IEP may not be being implemented. The IEP requires three sessions of speech each week, but only two sessions are being provided, or the child hasn’t had speech services in a month.
- *Disagreement regarding whether or not their child is receiving a “free, appropriate public education in the least restrictive environment.”* For example, the parents may want their child to be educated in the inclusive classroom, but the district is insisting that the child be educated in a self-contained classroom with little or no opportunity to interact with non-disabled peers. In this case, the parents will not only need information on the law (i.e., the requirement that services be provided in the least restrictive environment), but also information on the research-base (i.e., research that students with disabilities generally receive a better education in an inclusive setting), and any other information that supports their contention.
- *Concerns that the district has violated the parent’s procedural safeguards.* For example, the parent may be concerned because they have not received a copy of their child’s IEP even though the IEP is allegedly being implemented and they have requested a copy.

Assistance in preparing for the IFSP/IEP meeting includes:

- Listening to the parent’s story.
- Helping the parent identify:
 - What are the facts of the situation? What’s going well? Not? What happened that should not have happened? What didn’t happen that should have happened?

⁶ "Prospects for Effectively Mediating State Agency Administrative Disputes," Florida Conflict Resolution Consortium.

- What is the relevant law that relates to the facts?
- How can the law be applied to the facts?
- What is the parent's proposed solution? What is the parent willing to settle for?
- Helping the parent plan and walk through their presentation/discussion of their thoughts and ideas:
 - What does their child/family need for FAPE in LRE or appropriate services in natural environment(s)?
 - What is actually happening that needs to be resolved? Is there any documentation?
 - How can agreement be achieved?
- Talking with the parent about who they might want to bring with them to the meeting:
 - Is there a professional who could provide support, such as a private service provider, a Boy or Girl Scout or religious education leader, etc.?
 - Is there a friend or family member who could accompany them?
 - Do they want to bring their child with them to the meeting?
 - Do they have difficulty with the English language, limited literacy, or a disability, and therefore need an advocate or someone from the Parent Center to accompany them? (Note: If the parent has limited English proficiency, the parent should be assisted to request that the district provide an interpreter at the meeting. If the parent center has the resources, it can offer to accompany the parent to ensure that the interpretation is accurate and doesn't compromise the parent's or student's rights).
- Explaining to the parent what will happen during the meeting in terms of procedure and what happens if it does or doesn't resolve any issues they may have.
- Informing the parent of conflict resolution options such as mediation, due process hearing, and request for complaint investigation, if the meeting does not resolve their concerns.

Ongoing Support at the Meeting

To ensure that supports are available at the meeting to equalize the relationships between parents and professionals, parent centers and states can work together to develop clear procedures for IEP/IFSP meetings, including providing independent, non-biased facilitation at the meeting at the request of the parent or the district/early intervention team to make it more likely that the meeting will result in agreement on an IFSP/IEP.⁷

States and parent centers can also develop a training protocol and implement trainings for meeting facilitators, and develop criteria to ensure that the facilitators who are selected for the program are unbiased. Identify parent center staff to participate in the training program as trainers and as potential facilitators to ensure that the parent perspective is an integral part of the process and that meeting facilitators understand the power imbalances inherent in such meetings.

⁷ There are several options regarding who can effectively fulfill the role of facilitator: an independent, trained facilitator, selected randomly or by mutual consent from a list supplied by the state or an independent mediation/facilitation entity; state education or parent center staff, trained and dedicated to this task; or district staff. It is extraordinarily difficult for district staff to be non-biased meeting facilitators. At a minimum, the district staff facilitating the meeting must not be involved in the decision-making process; the decision must have no impact on their work, evaluation, payment, or employment; and they must have sufficient status within the district that they cannot be intimidated by fear of consequences or retaliation by district staff involved in the meeting or their supervisors, the superintendent, or board of education. Otherwise, the facilitator is placed in an untenable position that will require them to violate the ethical requirement of neutrality.

