

**A CADRE Webinar**  
***Practical Strategies for Helping Parents in Conflict:  
Assisting Divorced or Estranged Parents Through the IEP Process***  
**Dr. Edward Feinberg**  
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**Transcript**

Marshall Peter>> Our presenter today, Dr. Edward Feinberg, is a veteran Program Administrator, Psychologist, writer and trainer on a variety of issues related to Part C and Part B of IDEA. He is the Program Manager of the Anne Arundel County, Maryland Infants and Toddlers Program. In this capacity, he oversees all aspects of a comprehensive early intervention system which serves more than 600 children and families annually. He supervises a multi-agency staff of 50 professionals from the disciplines of special education, speech and language pathology, physical therapy, occupational therapy, psychology, social work, audiology, nursing, development pediatrics, and nutrition.

Ed is a founding member of the State Interagency Coordinating Council and has received numerous state awards for the creation of a highly coordinated system of services. He was the founding board president of the Coordinating Center for Home and Community Care, the entity which is overseeing Maryland's Katie Beckett Waiver for 15 years and established mechanisms for case management for children who are technology dependent and residing in community settings. Dr. Feinberg has published more than a dozen articles on ethics, strategic planning, and conflict resolution in peer review journals.

Dr. Feinberg is a frequent CADRE collaborator and was the lead author of CADRE's most recent publication *In the Best Interests of the Child, Individualized Education Program Meetings When Parents Are In Conflict*. And so with that I'm going to turn it over to my friend, Ed Feinberg. Ed, take it away.

Edward Feinberg>> Well, good afternoon everybody or good morning depending upon where you are. I'm delighted to be here with you. I think that we are going to be exploring together a topic which is one that many of us have encountered in our clinical lives, but often haven't read too much about because there isn't much that has been published to date. One of those topics where we all know that it's a concern, but we often only know that when we talk to each other. So we are going to discuss the issues of dealing with or working with families who are in a state of conflict. It could certainly be that the conflict is due to divorce. It could be that the conflict due simply to a difficult relationship that people are having. Or it could be due to any number of issues that occur in the course of one's life.

So having said that, let's try to see if we can get the computer working here. Sorry.

Marshall Peter >> Ed, if you say next slide we can just click for you.

Edward Feinberg>> Oh, good. Thank you, Marshall. Next -- oh, excellent. What a collaboration. We really did that only to show you how collaborative we are.

So one of the things that occurs in IEP meetings and in related meetings is how do we interface with parents effectively in order to do what's best for children when we're in IEP meetings where or a similar setting. And how do we deal with contentious behavior, an interesting phrase. Next slide, please.

What is contentious behavior? Well, I think it's like pornography. You'll know it when you see it. It can be very overt or it could be fairly covert, but we've all been involved in situations and in meetings where this off-task sidebar conversations. Where there's criticism by one parent or the other parent for alleged offenses unrelated to the topics for the meeting. Where family members may bring up issues that are designed to be a source of embarrassment to the other parent. Where there are overtures to team members to establish alliances with them so that they will support the

good parent versus the bad parent. It can also escalate into situations of verbal and/or physical aggression. Next slide, please.

Again, you know it when you see it. Non-verbal behaviors, eye rolling, sighs, head shaking, kind of like having an adolescent. Or more interesting situations when there's participation by unwanted individuals who are often not expected the meeting. Former in-laws, new partners or spouses, or advocates or attorneys hired by each parent. Frequently, there can be disagreement by one parent with the recommendation of the team really more than anything in order to annoy the other parent. One example that occurs now and then is the well-known fact that no trumps yes. So that if a parent has given permission for the implementation of an IEP, it could be that the other parent the next day simply withdraws permission for the implementation of the IEP or for testing that has been approved by the other parent. This isn't necessarily done because the parent disagrees with the decision, but it can be done because one parent is trying to get to the other parent. Next slide, please.

Why does this happen at IEP meetings? Very interesting situation. The main reason is often that the parents may only be in the same room with each other during an IEP meeting. For some families, it's tempting to use this forum to express anger, anguish, and rage from failed relationships. Simply the presence of the other parent can be a trigger at times. The presence of the other parent can also be a source of extreme discomfort and can lead to behaviors that were unanticipated. And for some families, the idea that the other parent has a role in educational decision making can be resented by one parent, particularly if that parent has primary day-to-day care of the child. Next slide, please.

So seeking guidance. One of the things that can be a source of confusion is the fact that IDEA makes the assumption that parents speak with one voice and will have similar views in educational

decision making. IDEA is silent in regards to the role of custodial and noncustodial parents in educational decision making. Next slide, please.

