

# Constructive Approaches to Help Frequent Filers

CADRE Symposium, 2015

## Presenters:

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# STATE COMPLAINT PROCEDURES

- Part B: 34 CFR §§300.151-300.153
- Part C: 34 CFR §§303.432-303.434



# HYPOTHESIS #1

- On January 1, 2015, Marge files a State complaint alleging that her son, Bart, was not provided speech/language therapy services consistent with his IEP/IFSP November 1-30, 2014.
- On January 15, 2015, Marge files a subsequent State complaint alleging that Bart was not provided speech/language therapy services consistent with his IEP/IFSP December 1-31, 2014.



## HYPO #2

- The SEA/LA issues a decision that addresses both State complaints on February 15.
- On March 1, the SEA/LA receives another State complaint from Marge alleging that Bart was not provided speech/language therapy services consistent with his IEP/IFSP November 1-30, 2014 and December 1-31, 2014.



# INCOMPLETE COMPLAINTS

- State complaints must include:
  - Part B: §300.153(b)
    - Q&A B-15: What is an SEA's responsibility to resolve a complaint if the complaint submitted to the SEA does not include all of the content required in 34 CFR §300.153?
  - Part C: §303.434(b)



# NO COPY OF THE COMPLAINT

- Part B: 34 CFR §300.153(d)
  - Q&A B-17: What is an SEA's responsibility to resolve a complaint if the complainant does not provide a copy of the complaint to the LEA or public agency serving the child at the same time the complaint is filed with the SEA?
- Part C: 34 CFR §303.434(d)



# HYPOTHESIS #3

- On April 1, 2015, Marge files a State complaint alleging that Bart's teacher sent home a note that was written in red ink instead of black ink.



# Soft Skills for Hard Conversations

Seek first to understand and then don't say anything to make it worse.

Suzanne McDougall



# ConsultLine: Point of Reference

- ConsultLine is a toll-free service for parents and advocates of children with disabilities.
- Specialists listen to concerns, provide information and resources about the state complaint process and other procedural safeguards, discuss options and conduct low-level intervention for compliance-based issues.
- Like McDonald's – billions served - well actually about 3,000 per year.



# Collective Voices: 50,000 Plus Parent Conversations

- Parents report they don't feel heard or validated.
- Excuses are offered and concerns bypassed rather than acknowledged.
- Parents confused and lose trust due to lack of communication.
- Parents fear they are “informationally disadvantaged”; therefore, they explore other avenues for information.
- Parent is unsure of the child's entitlement to FAPE and what that means; they have different perceptions of the school's duties.

# What Need/Interest does the Complaint Attempt to Satisfy?

Two types of complaints: instrumental and expressive.

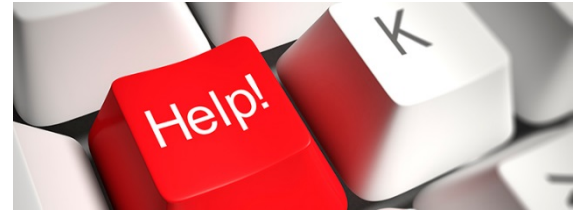
Is the complainant seeking a mechanism for distributive justice as per the state complaint or due process system?

—or—

Is the complainant seeking a pathway to be heard, attended to, balance power? (acknowledgement/ security)

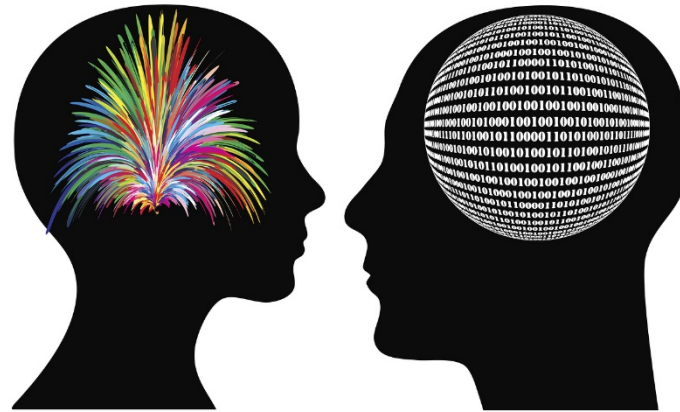
# What Need/Interest does the Complaint Attempt to Satisfy?

- Balance power/inequities/justice
- Voice
- Seeking recognition
- Seeking apology
- Compensation for perceived harm/loss
- Precedence
- Documentation
- Fix a problem (systemic, collective, or individual)
- Change behavior
- Cultural or historical cause
- Lack/loss of trust
- Last resort; unsure of rights...etc.



# Perceptions of the Listener/Responder

“We don’t see things as they are,  
we see things as we are.”



Anais Nin

# Perceptions of the Listener/Responder

Sometimes we feel angst about a difficult conversation before it happens. It starts as early as the voicemail you just listened to. This can impact how/if/when you proceed (assuming you even have a choice).

- What triggers an emotional response in you?
- Are you going to be perceived as a helper or someone to blame?
- How many people did the complainant talk to before they reached you?
- What do you do with their frustrations? What can you do about yours?
- What are your duties, limits, and commitment to being the last stop (if possible)?
- What are your early impressions and how will that impact your connection and receptiveness?