To provide additional support to parents at meetings, parent volunteers and/or parent center or other staff can be trained to accompany parents to the meeting for support, or to be available on the phone during the meeting. (This is especially important if the parent has limited capacity to effectively represent the interests of their child, and no one from the parent centers or other organization can accompany them to the IFSP/IEP meeting. In this situation, it may be possible for the parent center or other organization to have someone available on the phone at the time of the meeting in case the parent needs to call someone because something occurs that s/he is not prepared for, or because s/he needs support during the meeting). It is critical that any volunteers or staff who are trained to accompany families to the meeting understand:

- The law
- Meeting procedures and consequences if agreement is or isn't reached
- How to provide support to the family without substituting their judgment for the family's judgment
- How to actively listen (to the family, the district/IFSP team, and other participants)
- How to help the family explain their position
- How to help the family actively listen to other meeting participants
- Other options for the family and how to access them
- How to assist the family to negotiate
- How to ensure that the family understands the consequences of their decisions.

Balancing the Scales: Ensuring a Fair Environment

Effective selection and preparation of facilitators is at the heart of meaningful meeting facilitation. To be effective, the facilitator must be accepted by all parties as unbiased, constructive, fair and neutral at all times. This leads to a series of important questions for the facilitator:

- What is bias? Neutrality?
- How is one's bias perceived by those in various positions or from various perspectives?
- Is it ever possible to eliminate one's own biases?
- Does the facilitator owe anyone allegiances based on the structure of facilitation in the state, employment relationships, selection criteria, etc.?
- How can the facilitator compensate for his/her own biases to remain objective and fair and to be accepted as neutral and fair by all parties?
- How can the facilitator work to equalize the power relationships between the parties and still remain fair, neutral and unbiased?

Every person has some level of bias based on their own experiences. A facilitator who theoretically supports the concept of inclusion will have one "natural" tendency in a meeting focused on inclusion or natural environments, as opposed to a facilitator who has had positive experiences with out-of-district placements. A facilitator who has worked at a parent center will be more likely to enter the meeting sympathetic to the parent's position, while a facilitator who has worked for a school or district will most likely lean toward the district's position – not because of any conscious lack of neutrality, but rather because of the empathy and understanding that has been developed in their respective roles.

A facilitator committed to unbiased and neutral meeting facilitation must be aware of their own natural biases, the fact that it is not possible to be completely unbiased, and the fact that they will be facilitating a meeting where inherent power imbalances exist. This understanding can lead the facilitator to another series of critical questions that must be answered before or at the beginning of each meeting:

- What is the extent of power imbalance between the parties?
- Do the parents need additional information to be able to pursue the facilitated meeting as an effective participant?
- How will they communicate with the parent to ensure that the parent is actually agreeing to something as opposed to being overpowered or overwhelmed by the professionals?

The meeting facilitator obviously plays a critical role in leveling the playing field at an IFSP/IEP meeting. At the start of the meeting, the facilitator must ensure that the participants are fully aware of the issues that will be discussed and share a common purpose for the meeting. An effective strategy to do this – and simultaneously to begin to develop a sense of the parent’s capacity to participate effectively – is to ask each party to explain their purpose for the meeting and their understanding of what will come out of the meeting. The facilitator must take time during this discussion to determine whether or not the parents will be able to participate effectively. If during this early discussion, the facilitator learns that the parents cannot do so because of knowledge gaps, cognitive limitations, and/or language barriers, the facilitator should not allow the meeting to continue. These issues interfere with the parent’s capacity to provide the informed consent that is required to agree to any resolution of the issues at stake. Thus, it is the facilitator’s ethical responsibility to ensure that issues such as language barriers, knowledge gaps, or cognitive limitations are addressed before the discussion begins.

There are several ways in which this can occur. If the issue is a language barrier, and the facilitator is fluent in both English and the parent’s language, then the facilitator can proceed with meeting facilitation, knowing that the meeting will likely take longer because they will essentially be conducting the meeting in two languages. If the facilitator is not fluent in the parent’s language, then the facilitator must adjourn the meeting until an appropriate translator and interpreter can be located and brought to the meeting.⁸