So in order to explore this issue, CADRE conducted several inquiries. First, we did a literature review to look at what little literature has been written on this subject. Secondly, we did an online survey and had a fair number of respondents, 154 in all, and many had comments that went well beyond the questions that were posed. And then thirdly, we did an interview with a broad range of stakeholders, approximately 35. Some of them were parent center leaders, some of them were mediators and facilitators, some were program managers, advocates, attorneys, teachers and administrators. Next slide, please.

What were the results of our inquiries? Well, first one of the things that we found which was really fascinating is that the conflict between parents at IEP meetings is a pervasive concern for school personnel in all parts of the country and among all groups. We found this in urban settings, suburban settings, rural settings and across parental education levels. In many respects, it became kind of a subterranean issue, one that wasn't necessarily discussed in policy forums, but one which administrators and team members discussed frequently with each other. And they also reported that they lacked strategies to deal with what could be awkward, time consuming, and unproductive meetings. Administrators and team members frequently said that they were privy to family issues that went well beyond what would be expected in an IEP meeting. So not only was this not a good use of time, but they often said to us they didn't know what to do with the information that they had learned. Certainly they didn't want to put this in IEP meeting minutes, but at the same time there was a certain awkwardness, what do we do now that we have this information. Next slide, please.

So as a result of all of this, we spent quite a bit of time compiling our insights, looking at the information, reinterviewing several people and communicating through the wonders of email attachments and I am delighted that my friends and colleagues, Phil Moses, Anita Engiles, Amy

Whitehorne and Marshall Peter and I were able to collaborate on what we think is a very useful resource in the Best Interest of the Child Individualized Education Program Meetings when Parents are in Conflict which, of course, is available through CADRE. Next slide, please.

So what are some strategies that can be considered by school teams in this situation and as we discuss this, we realize that some of these strategies were simply universal to other IEP meetings and other parent conferences or discussions between family members and team members. Next slide, please.

One of the things that we thought could be really useful is a team self-assessment for IEP teams at the beginning of the school year perhaps or in the middle of the school year. Take some time and ask themselves what are we doing now? How are parent to parent conflicts handled now? This could be a very productive discussion among stakeholders which could also include parents who have participated in IEP meetings. Sort of be a self-assessment. It can be incorporated into a larger school improvement or professional development plan. Some questions that we can pose to ourselves. What is the comfort level among team members when conflict is expressed between parents? How do team members respond to conflict? Next slide, please.

Here are some other questions to pose in the process of self-assessment. Is there a preference by team members for one parent over the other and how is that expressed? And it occurred to us that we can do this both asking ourselves individually in situations, but also asking our team members to observe us and see how we interface with other team members, with other family members. Did we look at one parent more than the other? Did we smile at one parent more than the other? Did we sit closer to one parent? Did we have expressions of commonality? If one parent for instance had been involved in the class, was that something that was talked about and the other parent potentially feeling excluded because that parent hadn't had a similar opportunity and kind of felt as if they were not part of this dyad that had perhaps formed between a teacher and a parent. A really

important question. Do both parents, irrespective of their feelings toward each other, feel that they have been treated with respect by team members? One of the things when we talk to parents that they often said is that they didn't really feel that they had received the kind of respect that they had hoped for from team members and from other individuals in the team setting. Do team members intervene when parents argue? This is a really interesting point. Sometimes team members reported that they simply ignored overt expressions of hostility between parents and yet it became the elephant in the room. Everybody knew that there were tensions, undercurrents, but often people weren't able to express that. And are there backup strategies when it becomes clear that parents cannot both be at the IEP table? Next slide, please.

So team plan meetings. Can school personnel plan how they will deal with parental conflict? This is for the next stage following self-assessment and looking into where do we go from here. What are potential stressors that might disrupt the meeting? How will team members keep the meeting focused on the student and his or her educational needs? How have conflicts been handled in previous meetings? What worked and what hasn't worked? And who among the team members will take the lead should there be conflict expressed during the meeting between parents? These kinds of questions can be posed in general in terms of planning for the possibility of tension and difficulties and they can also be posed as we plan for specific interface with specific families. Next slide, please.

Here are some possibilities. Some of these may be desired in a particular kind of setting and others may be desired in other settings. But when we know that there's going to be a problem, certainly we wouldn't do this routinely, we can have the lead person -- this could be the principal or other person who is the IEP chair or someone in the leadership position in the school. That person can call each parent to discuss the meeting agenda, scheduling, location, who will attend, and reinforce the importance of parental participation. This is perhaps useful when the previous meeting,

perhaps last year at this time, hadn't been very successful and when there was a need to insure or at least to do all that one could do to insure that this meeting was going to be successful. It also gives the parent the possibility and the feeling of control. By discussing the agenda, by discussing the time breakdown, and by discussing the location of the meeting, the parent can feel as if they're both decision makers and they're not simply responding to the requirements of the school folks.