# Recognize Your Reactions

What influences your feelings/impressions during the conversation:

- Tone of voice
- Blaming statements
- Crude or overly dramatic language
- Value differences
- Other's assumptions
- Lack of accurate information
- Embedded requests
- Suggestions of entitlement

# Make the Connection

- Consider/acknowledge the journey they've been on before reaching your extension or email address.
- Learn / establish the purpose of the conversation.
- Describe what you think you can/hope you can do for them.
- Do you have history with this person? How does that influence your readiness to engage and is it a good place to pause or better to ignore?
- Is this a different issue? Same issue but new information?
- Is there a need for a different approach?



# Working Your Way Through the Conversation:

- Curiosity: have a “learning conversation” (facts and feelings).
- Effective listening may include interrupting the speaker for clarification. Establish the purpose of interrupting as well as note taking early in the conversation.
- Reframe: help caller move from a blame stance to an action/solution- oriented approach; capture the positive intention/underlying need.
- Acknowledge human emotion within the context of their perception
- Rapport building, find a connection and explore their assumptions.

# Working Your Way Through the Conversation:

- Explain the scope and limits of your role
- Convey commitment to go as far as you can to help with their concern.
- Periodically allow time for the speaker to collect thoughts, reflect, regain composure, save face.
- Allow yourself the same.
- Use silence effectively.
- Use envisioning technique: what would success/positive outcome look like? What is it that you want to see happen for your child?

# Working Your Way Through the Conversation:

- Check their understanding and provide information and resources when applicable.
- Regulatory content can be a great neutralizer when spoken in a way that makes sense to the listener.
- Ask what the words mean to them and to their situation and the complaint.

# Take the High Road If Things Are Headed South

Craft an “I” statement to postpone or redirect the conversation when the emotions dominate:

“I’ve got to focus on what you’re telling me, but I’m feeling a little overwhelmed by how I’m hearing it.”

“I’d like to catch my breath here. There’s a lot going on in this conversation and I want to make sure I’ve got the right mindset for hearing you out. Can I call you back in \_\_\_ minutes?”

“My assumption is that this situation has been very frustrating for you. I have to ask you to just try to work with me so that I can at least see if there is anything I can do that will be of value to you.”

“I might not be the best person to talk with you right now because it seems like you’re actually yelling at/or blaming me. I’m here to try to help you.”

# Post Conversation Decompression:

How do you restore your mindset and energy after a difficult conversation?

- Reflect/Process
- Document
- Desk yoga stretch, fresh air and/or vending machine
- Acknowledge your competent response or your frustration

Channel your inner Plato:

“Be kind: Everyone you meet is fighting a hard battle.”

# Reflections from ConsultLine Specialists:

“Parents appreciate when the LEA takes time to acknowledge and explain what they understand about child’s disability and how that translates into approaches to learning.”

“Be an accessible source for parents to learn about their role, procedural rights and the process. Giving the parent the procedural safeguards notice doesn’t ensure their understanding of it, or create an opportunity to develop trust and rapport and to be the source for the parent to learn about options and rights.”

# Research and Recommendations From the Field:

- Educators who used a “therapeutic approach” and were highly informative with parents were successful in resolving their differences.
- Prompt apologies remedied oversights and serious social infractions.
- Educators who failed to adequately address parent’s concerns about the child’s development, educational needs and future and who did not discuss alternative instructional approaches invited a pattern of misunderstanding and conflict.

Newman, Jeanette E., “From the Beginning: What Educators and Parents of Children with Special Needs Do to Resolve Differences”(2005). *Publicly Accessible Penn Dissertations. Paper 1180*

# Application of MTSS Logic & Analysis to Understanding & Addressing Complaints in Dispute Resolution

Marshall Peter

CADRE







## Application of PBIS and MTSS/RtI Analysis to Reduce Problem Complaints

- Purpose is to stimulate consideration and discussion. This is a whirlwind presentation of *very* early thoughts.
- Most complaints are legitimate and appropriate. The purpose here is to consider problem complaining which can be defined by tone/language, frequency or both.
- Obvious solution to complaining is to provide what is being requested. Risk is that you reinforce problem behavior. Important to try to unpack underlying interests.
- Staff behavior can contribute to parental complaints and trigger increased negative emotions and responses. Should this behavior persist, PBIS can be applied with equal power to problem behavior in staff. You may be the problem.





## Application of PBIS and MTSS/RtI Analysis to Reduce Problem Complaints

- These initial thoughts draw heavily from the work of PBIS (Sugai, Horner) and MTSS/RTI, although they are in no way responsible for the abundant inadequacies in my application to this particular problem.
- The analysis/intervention charts at end (not enough time to go into) are very generic and are meant only as examples. Good plans are individualized and fit well into the context in which they are administered.
- Some of the possible consequence strategies, especially those related to *Extinction*, may increase the problem behavior. They may also cause you to be viewed as a personnel problem.



# Challenge Statement

Most disputes are generally legit, & all need to be considered...that's why we do what we do.

When disputes are influenced or MOTIVATED by HISTORY of prior failures, non-satisfying solutions, unacceptable outcomes, etc., conflict resolution efforts can become CONTENTIOUS & unproductive.

Each complaint has a HISTORY, CONTEXT, & MOTIVATION.

To enhance resolution process & outcomes, we must improve our UNDERSTANDING of HISTORY, CONTEXT, & MOTIVATION, especially when contentious.