⁸ Securing a trained translator/interpreter who has also been trained in IDEA is optimal. If a trained translator/interpreter is available but does not have an understanding of IDEA, the role of the facilitator in ensuring that all jargon and acronyms are explained and defined carefully is even more critical, as there are many words related to the special education system that do not translate easily into other languages. If there is no trained translator/interpreter available, then a native speaker fluent in both English and the parent’s language who has knowledge of IDEA should be utilized. However, there may be potential conflicts of interest if that translator/interpreter works for the school or district. The facilitator should question the translator/interpreter to ensure that they understand that their role is to ensure that what the facilitator and district personnel are saying is accurately explained to the family, and that what the family is saying is accurately reported to the facilitator and district, not to influence the family in any way, to make the family seem more agreeable or knowledgeable, nor to pressure or persuade the family to agree to what the district is offering. The facilitator should also explain to the family that the interpreter/translator works for the district, and ask the family if there is anyone else that they would like to invite to the meeting to help them understand the process, such as a representative from the parent center, a community-based organization, or a family member. Note: this is not to take the place of the responsibility of the district to provide the translator/interpreter, but merely to support the family through the process and make it less likely that the district’s translator/interpreter will unduly influence the family or the discussion.

To initially determine whether there is a significant knowledge gap, the facilitator can ask both sides to explain their understanding of the process that is being undertaken, and what will happen if agreement is or isn't reached in terms of the child's program and services. The facilitator should also inquire as to whether the family has already received and reviewed their parental rights booklet, whether they had their rights explained to them by the school, parent center, or other support organization, and if they have any questions about their rights or their role in the meeting or the IFSP/IEP process. The facilitator must have a thorough understanding of the family's rights and role because they must be able to explain this to the family in understandable language if the family expresses any doubts regarding their rights in the process or at the meeting. In addition, the facilitator must be alert throughout the meeting to identify any areas of discussion on which there may be a significant knowledge gap, and must structure the conversation in such a way that families feel safe in asking questions, have time to consider the information that is being provided, and know the implications and consequences of various options and decisions. Whenever a knowledge gap appears, the facilitator must create the opportunity to help close that knowledge gap.⁹

Through this initial conversation, the facilitator may also identify cognitive limitations on the part of the parent(s). The facilitator must carefully consider whether the cognitive limitations interfere substantially with the parent's capacity to understand what is happening, to participate in the conversation, and to give informed consent. If the parent has a significant cognitive limitation, the facilitator must consider what options exist in the state code regarding supports for the family. For example, in some states, this may be a situation where a surrogate parent may be appointed, or the parent's guardian, if one exists, may need to be a part of the meeting. If there are cognitive limitations but not to the extent that the family cannot adequately participate or give informed consent, the facilitator must pay close attention throughout the meeting to ensure that the family understands the discussion and must be prepared to restate what the IFSP or IEP team's professional members have said using language that is accessible by the parent.

At the beginning of the meeting, the facilitator also levels the playing field by identifying formally how everyone will be addressed. If the meeting is occurring in a community where the professionals are called "Ms. Jones" or "Dr. Smith," then the parents must be accorded the same respect. It's also important that the facilitator take this opportunity to identify how the child will be addressed during the meeting; usually it is best to identify the child by their first name. The facilitator should introduce the concept of "I" statements, to avoid blame and defensiveness.¹⁰ And finally, the facilitator ensures that key terms, such as IEP and IFSP, are understood by all.¹¹

⁹ In addition to knowledge gaps based on knowledge of the law, the process, their child's disability and likely impact on learning and development, acronyms and terminology, the facilitator may identify knowledge gaps based on the family's status as a recent immigrant who does not understand the U.S. education system or the expectation that families will be more involved in decision-making for their child, or as someone who has moved from another state that may have very different rules and regulations and processes, or as someone who has recently adopted the child or begun to serve as the child's foster parent. The facilitator must be prepared to address each of these knowledge gaps with the relevant information.

¹⁰ Rather than saying, "You always do this," or "You never do this," or "You make me so angry," which lead to defensiveness on the part of the person to whom such statements are directed, "I" statements such as "I feel angry when..." express the speaker's feelings, opinions, etc. in a more constructive way.

¹¹ Some terms must be clarified up front, at the beginning of the meeting, because understanding them is essential to understanding the process. Other terms should be defined during the meeting as they arise in conversation.