Secondly, it's important to discuss the current legal decision making status between the parents, the divorce decree, and any changes that may have occurred. Sometimes parents get confused by physical custody or legal custody, educational decision making, medical decision making, and sometimes things change or they become blurred. It's really important for parents -- for each parent to know what the current status is so they recognize legally what their roles can be, what is appropriate within the realm of appropriateness for each parent, and how they can proceed during the meeting.

It's important also to discuss who will attend the meeting. Whether the other person knows those who are attending and how that person will be received by the other parent. Perhaps one of the biggest sources of conflict at the beginning of a meeting is the arrival of people who were unexpected. This could be the new partner, be it a new spouse or it could be the boyfriend or the girlfriend. Sometimes the presence of that person could really trigger a great deal of anger because one spouse may perceive that the presence of the other person was the reason for the disintegration of the relationship. Sometimes it could also be a friend and a former in-law, someone who has been a source of dismay for one parent as they're considering the state of the relationship.

Also in that preliminary discussion, there can be an exploration for each parent if conflicts are anticipated and the person conducting that phone call or prior interview can invite ideas as to how they should be handled. One could imagine a question such as, gee, last time we all recognized that the meeting didn't go all that well. And that there were conflicts in that meeting. What are some

things that we can do this time to minimize the likelihood that such conflicts will surface again and how can we insure that your child's educational needs are able to be the centerpiece of discussion. Next slide, please.

In the likelihood that there are high conflict situations or where there are restraining orders or other kinds of impediments to face to face communication, we can employ many of the electronic communications that have become standard in our lives in the last 10 years. For instance, electronic communication can be used by parents who are in separate places; Skype, teleconference, even internet-based video conferencing. This could eliminate the difficulty that often occurs when one parent has relocated to another part of the country and can't be present.

We all concluded from the experience that we were told about by colleagues in other settings that separate meetings should absolutely be avoided. On a practical level, this is time consuming for team members, but on a more child centered level, we really can't have separate meetings with separate discussions and the hope that will come up with a separate consensus on IEP goals, objectives, frequencies and services. So that's something that we really should not do pretty much under any condition. Next slide, please.

Here are some things that we could consider when we're planning the IEP meeting and again, this is something that is particularly important in situations where there's been or we've moved on from original relationships to new relationships. But this also can be -- many of these ideas can also be used just when planning regular IEP meetings. One, let's ask if we can schedule a meeting at a time that is convenient for each parent. This is hard because if we ask that question, we need to deal with the consequences of the answer. And too often we say we're trying to schedule all this at your convenience. It could be as early as 8:00 and as late as 2:30. Well, in real life for many parents, that's not all that convenient and I might say as an aside, this is perhaps something that we can look to the future as we advocate for change and for the creation of a more family centered environment



to try at least now and then to have IEP meeting times that are unconventional, but nevertheless responsive to parents.

The arrival and waiting area. In most schools, there really is enough room where we can have two separate waiting areas. We may need to have those because for many parents all of a sudden to be thrust into a situation where they're sitting in a small room together without a third party present can be the beginning of a very difficult afternoon or meeting time. The person who is at the front desk of the school or the person who is welcoming families to the principal's office or wherever the waiting is going to occur can be prepared to have two places where parents can sit and wait. And all they have to be told is that the first person will be sitting in this room or waiting in this room. The second parent will be waiting in that room. There doesn't have to be a discussion of why this is occurring. But I think we can honor the issues that parents are facing by simply being sensitive to the need to insure that there is a separate place for parents.

Some teams have snacks and drinks available. I believe at a minimum there should always be water and there should be tissues and not just because the parents may find it difficult to be with each other, but I think we need to be mindful of the fact that IEP meetings in general can trigger all sorts of memories, that for many parents no matter how simple we think that the meeting may be or how routine we think it may be, this could be the recollection of the discovery of the disability and of times even though they may be in the fairly distant past that are difficult for that parent to have to think about.

Meeting space. Plan carefully. The parents should not necessarily be expected to sit next to each other. On the other hand, it can sometimes be a whole lot easier if parents are sitting on the same side of the table. If they're sitting across from each other, then they have to look at each other all the time. But if they're sitting on the same side of the table with another person in between, they don't have to look at each other and they don't have to sit next to each other. These are the kinds of

things that need to be considered because they can really contribute to the comfort or the discomfort of the people around the table.