## PURPOSE

Discuss how a multi-tiered support system (MTSS) approach might be applied to improving our understanding, approach, & outcomes to conflict resolution

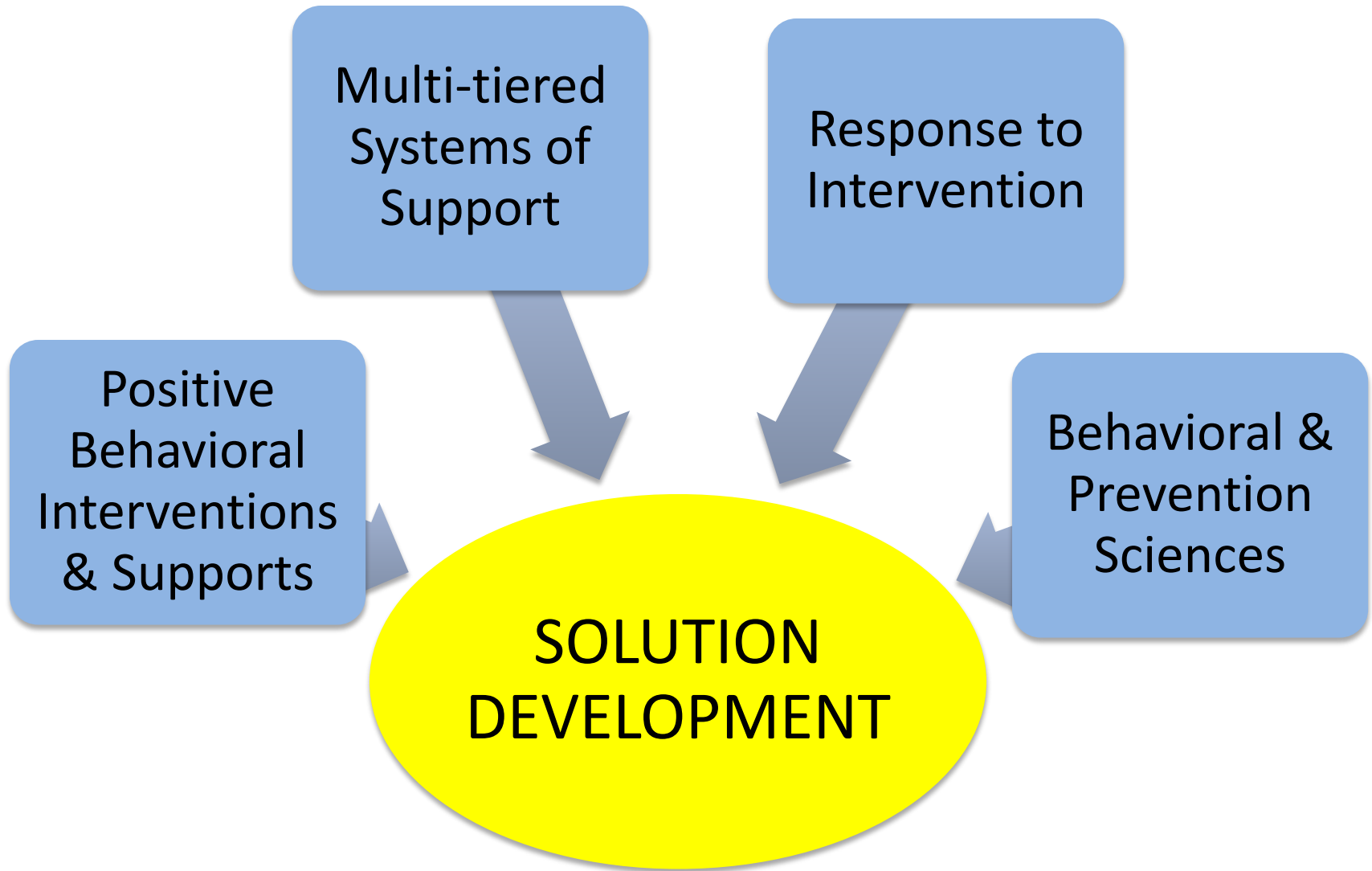
Too much attention can intensify problem

Punishment can result in escalation

Ignoring can result in increase in problem

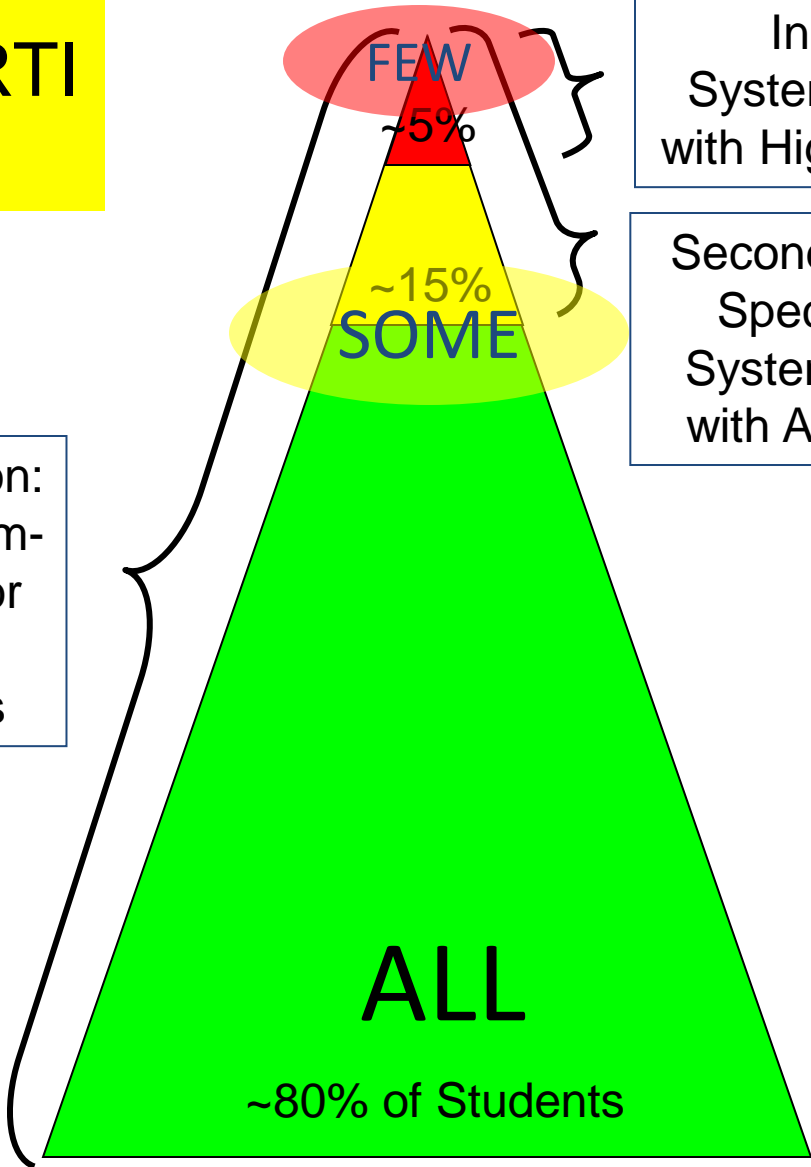
More intensive problem behavior requires more intensive supports

