



COLORADO
Department of Education

Alternative Dispute Resolution

New Directors' Orientation

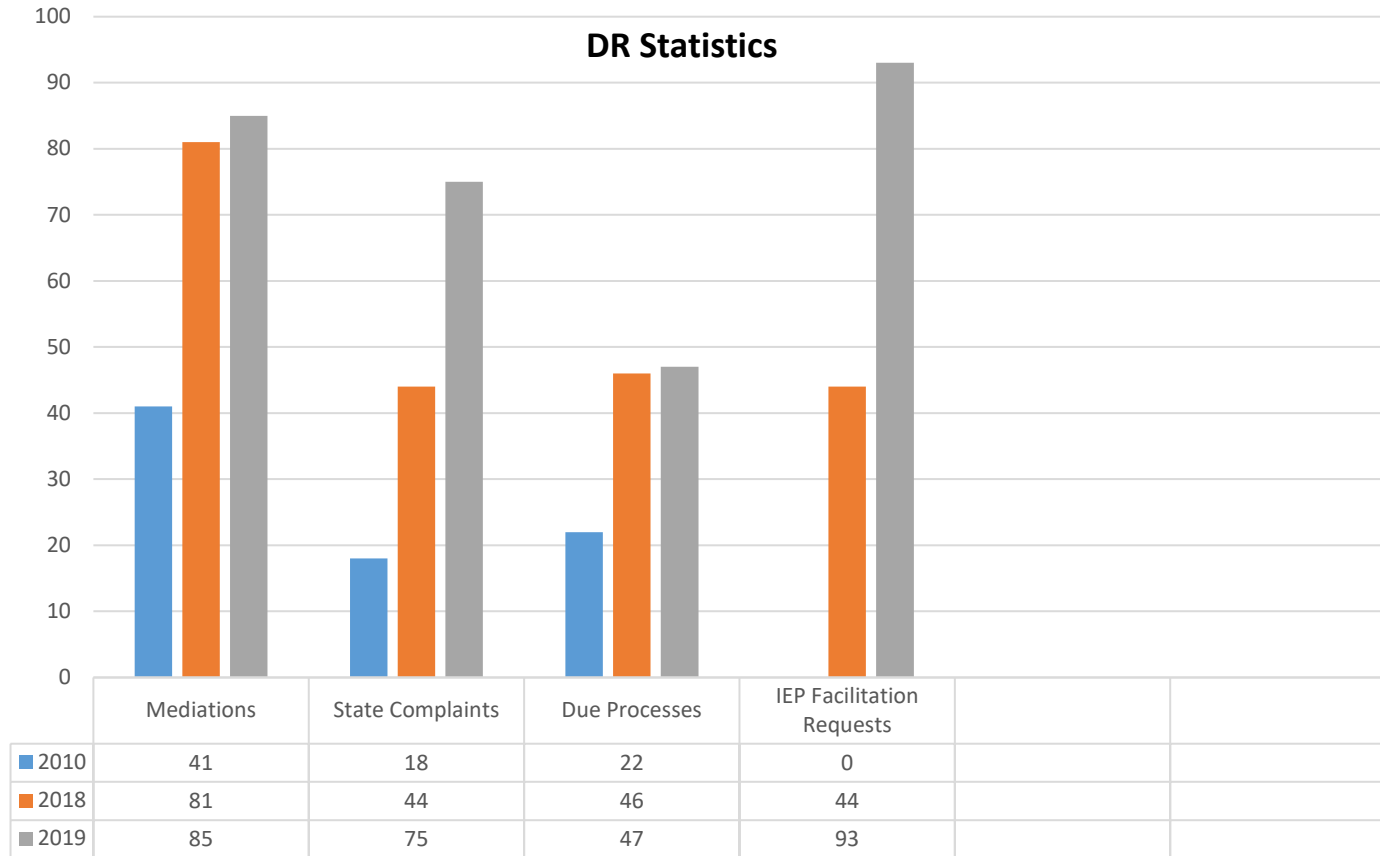
2020

Early Dispute Resolution Project



Mission: To provide a funded support system and toolbox of options, for ALL special education stakeholders in order to increase a more collaborative IEP process and relationships

Colorado's Dispute Resolution Statistics



Note: The Special Education population in Colorado has grown by 19,278 from 2010-2018.



Findings of State Complaints

Districts Cited For Lack of:

- Parent Participation
- Implementation of the IEP
- Development of the IEP
- Comprehensive Evaluations
- Appropriate IEP Team Members
- Prior Written Notice



Findings of State Complaints (cont.)

- Meetings held without appropriate IEP team members
- Failure to conduct Comprehensive Evaluations or consider Independent Evaluations
- Failure to determine Eligibility/Child Find
- Amendments made outside of IEP meeting
- Failure to provide parents with progress monitoring
- IEP not implemented at beginning of school year

Our Solution: Facilitative Skills for All IEP Stakeholders!