Next introductions and name cards and this is an issue that I feel strongly about that goes well beyond issues with the parents who have conflicts with one another. When you think about it, many of our IEP meetings have a lot of people around the table. And most of the time those of us on the school side know each other. We have had relationships, professional relationships, we've seen each other at IEP meetings so we know who we are. Who is the one person who frequently does not know the people around the table? That's the parent. So not only should we introduce each other and enable us to take some time to figure out how that person is related to the child, but I feel strongly that we should have name cards. Name cards as well as, in some cases, the discipline that that person represents because it's important for the parent to know -- to be able to say, you're the person who is helping my child with reading. You're the person that's helping my child with gross motor skills and to not know the name of the parent can be a very disquieting experience. I'm sorry. To not know the name of the provider, the teacher around the table can be a pretty disquieting experiences for families.

And so in the beginning of the meeting I think it's important to review. Let's figure out what our schedule is. Let's talk about the time allocation we have. And let's talk about what needs to be accomplished in this meeting today. Next slide, please.

Here's what I call and this is a somewhat antique term, but the rules of etiquette. First and foremost, we're focusing on the child's educational needs. That's easy to say but as we all know, there are all sorts of things that could unintentionally undermine our focus on the child's educational needs. When I think can be very helpful if the child is not participating himself or herself, is to ask the parent to bring a picture of the child that can be placed on the table or to ask each parent to show a brief video of the child. And here's what's even better about this. Have the

parent show a video or have the parent show a picture of them with the child. And that way there's a connection here as the father. This is the kind of thing I enjoy doing with my child. Here as the mother is the sort of thing that we do together that brings us a lot of pleasure.

So we have the child in the middle of the table as a reminder that this is why we're here and we have a picture of the child with the parent as also a reminder that the child is part of the family. Not necessarily a family where all parents are together with the child, but nevertheless a family. I think it's important to let everyone know that each person around the table will have the opportunity to participate, that nobody will be interrupted while they're speaking, and that we're all going to strive to use plain language, that we should minimize jargon or acronyms. And frankly, even though a lot of the acronyms are so second nature to us now that the acronym is repeated in the course of a week more frequently than the actual words, we want to make sure that the parent feels welcomed and included and there's nothing like a series of acronyms to make one feel as if they're not part of the group.

We need to insure that electronic devices are silenced or that if someone has an emergency, then that's the only time when they would resort to talking on their phone or whatever else they brought with them. And using the parking lot concept to save topics for later discussion. So in some situations I found it helpful to have a blackboard or a whiteboard or a smart board where when a parent or other person present mentions a topic that's peripheral to the discussion, but nevertheless important to the child or to the family, that that issue can be written down. So let's just say one parent is talking about the importance to them of the child's participation in karate. And the other parent says, "Well, if you were so interested in karate, you would pick the child up on time so he can get to his karate lesson." This is a great opportunity for the leader to say, "Hmm, it seems like karate and the timeliness of the arrival at the karate lesson is a topic that you both may want to explore later. Let's write it down. This isn't part of today's discussion. This is not

something that will be in the IEP minutes, but this is something that's been obviously clearly important to both of you." Next slide, please.

During the meeting. I think that this is a wonderful first question and that we talk about being strengths based, but we often really are deficit driven. So how about if we were to say to each parent at the beginning of a meeting, what are you most proud of that your child is doing? For many parents, they'll be quite taken aback because if you speak to parents who have had long term participation in meetings, they come away often saying, "Boy, this is was a really difficult experience. It's a reminder, once again, of all the things that my child should be doing and is not doing and of all the deficits they have compared to typically developing kids." So just starting off by asking the parent and it doesn't have to be something related to school functioning, but just what are you proud of that your child is doing? What gives you joy? What gives you pleasure? What do you smile at when your child is doing?

If a parent is unable to really come up with much, sometimes we can use sentence stems and even say something like, "Okay, I'm going to say the first few words of a sentence and I'd like each one of you to come up with the end of the sentence. Maybe write it down and talk to us or just kind of do this as a little warm-up." And you could say something like what is important to me about my child is or I want my child to and use that as a vehicle to get the discussion going about what they consider to be relevant, what they consider to be important whether it's educationally related or not. Let's talk about what they think is important and how this can turn into both family centered experiences as well as a child centered experience.

I think a functional and practical kind of question can be very useful as a way of moving from a sort of open ended question to something that is focused. So for instance, how about something like this. During the next year, what would you like your child to do that he or she isn't doing now? What can be really helpful about a question like this is it focuses the discussion, what is he doing

not what reading series he'll be in or what test will he be scoring or what developmental level will he be at. But what will he be doing. This question should be a very unifying question because despite parental conflicts this can be the key to consensus. We can see what it is that we both feel that this child should be doing and we can also see where there are differences. And it helps to see us get a sense of where the parent's view of the child.