CONSIDERATIONS



# BASIC MTSS/PBIS/RTI LOGIC

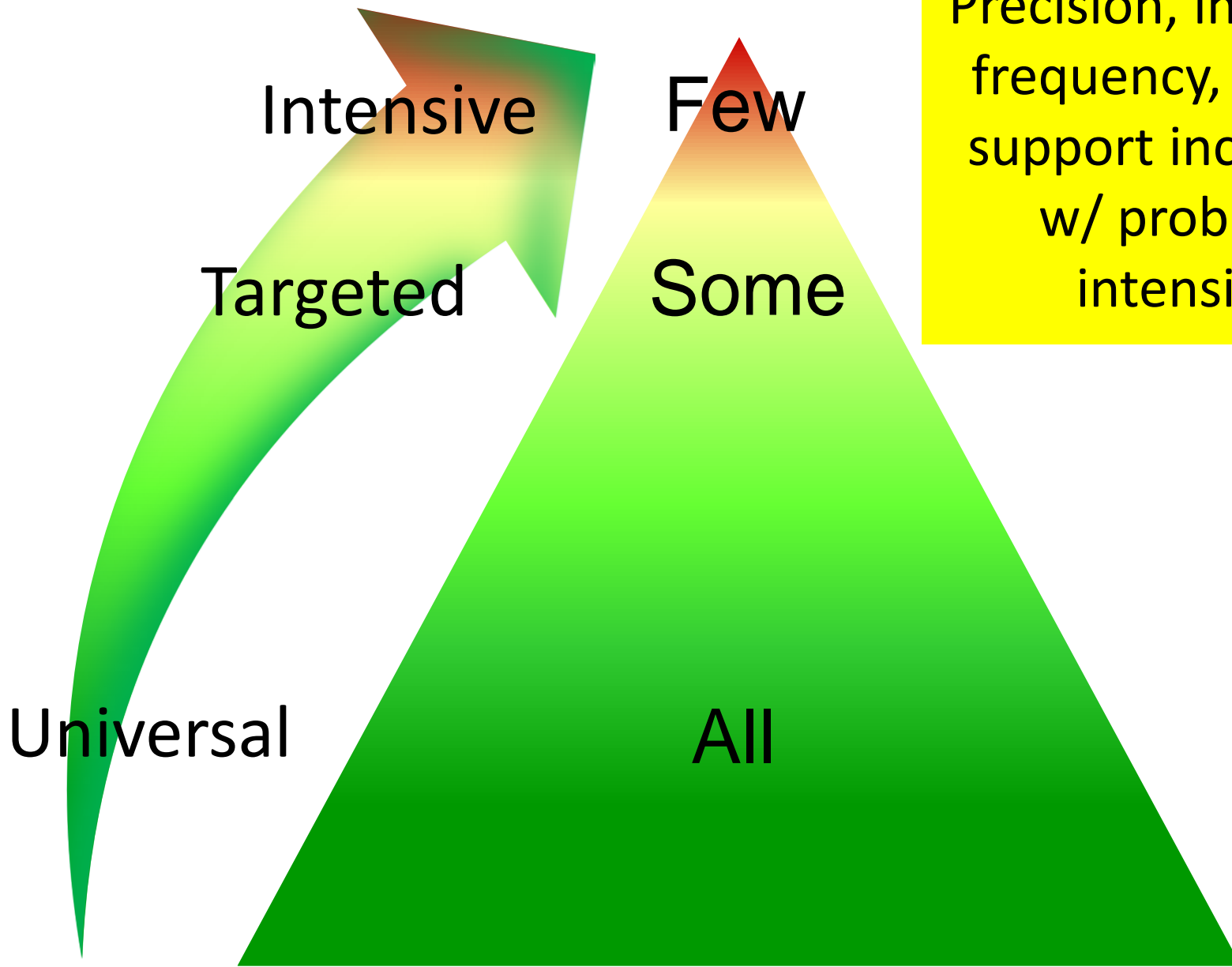
Primary Prevention:  
School-/Classroom-  
Wide Systems for  
All Students,  
Staff, & Settings



Tertiary Prevention:  
Specialized  
Individualized  
Systems for Students  
with High-Risk Behavior

Secondary Prevention:  
Specialized Group  
Systems for Students  
with At-Risk Behavior