- **THE BEST SOLUTION FOR RESOLVING CONFLICT AND BUILDING COHESIVE TEAMS.**
- **When are facilitative skills helpful?**
 - EVERY day.
 - At EVERY IEP team meeting.
 - Before disagreements become disputes.



Benefits of Facilitation

- According to the American Bar Association, benefits include:
- **Parties get to decide**: All parties, who know the student, control the outcome.
- **Fosters continuing relationships**: Facilitation does not dismantle relationships, it bolsters them.
- **Facilitation deals with feelings**: It respects that a child is at the heart of every disagreement.
- **Outcomes are durable**: There is a higher level of satisfaction, resulting in more durable agreements.
- **Lower cost**: Informal issue resolution is ALWAYS less costly than more formal options. Cost is measured on the human and financial dimensions.



Facilitation vs. Mediation

Facilitation	Mediation
Not addressed in IDEA	IDEA mandates availability
No IDEA funding	IDEA provides funding
Not confidential	Confidential discussions
Amending the IEP	Enforceable agreement
No certification required (but recommended)	Requires initial and ongoing training
Forward facing	Looks back and forward

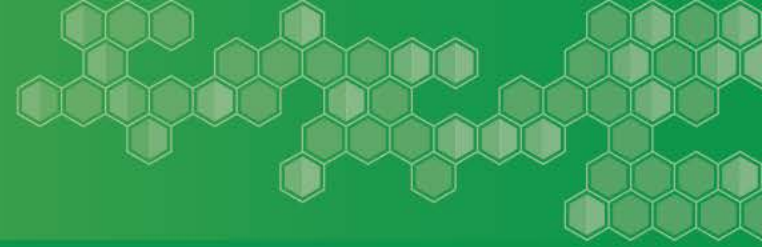
Facilitation has grown in popularity as the successful use of facilitation results in improved outcomes, better IEP team meetings, and fewer disputes. It is considered a promising practice.

Facilitation is NOT

- An advocate representing one side or the other
- A mediator or confidential mediated agreements
- Due process
- A third party saying someone wins or loses

Purpose of Facilitation





No matter your role, facilitation skills are invaluable, and there are many options for engagement!



Skills Driven Classes

6 Hour Class – Improving IEP Teams. Can be delivered in shorter modules.

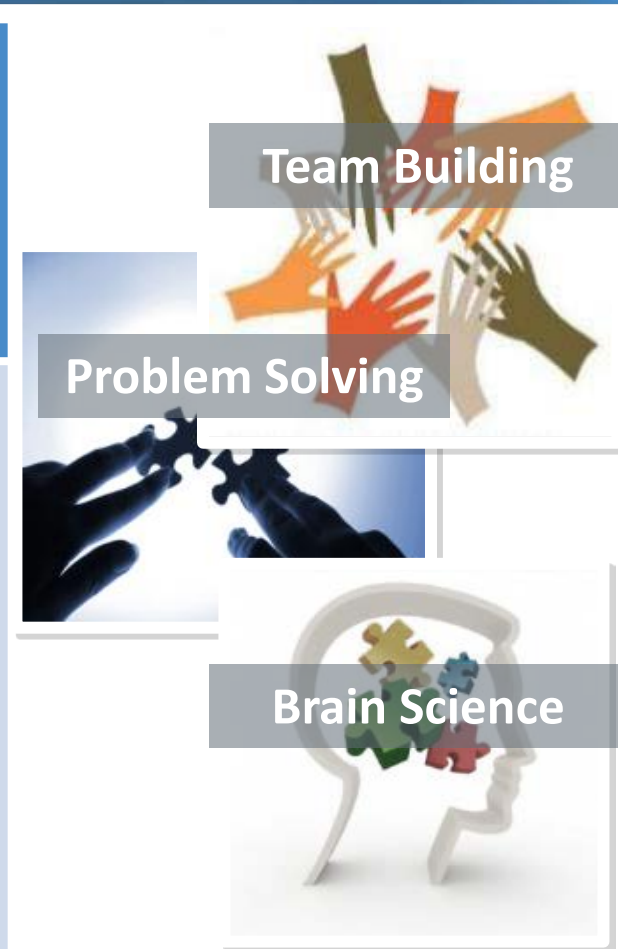
3 Day Certification For Those Who Want To Be a Facilitator

Bucket Trainings to Refine Skills

For **anyone** who ever attends any IEP or parent meetings.

For those who need to facilitate any meetings in your district and who may be willing/able to swap services with another district when a need arises.

For identified needs in a district. See Bucket Training lists.