One of the things that I like doing in initial interviews with parents in the infant/toddler world is to sit like I would today and say, "Gee, it's the middle of September. If you were to say to me six months from now or the middle of March, boy has this program been working. Have we had such a great experience and have we learned so much. We're so pleased with what's going on." What is it that your child would be doing that he isn't doing now? Again, it's an opportunity for parents to have significant, to kind of have them visualize what the child would be doing and at the same time making it concrete and practical.

Then after we get to that, here's a great question again. What are your thoughts about how we can all work together to make this happen? What can the school do? What are other people or activities in the child's life and how can they help achieve this as well? I want you to know that most of these questions are ones that we heard from folks as we were doing our interviews. So don't think that we've patented them. This is sort of a compendium of questions that takes us from the big picture to the practical and then moves us into what can we do together. Next slide, please.

Dealing with conflicts during the meeting. As you know from the mediation literature and probably from your own experiences is that breaks, caucuses when there's a facilitator or mediator, and the use of third party processes can be very useful. Facilitation. Many states are using facilitated IEPs and of course we all have access to mediation. One thing that we kind of invented in the course of this process was what we call the Consensus Development Conference. In the Consensus Development Conference or of course the new acronym, CDC, it occurred to us that there may be

situations when in the course of a discussion all sorts of other things come out. Other issues and concerns. The ones we're putting in the parking lot. Well, what do we do with those? On the one hand, one can maintain that these are really not germane to a child's educational functioning since they could be about karate, they could be about bedtime, they could be about any number of issues. And so really is that something that we should be concerned about? And yet we know that if there's disagreement amongst some of these major issues that children and families experience during the course of a normal day or a normal week, that this is going to undermine a consistency and effectiveness around parenting.

So here's an idea and you can ponder this, see what you think. But how would it be if school districts had a relationship, perhaps a grant funded relationship with the local conflict resolution center where once an issue is identified that's important to parents and kids, but not necessarily one that should be or can be discussed in the IEP setting, but that family is given maybe one or two sessions or offered sessions at a conflict resolution center at no cost to them. So that something as simple and as frequent of a topic as bedtime which can really have a huge impact on a child's educational functioning, that can be discussed with a mediator, with a counselor. It's not exclusive to the IEP issues, but it's also related because if one parent says I'm very strict and my child will always go to bed at 9:00 at night and the other parent says, you know, I was raised that way. I had to go to bed at a specific time every night and I disliked it intensely so I'm going to let this child fall asleep at whatever time and whatever place he's in. And the first parent says yes and by doing that when you bring him back the next day, he's exhausted, he doesn't do well in school and I have to deal with the consequences. Is that something for an IEP meeting discussion? No. But is it something that has a significant impact on the child's educational performance? Yes.

So by having something like this Consensus Development Conference, one that was not paid for by the schools but perhaps through a grant funded program with a conflict resolution center, this sort

of issue can be explored. But again, it's not part of what's explored during the IEP meeting. Next slide, please.

Achieving closure. Once we've gone through the IEP, once we've come up with services that hopefully we've agreed on, we know that we need to sign off and have an agreement for implementation by both parents. And even if only one parent is needed in order to sign the document, I think we would all agree that it's best practices for both parents to sign to indicate that they're both in agreement and they're both committed to whatever needs to happen in order for this to be successful over time. I think that there needs to be a designated person and a process for follow-up concerns. So if next month or the month after some of the issues that we've agreed to in the IEP fall apart because one parent is now in disagreement with the particular strategies or is unable to complete the expectations that have been outlined, that there is a mechanism to give that feedback to the IEP team.

And the other thing that I think can be really helpful is for the IEP team leader, the principal, or perhaps the guidance counselor to do a follow-up telephone call the day after the meeting to each parent just to get a sense of how this went, what they felt was helpful, where they felt that there could have been changes, and how can we kind of learn from this experience on an ongoing basis. Next slide, please.

Marshall Peter>> So, Ed.

Edward Feinberg>> Yes.

Marshall Peter>> That is absolutely fascinating. We've had several questions come in and I think what I might do is if it seems like the right time for you, I might pose these questions to you and then we'll see how we're doing on time and see if other questions have come in. If not, we might open up the lines. Does that sound workable to you?

Edward Feinberg>> Sounds great.

Marshall Feinberg>> So forgive me for pronunciations and my attempts to kind of distill things down a bit. We heard from Lauren Adverotis who wanted to know what school actions might be taken when an ex-spouse violates restraining orders and shows up at meetings.