Precision, intensity, frequency, etc. of support increases w/ problem intensity

Universal

Intensive

Targeted

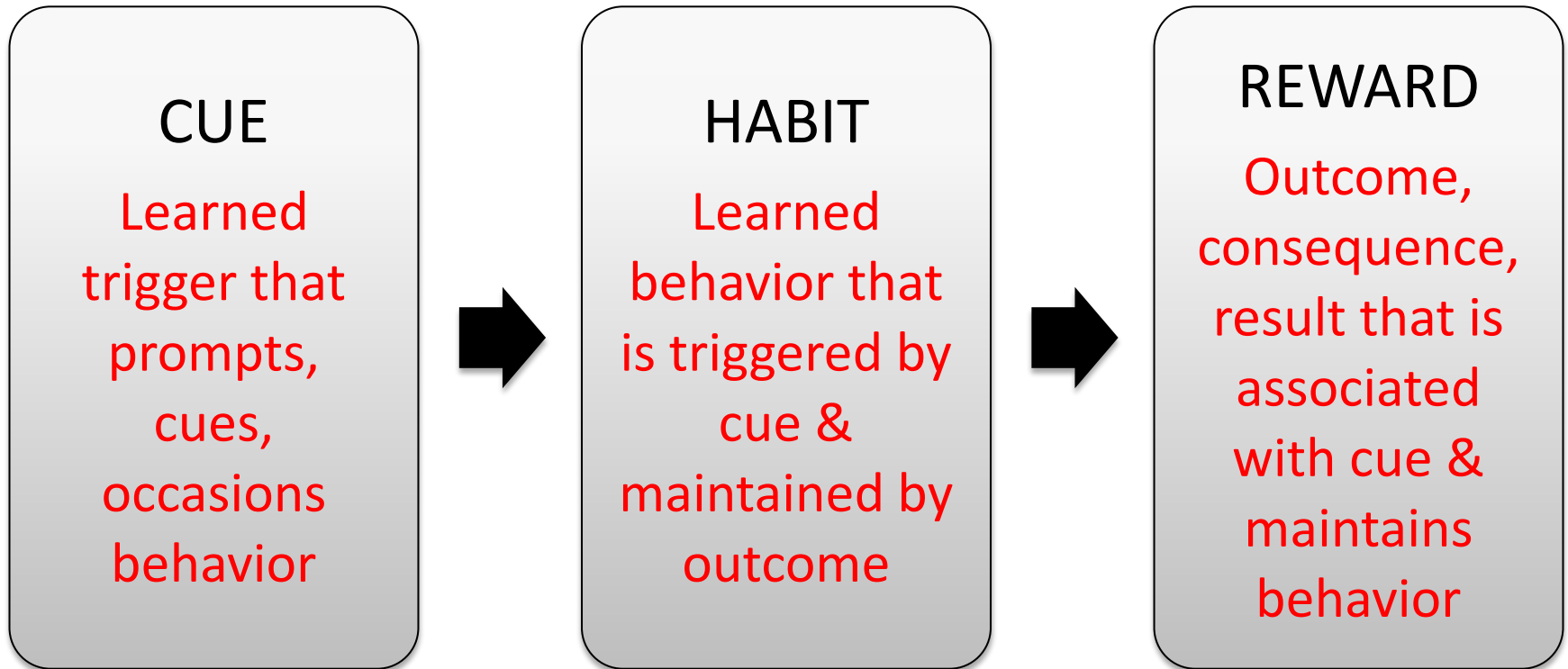
Few

Some

All



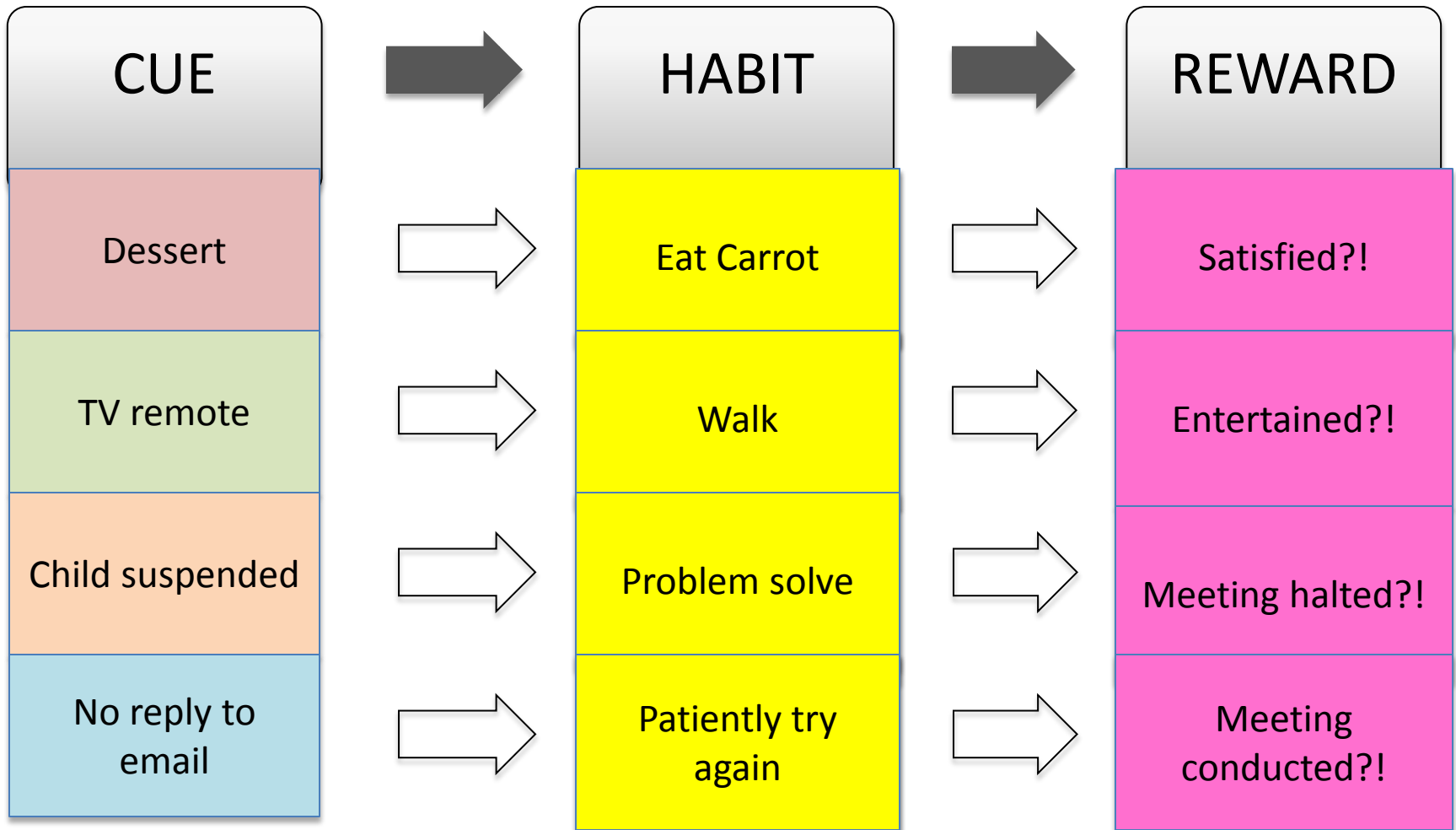
More chronic/intensive behavior requires more careful understanding of behavior history (i.e., FBA)