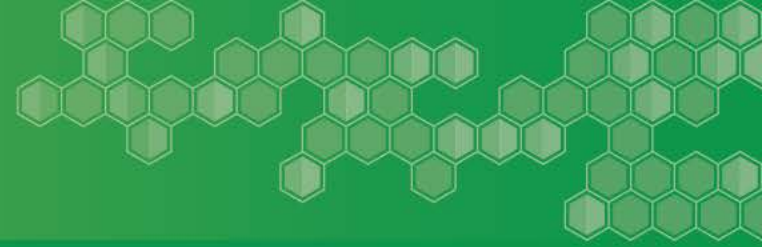


What's in a 6 Hour Training?



- Knowing key IDEA terminology
- Planning agendas for productive meetings
- Understanding how and why conflict naturally occurs in the IEP process
- Learning important communication and people skills to create a space for change
- Clarifying positions versus interests to develop improved outcomes for students
- Developing strategic questioning and active listening techniques to build relationships
- Recognizing cultural differences to build reciprocity
- Identifying resistance and match resources to build consensus decisions among team members
- Building deep facilitator tool boxes to improve team functioning by focusing on the team PROCESS
 - ***Practice, practice, practice!***

How About Facilitator Training?



- The One-Day training is taken first
- Additional two days of training includes:
 - Facilitation versus Advocacy (impartial vs. partial)
 - Group Dynamics
 - Constructing Productive IEP Meetings
 - Convening Productive IEP Meetings
 - Facilitating Open Discussions
 - Invaluable Tools of the Trade
 - Resolving Impasse
 - Facilitator Challenges
 - Ending a Facilitated IEP Meeting
 - Closing Facilitation
 - Understanding Your Role
 - Self-Assessment and Feedback







What's in Our Training Buckets?

- 🪣 Knowing IDEA with Precision
 - 🪣 FAPE
 - 🪣 Least Restrictive Environment
 - 🪣 Special Education and Related Services
- 🪣 Running Effective Meetings
 - 🪣 Effective use of an Agenda
 - 🪣 Opening Statements
 - 🪣 Dealing with Mind Chatter
 - 🪣 Balance of Power
 - 🪣 Charting (also a stand-alone training)









Training Buckets

Communication

-  Paraphrasing
-  Mirroring
-  Reframing
-  Strategic Questions



Conflict 101:

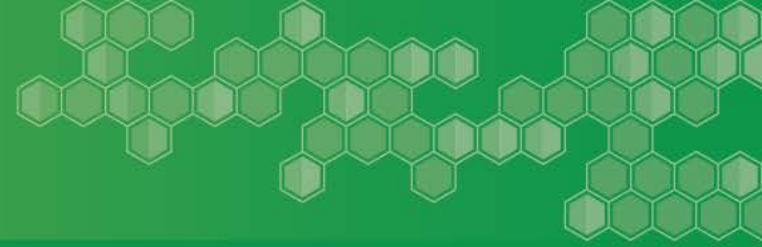
-  Creating the Space of Change
-  Understanding Brain Science to Resolve Conflict
-  Recognize and Understand the Sources of Conflict
-  Celebrate the Power of Words
-  Cultural Responsiveness
-  Positions vs. Interests

Statewide Facilitation

- 4 part-time facilitators, employed by the state
- Regional model, connecting districts to share services
- Volunteer model (agencies who provide services)



Who Are the Statewide Facilitators?



Katherine Rains, J.D.

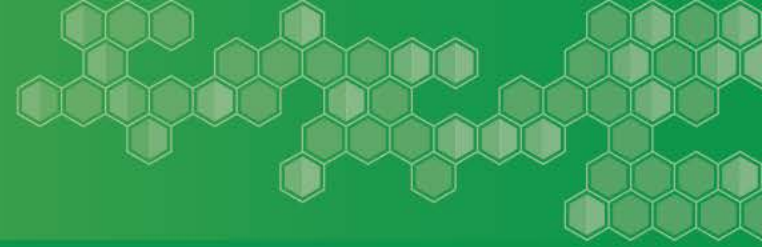
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Alternative Dispute Resolution Advisory Board



- Representation:
 - Special Education Directors
 - Parents
 - Universities
 - Non-profit agencies
 - CDE
- Early focus on IEP Facilitation
- Recent focus:
 - Restorative Justice practices
 - Educator Training
 - Parent Resources
 - IEP Facilitation
 - New focus on issues due to the pandemic

IEP Facilitator Request Process

1. IEP Facilitation Request received.
2. Agreement of both parties is secured.
3. A statewide facilitator is assigned.
4. Facilitator contacts district and parents to develop a mutually agreed upon agenda.
5. Before the meeting, Agreement to Participate in IEP Facilitation form is signed by both parties.
6. Facilitator begins with introductions and review of the agenda, allowing for revisions to be made at that time.
7. Evaluation is completed at or after the meeting.
8. Tele-facilitation process is listed on the website.



For Additional Information on Alternative Dispute Resolution:

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