Edward Feinberg>> Well, let's think about that for a minute. The person has showed up at the school -- is the person showing up at the school because they want to create some kind of drama or are they showing up at the school because they want to have some kind of participation in the process. This is where really we could easily use one of our electronic modes of communication. Even if we had to say, you know what? We're going to put one of you in the school down the street and the other one of you can stay here because one of you may be prohibited from coming within a certain number of feet of the other. But I think we would all acknowledge that except in really, really difficult situations where there's been an abusive case or where there have been threats of violence, that ultimately it's better for both parents to participate and for both parents to be able to focus on their relationship with the child. If it's truly outside of termination of parental rights, both parents still have in many cases again unless the divorce decree says something different, they both have the opportunity to participate in the child's life. If one parent showed up unexpectedly and was violating the restraining order, I think that that would be the opportunity for the principal or for someone in the position of authority not just to order the parent off the school grounds or to call the police, but to say it really seems as if you want to be part of your child's discussion today. Unfortunately for any number of reasons as we know this can't happen. You can't be in the same room, but we certainly could create a situation where you can participate in the discussion.

Marshall Peter>> Okay Ed we have a Paula Fitzsimmons has shared a -- has been in a very, very difficult situation. I'm going to try to give you a synthesis and then pose the questions that she raises. She has sole custody of her child. Her former partner has been convicted twice of domestic



violence and substantiated for child abuse. The partner comes to IEP meetings and the district has aligned with him and in fact gone so far as to testify on his behalf in court. So her question is does the district have a responsibility for her safety and I think reading into what she says the husband or former partner has -- his perspective is more in alignment with the district's perspective than hers is. And while she's the custodial parent, the district may actually go out to him for signatures because he is more friendly to their position. So her questions and I've got another set from her, but does the district have a responsibility for her safety and should they be allowed to pursue a non-custodial parent for important signatures?

Edward Feinberg>> Well that's certainly a complex situation. I guess that would take a lot of thought to come with a good response to this. I'm concerned that if there is a safety issue that the district would align with the other parent. That seems kind of counterintuitive. Certainly that seems to me to be something that would be -- you'd want to come up with a plan with well before the IEP meeting because the focus as opposed to being on the child in that situation is really on the relationship or lack of relationship between the two adults. So between wondering if the parent is going to be safe or wondering how the district is going to align and with whom they're going to align doesn't leave much energy left for any kind of focus on the child's educational needs. So I would think that that is something you'd want to be dealing with well ahead of time. But that would be a concern that if there's bona fide data to indicate that it's reasonable to assume that one parent's safety is in jeopardy, that the district would align with the other parent. I get into some concerns about the dynamics of that situation and the charm with which the presumably violent parent has managed to exercise over the district. It sounds like this could be a highly manipulative person who has convinced the district that what is up is actually down and what is black is actually white. But again, I would hope that that would be something that's part of a larger issue and wouldn't be the centerpiece of the IEP discussion.

Marshall Peter>> I think that's a good point Ed and just to maybe kind of add a little bit or at least an additional thought, you know, this strikes me as being really a situation where there's pretty meaningful power imbalance and my advice to Paula would be to take someone along, perhaps to a meeting with school administrators outside of that IEP meeting to register a persistent concern about her safety and also about her experience that her very important opinion is being disregarded as a matter of convenience to the district. And so but sometimes I think it can be very difficult to really broach those sorts of issues in those kinds of settings by yourself. And so I always feel like taking someone along whether it's someone from a parent center or someone else who can both serve as a witness but help to make important points very clearly can be very valuable.

There was a second part to Paula's situation or concern where it sounds like she's had some experience where she was invited to participate in a meeting by speaker phone that her former husband was at and that she found that very difficult that there was poor audio, that there were side conversations going on where she couldn't really hear what was going on, couldn't see who was there. And she found it really hard to focus knowing that her husband was there and I think he may of kind of hit the, former husband, hit the nose on the head nail -- hit the nail on the head. Yeah. You might have hit the nail on the head around him being manipulative because she expressed the concern that he would be there sidling up to staff and having direct communication. So she just noted that, you know, being added into a meeting where the other parent is physically there and you're there by speaker phone that there's some real -- again I think some power and other sorts of issues and dynamics that are quite challenging. I don't know if you want to --

Edward Feinberg>> Right, but let's think about that for a minute. If we were to go back to the meeting preparation, that's why I guess I think it's so important for there to be the pre-meeting phone call and for there to be a discussion about how do we insure that everyone's able to participate in an atmosphere where they feel safe, comfortable, and respected. There are any

number of ways and one way could be through telephonic participation. One way could be through video or Skype participation. But I'm concerned that in that particular situation there seems to have been a decision made as to which person would be physically present and who would be available by telephone. That should be something that's either decided by the parties or at least decided well prior to the meeting. If in fact the parent in this situation had said, "Well, okay, I'll be there for one any number of reasons to participate by telephone," I think that there could be a dress rehearsal. Let's see what that's like. The parent has said, you know, "I've never done anything like this before. I might be comfortable, but I'm not sure if I will be." Well, let's try it out and see. What would it be like to have several people in a room and to lose all of the non-verbal contributions that we normally have to interaction.