Adapted from *Power of Habit: Why We Do What We Do in Life & Business* by Charles Duhigg (2014)



**CHALLENGE:** Replacing current behavior (strong habit) with new behavior (weak habit).



Adapted from *Power of Habit: Why We Do What We Do in Life & Business* by Charles Duhigg (2014)



Developing effective, efficient, & relevant strategy for problem behavior requires consideration of 3 elements & 6 practices

## CUE

- Remove competing cue
- Add desired cue



## HABIT

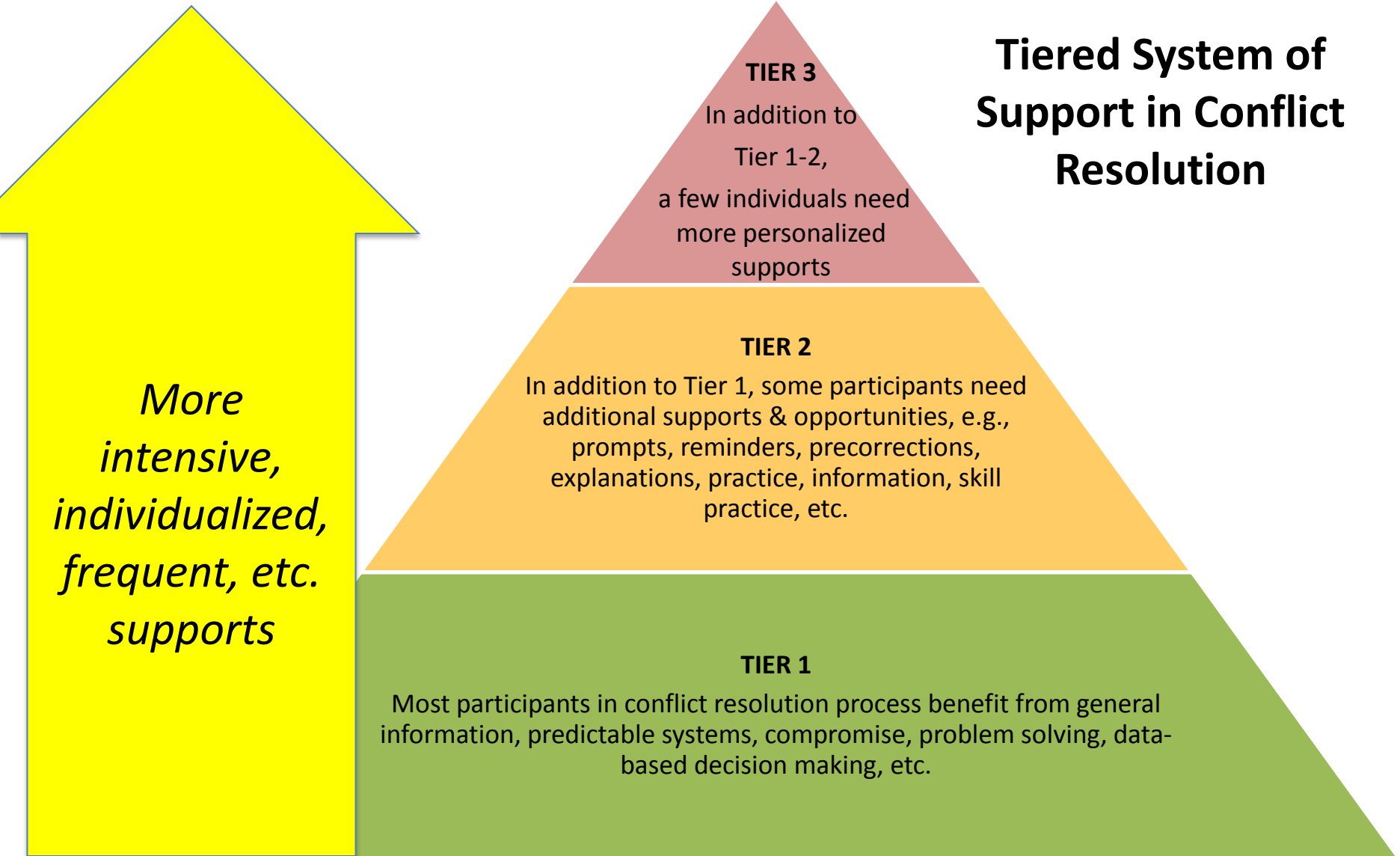
- Teach acceptable alternative
- Teach desired alternative