During the meeting, the facilitator provides the problem-solving structure and process needed to reach an agreement that everyone can live with. S/he ensures that everyone understands this process, their rights, and the consequences of various decisions throughout the meeting. S/he ensures that everyone is listened to with respect during the meeting, and that the parties, especially the parents, are given the time they need to consider the information they are receiving and their options.¹² She helps the parties begin a meaningful and constructive conversation. As the discussion moves forward, the facilitator ensures that any unclear points are clarified and that questions are answered. The facilitator does not try to make decisions for the parties, substitute their judgment for that of the parties, or pressure the parties to come to an agreement. S/he uses techniques that bring discussion back to the agenda and that check in whether people are in agreement (“what I’m hearing”). Other important considerations for effective facilitators who seek to address power imbalances among all participants include:

- Capacity to help participants:
 - Clarify their views
 - Communicate more effectively
 - Express their ideas and concerns without interruption, but also without “occupying the field” (i.e., leaving time and space for others to talk)
 - Understand other perspective and points of view
- Knowledge that:
 - Silence is not consensus; consensus is when all participants knowingly assent
 - The purpose of the facilitation is not to *ensure* that resolution is reached, but rather to help the parties reach agreement if knowing and informed agreement can be achieved.

Critical roles for a facilitator who seeks to level the playing field at the meeting include:

- Sharing useful information with both parties
- Reminding participants of legal requirements
- Defining key terms throughout the meeting
- Providing time for calm discussion of disagreements
- Periodically checking in to ensure that everyone is on the same page and understands what has or hasn’t been agreed to and what the remaining issues are
- Encouraging creative thinking and solutions
- Suggestion options the parties might not have thought of
- Helping parties narrow areas of disagreement as much as possible, and recognizing when agreements have been reached
- Focusing back in on the major areas of dispute or disagreement or issues that need resolution
- Helping the parties not jump from specifics to generalizations (“You *always*...”, “you *never*..”) and keeping the parties from personalizing their disagreements.

¹² In some studies of meetings between parents and professionals, the ratio of time during which professionals are speaking to the time during which parents are speaking is as much as 10 to 1. Professionals often don’t realize that they are “occupying the conversation field,” or that parents need time to consider what has been said. Professionals may continue speaking because they believe that if the parent hears more from them then the parent will naturally agree with their recommendations. The facilitator must continually check in with the parents to ensure that they have the time to process what they have heard, think about their responses, and consider their options/choices.

The facilitator also plays a critical role at the end of the meeting. If the facilitator becomes aware that the parents and the professionals are not in agreement, and that continuing the meeting is allowing the professionals to badger, intimidate, overwhelm, overpower, or wear down the parent(s), then the facilitator must bring this issue out into the open by asking the parent(s) if they feel that further discussion would be useful or if they should now consider their other options. The facilitator must ensure that the family is aware of those other options, such as mediation, request for complaint investigation, or due process hearing, and of the consequences of their decision to end this meeting and/or to pursue any of those other options.¹³ The facilitator must also ensure that the family is informed of any supports available if they choose to pursue any of these options, such as their parent center, protection and advocacy agency, etc.

If the facilitator feels that the parties have come to an agreement, it is critical that the facilitator have each party restate what they believe the agreement is, and then have the facilitator summarize the agreement, so that the agreement truly reflects a “meeting of the minds” of the participants. The facilitator must pay close attention not only to what the parents say, but also to their body language, expressions, etc. to ensure that there is a genuine agreement and that the parents are giving informed consent to the resolution. If not, the facilitator should raise their concern about the apparent lack of agreement and reopen discussions on the topic(s) that seem to be unresolved – or, if time is a problem, adjourn the meeting and reschedule for a later date.

Conclusion

As this guide seeks to make clear, despite the “legal” role of parents as equal members of the IEP/IFSP team, most families enter the IEP/IFSP process with less power and resources than the professionals representing the school or early intervention system. This power imbalance contributes to conflict in the IEP/IFSP process. While IEP/IFSP facilitation has the potential to level the playing field between families and professionals, it can only do so if it is conducted with a thorough understanding of the emotions often experienced by families at IEP/IFSP meeting and of the power relationships between families and school systems, as well as knowledge of strategies to empower families in the IEP/IFSP process while building the partnership between families and child and family-serving systems. And building effective meeting facilitation systems in states can only occur if states and parent and professional organizations work together to ensure that the framework for the meeting facilitation system is developed with this understanding of the power imbalances and the goal of equalizing the power of all participants in the process. If we are successful in building these equalizing frameworks and effectively preparing facilitators and all participants for their roles in the meeting process, we will reduce reliance on due process hearings and improve outcomes for children.