And where telephone participation might have been something that would have been standard maybe 10 years ago, we really could look toward more of a video participation now because video conferencing or Skyping has become so ubiquitous.

Marshall Peter>> Thanks, Ed. You know, Stacy Scound commented that she hoped that Paula was in contact with her state parent information center to help her with her situation and I'm going to I think move onto another question from A.J. Sabes who asks whether the CDC is not simply part of a mediated parenting plan.

Edward Feinberg>> Well, it could be but I suppose it's kind of a variation of that. I was thinking that in the course of -- let's assume that the parenting plan has been dealt with. We have closure on it. And it hasn't been revisited recently. So we have a situation where issues are coming up, they may be new issues in the course of the IEP discussion. There could be then the opportunity to say, you know, we have these issues; right now, they're kind of interfering with the completion of a really good discussion about your child's educational needs. Let's figure out where we're going to put them. If there is another vehicle to introduce those issues or to reintroduce them, that's great.

But in situations where there isn't ongoing discussion or there's not a forum for that discussion, having a CDC could potentially be helpful because it enables us to have our discussion now but know that the secondary issues or the issues that are important, but not necessarily educationally important will still have a place to go to pursue those.

So we can call it whatever and I think in a continuing parenting plan it certainly could be part of that. But the notion that here are two parents who are perhaps in the same room for the first time in a long time who are defining sources of concern in each other's presence, to know that there's a place for those issues to be discussed I think can be helpful so that people can move on.

Marshall Peter>> Great, thank you. I might just add as a comment that in the discussion that we had particular to Paula that we really don't have -- it's beyond our ability on this webinar, it's beyond CADRE's ability to really wade into the kinds of challenging situations that many of us may personally face. And so our goal in responding was to offer some general types of advice, but I do think that for anyone that's experiencing these sorts of problems that being sure that you're connecting with somebody who can really fully appreciate the complexity of your problems and help you to chart a productive course is important. So I want to try to as much as possible say that we would avoid trying to give specific advice in hope that as people listen they'll understand that it's really a more general kind of a comment that we're offering.

Stacy Scound, Ed, has asked that since standard annual IEP meeting signatures only indicate participation and not agreement with all of the components, are there other methods to encourage or have both parents acknowledge willingness to support the IEP goals?

Edward Feinberg>> A formal process for that to occur, I'm not sure I completely understand.

Marshall Peter>> So I guess I would offer at least my understanding.

Edward Feinberg>> Sure.

Marshall Peter>> I'm not aware of a particular formal process to essentially engage the commitment of both parents. I certainly think that outside of the IEP meeting because I don't believe that attempting to turn the IEP into some sort of a contract or agreement between the parents, that that's behavior that at least in my mind would exist outside of the IEP meeting. But I don't know anything that would stand in the way of a facilitator, you know, having after an IEP meeting a moment in time or even somewhere during it where there would be an attempt to essentially illicit both parents' commitment to features of the IEP. So I don't know of a formal process, but I don't think that there's anything that would not allow people to enter into some sort of a mediated or facilitated agreement around their willingness to commit to the document.

Edward Feinberg>> Yeah, I mean I completely agree with what you're saying. I think that just because it isn't a requirement doesn't mean it can't occur. And expressing our views on now that we have this document and yes we both acknowledge that we've been there, what does it mean and how is it going to fit into the rest of our lives? I think that's a very important discussion.

Marshall Peter>> So I notice that Myriam Alizo who works at CPIR and SPAN and I'm happy to say is a member of the CADRE Advisory Board is typing as we speak. I wonder if while Myriam is loading up her question or comment if there's someone who would like to unmute their phone by pressing #6 and pose a question or a comment and then please after posing, remute your phone. But is there anyone that has a question or comment that they would like to make for Ed?

Well, I'm thinking, Ed, do you have anything that you would like to add before I move along? There's several people who are typing so anything in retrospect you would want to add or say while we wait for these comments to come up?

Edward Feinberg>> I think that in considering the interviews that we had and the survey results and the face to face discussion, I think we need to be really mindful of relationships and the relationships between parents and between other adults in the life of the child and how important

this is in terms of the child's overall educational functioning and his social functioning. We often talk in terms of compliance with regulations or in terms of specific programs and educational strategies. But I think we all know that clearly the most important issue in terms of the child's long term development is going to be the establishment and nurturance of relationships that he has with important people in his life. And so whereas one could say that the meeting was successful because we met our timelines and we had our signatures, I would like to think that we go well beyond that and that even if in the course of an IEP meeting or in a special education process, that the nurturance of relationships is not our primary objective. That we recognize that giving both parents and giving both families the opportunity to be in communication around the best interest of the child is absolutely crucial.