## REWARD

- Remove reward for old habit
- Add reward for new habit

# Tiered System of Support in Conflict Resolution



# Tiered System of Support in Conflict Resolution

*More intensive, individualized, frequent, etc. supports*

FIEP/Mediation  
Wrap Facilitation  
Individual FBA/BSP  
Specialized Response

Case Manager  
Peer Mentoring  
Individual/Group Interviews  
(Complaint-Specific)  
Capably Delivered IEPs  
Workshops and Learning Opportunities  
(Advanced, Co-Populated)

Optimally Communicative Environment  
Workshops and Learning Opportunities (Co-Populated)  
Positive Early Engagement with Families  
Cultural/Linguistic Competence  
Leadership Opportunities/Focus Groups/Advisory Groups  
Rapid Access Options for Problems

**LOCAL**



# Tiered System of Support in Conflict Resolution

FBA  
Response Team  
Compliance Monitoring

Ombudsperson  
Shuttle Diplomacy  
Telephone Intermediary  
Technical Assistance to LEAs

Capable Website  
Rapid 1-800 Access to Competent, Knowledgeable Person  
Easily Understood Resources on Problem Resolution Options

*More intensive, individualized, frequent, etc. supports*

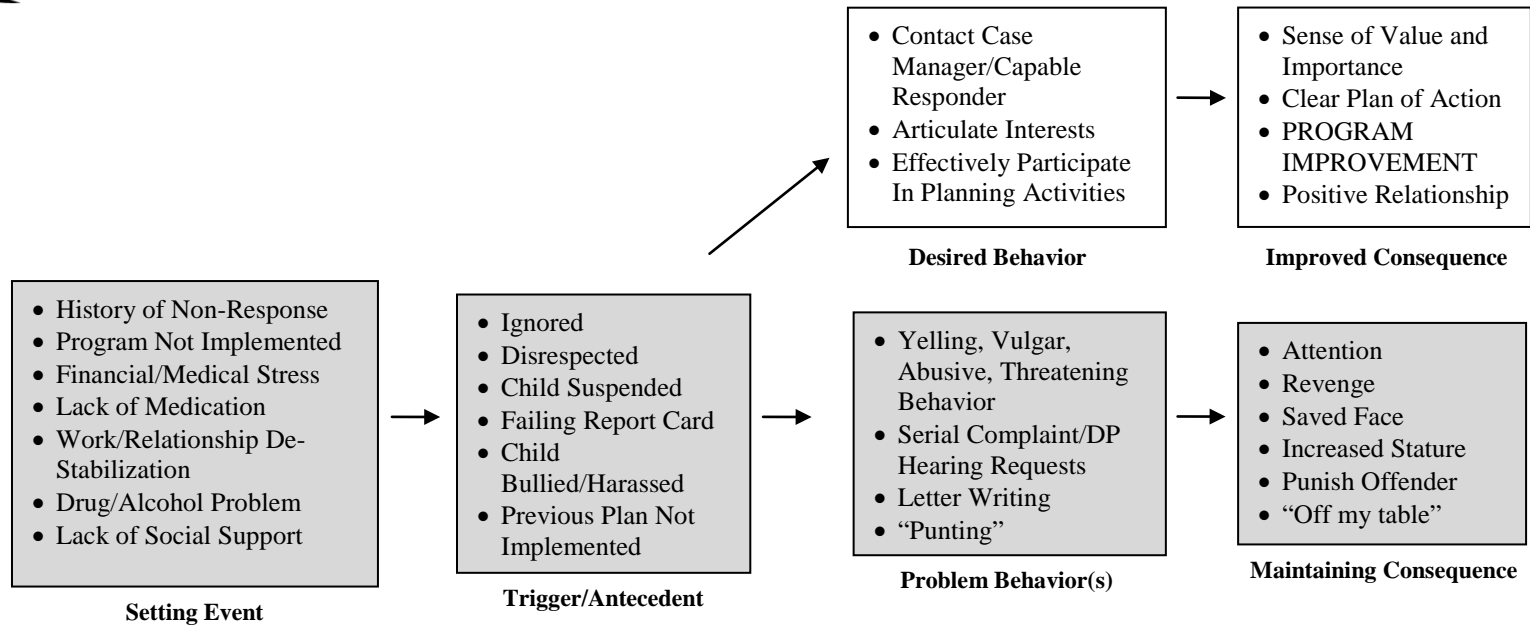
**STATE**





# LEA BEHAVIOR ANALYSIS/SUPPORT PLAN

## POSSIBLE EXPLANATIONS & USEFUL APPROACHES

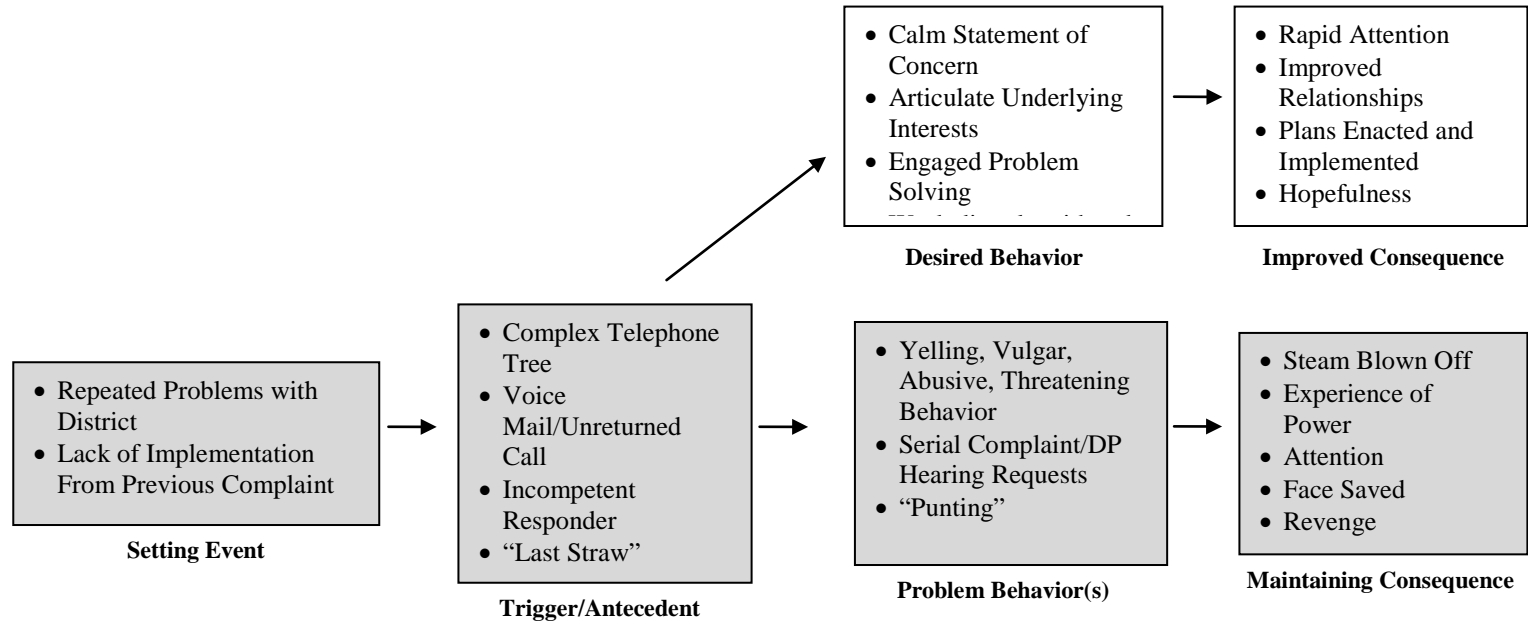


Setting Event Strategies	Antecedent Strategies Behavior	Teaching Strategies	Consequence Strategies
<ul style="list-style-type: none"> <li>• Case manager/wrap facilitator available to assist with non-school problems</li> <li>• Engagement with facilitative advocate</li> <li>• Import valued person into meeting setting</li> </ul>	<ul style="list-style-type: none"> <li>• Red phone access to capable responder with power to implement change</li> <li>• Alternatives to exclusion</li> <li>• Restorative Justice/Peer Training</li> <li>• Train problem