¹³ For example, if the parents end the meeting without resolution, and do not pursue any of these other options, will their child’s services and/or placement be changed? Even if they do pursue mediation, complaint investigation or due process, is the situation such that pendency placement does not apply (for example, a disciplinary action where pendency placement becomes the interim alternative educational setting)? If parents end the meeting without giving informed consent, will their child remain without services (for example, in the transition from early intervention to preschool, in most states. However, facilitators must also be aware of legal precedent in their state. For example, the Third Circuit Court of Appeals has ruled that, if parents request mediation or due process in the situation of a disagreement over IEP services in transition from EI to preschool, the district must pay for the child and family to continue receiving the IFSP services while these proceedings are taking place.

IEP MEETING CHECKLIST FOR PARENTS

Dear Parent/Guardian:

Please review this Checklist prior to starting your IEP meeting. As you go through your IEP meeting, check to make sure that each of the issues below is addressed by your team. If it is not addressed, please ask your team to discuss it. Please let the Director of Pupil Services/ Special Education know if your IEP meeting does not address each of the issues below.

___ My meeting is with a complete IEP team, including my child's general education teacher, my child's Case manager from the Child Study Team, a special education provider or supervisor, someone who can interpret the evaluation results, and a district representative who has the authority to make commitments for services for my child.

___ At my IEP meeting, we talked about the following issues in the following order:

___ My child's "present levels of academic achievement and functional performance" (how my child is doing in school, the results of the most recent evaluations and testing, etc.)

___ Measurable annual goals & objectives for my child that are tied to the general education curriculum (at least one set of goals & objectives for each of my child's needs)

___ Special education & related services that my child needs, including:

___ Whether my child needs "supplementary aids and services," either directly for her, or for the teacher, or for other children in the class, to help support my child's successful inclusion in the class

___ Any special skills, knowledge, or professional development needed by my child's teacher, aide/paraprofessional, related services provider, etc.

___ Whether or not my child needs related services such as speech therapy, occupational therapy, physical therapy, counseling, psychiatric or psychological services, transportation, travel training, orientation or mobility training, and whether our family needs information on our child's disability or how we might effectively support our child at home

___ Whether or not my child needs extended school year services to make sure that he/she doesn't lose what he/she learned, over the summer

___ Whether my child needs functional behavior assessment & positive behavior support plan

___ Whether my child needs to learn communication skills & strategies

___ Whether my child needs assistive technology

_____ If my child is age 14 or older, what courses of study my child might take to help prepare for transition to adult life

_____ If my child is 16 or older, what transition to adult life services my child might need to prepare for post-secondary education, training, or employment

_____ How my child can access extra-curricular and non-academic activities open to students without disabilities before, during, and after school hours

_____ Placement – the “least restrictive” setting in which my child’s IEP can be implemented, starting with a discussion of inclusion in the general education classroom, not only as it exists but as it might be made appropriate with accommodations and/or modifications, and which gives my child the maximum appropriate opportunity to interact with other students who do not have disabilities

_____ The person or people who are directly responsible for implementation of each service and program in my child’s IEP

_____ The person or people who are directly responsible to monitor my child’s progress

_____ How I will be informed of my child’s progress and whether that progress is sufficient to meet the goals by the end of the year, and how often (at least as often as general education parents receive report cards on their children’s performance)

_____ How my child will participate in the statewide tests (the 3rd & 4th grade Assessment of Skills & Knowledge, 8th grade GEPA, and 11th grade HSPA) or district-wide tests (the Terra Novas), and what kinds of accommodations my child will need (extended time, having the questions read aloud, giving the answers orally, testing in a more private, quieter space, using a computer or calculator, etc.)

_____ I received a complete copy of the PRISE (Parents Rights in Special Education) booklet, including the page with the listing of organizations to contact for information about my rights.

_____ I received a signed copy of the handwritten IEP or a summary of my child’s program, services and placement at the end of the meeting.

Parent(s) Name

Date

Developed by the Statewide Parent Advocacy Network, 35 Halsey Street, Newark, NJ 07102
Empowered Parents: Educated, Engaged, Effective!