Marshall Peter>> Great, Ed. I think that that's a wonderful note. So we did have a couple of other comments come in. Myriam reaffirmed the advice to contact the parent center in your area and provided information on how to do that. You know, I think it's again if you're headed down a really difficult road and feel like your interest, your needs, your child's needs are getting trampled that it's a good time to invite somebody to come along down the road with you to try to help you be sure that your interests are being well represented. We did get a question from Darcy Teeto who asked if we had seen an increase in the amount of ADR type mediations that are being used as opposed to due process hearings. And I, you know, I think from CADRE's perspective that we would say that the answer to that is yes. That there has been over the last few years a very substantial uptick in the amount of IEP facilitation work that's being done nationally and that there has been a downtick. We'd like to say corresponding and we believe it's corresponding but that there has been stability and a reduction in the demand for due process hearings and also in the number of due process hearings that are being held. So the answer to that would be yes we do have a lot of data up on the CADRE website where you could find more information about that and perhaps somebody would put the link into the comment box for where more information might be.

So Christine, any thoughts on how to handle meetings when the youth is present with parents who disagree. This can be very challenging.

Edward Feinberg>> Yes. Boy it can be very challenging. But what an opportunity to show the child that even when there are disagreements that the child is the centerpiece of discussion and that there could be a lot of that's gone on previously, but that we're going to compartmentalize and we're going to put the child in center stage. And that may seem easier said than done and that may seem more as a goal than a day to day reality, but as difficult as that is it would seem to me that that would be something we would strive for. Now we can talk about what strategies we could use, does it have to be face to face, can there be other ways of doing it, can there be written statements that are exchanged between parents, can there be a neutral third party who would sort of assist each person both when they're present or synthesize the statements. And I think that there are any number of ways to make that happen. But ultimately I think we would all agree that the courts serve many wonderful purposes in many situations. But to the extent possible that relationships among family members, our goals should be for us to be able to come up with some reasonable negotiation around this and related issues.

Marshall Peter>> Great, Ed. And from Melissa B., how can you handle a situation in which parents have shared parenting rights and therefore shared educational decision making, continue to disagree about eligibility or services despite your best attempts to mediate compromise. Is formal mediation the route to take or should you reach out to the courts for advice?

Edward Feinberg>> Now remember every time we go to the courts and clearly there are absolutely times when courts are crucial, that every time we do that we're giving up some of our own ability, our own opportunity to make decisions and one might say who was in the best position to understand us and to understand our child if we feel that someone who has a good command of the law, but not a particularly good command of our child, if we feel that then I suppose the courts

make the most sense. But, you know, to reiterate what I said before and this is more a personal belief I suppose as well as experiences as all of us have had with families over time, as much of a struggle as that is, as anguishing as that is, if it's possible to be able to make that decision as opposed to giving that authority to someone who doesn't know us, it could make sense for us to try to do that ourselves, with help.

Marshall Peter>> Well, great, Ed. I want to just thank you very much. This is obviously a topic around which there's a great deal of concern and interest. It's I think very, very painful when you find yourself in one of these situations to particular imagine that when parents aren't able to work things out between themselves that oftentimes the child ends up being the victim. So I appreciate all your good work. It's been a fascinating webinar.

Before I give a couple of announcements, I want to thank everyone for joining us today especially our presenter, Ed Feinberg. We will be emailing you a link to a very brief survey monkey and would ask you to please just take a moment and respond and let us know how you felt about today's webinar.

For those of you who participated in our past webinars that were offered by Lorig Charkoudian and Erricka Bridgeford on Inclusive Listening, you'll be happy to know that there is now a part 3 available, a new set of facts that are worked through. So I'd encourage you to stop by. It's been recorded and it's just sitting there waiting for you to dial in and enjoy it. And on the subject of recording, I want to mention today's webinar has been recorded. It will be made available on the CADRE website I'd expect perhaps sometime early next week so if you have others that you believe would be interested in watching it, that opportunity will exist.

Finally, our next webinar will be on Restorative Justice Practice in Special Education: Resolving Conflict and Promoting Equity for Students with Disabilities. Our presenter will be John English who is very knowledgeable in this area. Some of you will know John from his work at the Western



Regional Resource Center. He is now at the Oregon Department of Education and brings a wealth of background and expertise to this interesting topic. So we hope that we will see you that next webinar November 6th from 2:30 to 3:45 Eastern Time and with that, I again thank you very much, Ed. I really appreciate your work on the presentation and thank everybody for joining us.

Edward Feinberg>> Thank you, Marshall. It's been a pleasure being with you this afternoon. Bye-bye.

Marshall Peter>> Bye.