person</li> <li>• Remove problem person</li> </ul>	<ul style="list-style-type: none"> <li>• Workshops on Effective IEP Meeting Participation</li> <li>• Staff Training On IEP Facilitation</li> <li>• Referral to Parent Center</li> </ul>	<p><u>Reward</u></p> <ul style="list-style-type: none"> <li>• Rapid access</li> <li>• Problem clearly articulated</li> <li>• Mobilization around problem resolution</li> <li>• Positive commitment</li> <li>• Increased influence</li> <li>• Appreciation Note home</li> </ul> <p><u>Extinction</u></p> <ul style="list-style-type: none"> <li>• Hang up</li> <li>• Unreturned calls</li> <li>• Time limited communication</li> <li>• Communication without rapport</li> </ul>



# SEA BEHAVIOR ANALYSIS/SUPPORT PLAN

## POSSIBLE EXPLANATIONS & USEFUL APPROACHES



Setting Event Strategies	Antecedent Strategies Behavior	Teaching Strategies	Consequence Strategies
<ul style="list-style-type: none"> <li>• Quick follow through</li> <li>• Commitments kept</li> <li>• Compliance monitoring</li> </ul>	<ul style="list-style-type: none"> <li>• Easy direct line access</li> <li>• Rapid returned call</li> <li>• Competent responder-excellent active listener</li> <li>• Plenty of time for call</li> <li>• Remove problem person</li> <li>• Train problem person</li> </ul>	<ul style="list-style-type: none"> <li>• Identification of local Red-Phone Responder</li> <li>• Referral to Parent Center</li> <li>• Train district staff - collaborative problem solving</li> </ul>	<p><u>Reward</u></p> <ul style="list-style-type: none"> <li>• Red phone access</li> <li>• State removed from mediating role</li> </ul> <p><u>Extinction</u></p> <ul style="list-style-type: none"> <li>• Hang up when abusive</li> <li>• Correction (if needed)</li> <li>• Safety (if needed)</li> </ul>



# Questions



# Contact Information

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