CADRE Working Together Series: Course 5 Lessons 1-2

Lesson 1

Slide 1

Narrator

Welcome to the first lesson of the *Focusing on Interests to Reach Agreement* Course. In this lesson, we are going to cover a cooperative approach to working through disagreement, one that focuses on interests.

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Narrator

We are going to suggest an approach to talking within the IEP Team and negotiating agreement on a child's IEP that can help the IEP Team have a better meeting, preserve long term relationships and prevent or work through disagreement. We will provide some basic steps that family members and educators can take to focus on interests. These steps include: understanding the difference between positions and interests; identifying position and interest statements; uncovering hidden interests of others by asking questions; and identifying and sharing your own interests.

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Narrator

When an IEP team is having a challenging time reaching agreement or team members leave a meeting dissatisifed, focusing on the underlying interests of each team member can often help. It is important to remember that every person on the IEP team has valuable information to share at the meeting, and may have different interests than others at the meeting. When people have disagreements, they often focus on their positions. They argue for what it is that they want even at the expense of the other person. Competition is where we play to win. We try to be faster, better, stronger, smarter, in order to out-perform the other side so that we can be the winner! In baseball and checkers, there can only be one winner, and the goal of the game is to come out on top. However, treating disagreements like a competition and focusing only on winning can make people act defensively, and can even result in taking the focus away from the student. When we are only focused on winning an argument, we may lose in other ways. Relationships might suffer and we may not end up with a good decision for the child.

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Narrator

Fortunately, competition is not our only option when we disagree. Instead of competing with others when we are in conflict, we can work to understand where people's positions come from and consider those in the decision making. This is called a collaborative

approach to decision making. Collaboration allows us to share our needs and allows others to explore what will work for them. Instead of only one winner, collaboration makes it possible for an outcome that considers everyone's needs, especially the student at the center of the IEP. For collaboration to work, people need to share their thoughts. When people of different backgrounds are discussing important issues and trying to reach agreement, what they say, or don't say, and their gestures or facial expressions may be different from your own. Because of this, misunderstandings can happen. Encouraging everyone to share why they have a certain viewpoint, even if it is difficult, will help the team find ways to reach agreement, and ultimately, create the most appropriate IEP for the child. Encouraging sharing may also build better long-term relationships within the IEP Team.

Slide 5

Narrator

When disagreeing competitively, people start with their position. A position is saying what you *want* to have happen. A position is a solution that you've already decided is the best. Mrs. Nguyn is Amelia's mom and she is worried that Amelia is falling behind in her speech-language goal on her IEP. Mrs. Nguyn believes that Amelia would be doing better if her hours for speech therapy went from 60 minutes per week to 120 minutes per week. Mrs. Nguyn's position is "We need to increase Amelia's speech-language service to 120 minutes per week."

Slide 6

Narrator

Positions are easy to recognize. They sound like demands with no room for discussion and other possibilities. When someone makes a positional demand, a natural response from the other person is to be defensive. How do you think the IEP Team will react to Mrs. Nguyn's demand?

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Narrator

The speech language pathologist might be thinking that increasing Amelia's speech therapy hours won't result in the improvements she needs. She is concerned that Amelia is not practicing enough outside of her current speech therapy to make needed changes. The district administrator may be thinking there is no way to shift all the personnel around to make this happen. Amelia's teacher may be getting upset because she doesn't think Amelia can afford to be out of the general education classroom for that many hours and still stay on track with her classmates. When you start a conversation with a position, people are likely to say no, or react defensively.

Slide 8

Narrator

If we look underneath the surface of positions, there are interests to be explored. Just like this iceberg, the positions are all we can see. But if we look below the surface, we can gain a better understanding of why people have the positions they do. Interests are the *needs* that people have, as opposed to just what they want.

Narrator

Mrs. Nguyn is worried about Amelia's ability to talk with her friends and to be understood by others. She is afraid that if she falls further behind in her speech and language skills, she will lose confidence and struggle socially. Mrs. Nguyn's interests are for her daughter to have confidence, speak up for herself, and have friends. Interests are at the root of what is behind the position. Interests are the "why" behind the argument. They reflect our fears, hopes, values, expectations, emotional needs, and physical needs. Learning how to surface the interests in a disagreement will fundamentally change the way you work out a solution.

Slide 10



Narrator

Select each individual and listen for his or her interests.

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Mr. Cho

Marcus has not been turning in his homework and is falling behind. I'm worried about his lack of organizational skills. He will miss his recesses for the rest of the week.

Narrator

Mr. Cho directly says his position. "Marcus will miss his recesses for the rest of the week." The position is Mr. Cho's solution of taking away Marcus' recesses. But what are Mr. Cho's interests? (pause) He's worried about Marcus falling behind and that he needs to focus on improving his organizational skills. Mr. Cho is interested in Marcus being successful.

DiAngelo

Parents cannot randomly visit their child's classroom in the middle of the school day. We need to know who is in the building and the teachers need to be able to teach without a lot of distractions.

Narrator

For the principal, her interests are to have a safe school and know who is in the building. She has also stated she needs to help teachers avoid distractions in classrooms.

Warner

Daria must have a one-on-one aide with her at all times. I can't be called to come to school every time she causes a problem. She's a handful, but the school needs to have someone with her to watch for those behaviors.

Narrator

Ms. Warner has identified several interests. Daria has difficult behaviors and Ms. Warner needs a plan to manage Daria's outbursts. Ms. Warner is also concerned about the time she is missing work to come to the school.

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Narrator

It is important to be able to tell the difference between a position and an interest. If there is only one solution offered that would be a position. Determine if the following statement is a position or interest.

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Narrator

Zahra needs to have lunch with only one or two friends, and not in the big cafeteria. Is this statement a position or an interest?

Position

Interest

Slide 16

Narrator

I want Cadence placed in residential placement or somewhere else because I am afraid something will happen to her if she stays here. Is this statement a position or an interest?

Position

Interest

Narrator

I would like to see David for 30 minutes twice a week for occupational therapy. Is this statement a position or an interest?

Position

Interest

Slide 18

Narrator

Seeing Maya with her non-disabled peers makes me feel proud of how far she has come. Is this statement a position or an interest?

Position

Interest

Slide 19

Narrator

I want to reschedule the meeting for another day. Is this statement a position or an interest?

Position

Interest

Slide 15 Response (Position Selected)

Correct. The position offered is that she not eat lunch in the big cafeteria. Only one solution was offered.

Go to next question.

Slide 15 Response (Interest Selected)

That is not correct. Since there is only one solution offered, this would be a position. The interest would be why she needs to have lunch with only one or two friends.

Go to next question.

Slide 16 Response (Position Selected)

That is not correct. More than one solution was offered. Cadence could to go a residential placement or she could go somewhere else.

Go to next question.

Slide 16 Response (Interest Selected)

Correct. There were two possible solutions offered and the expressed interest of being afraid of what could happen if Cadence stays where she is.

Go to next question.

Slide 17 Response (Position Selected)

Correct. There is only one solution offered.

Go to next question.

Slide 17 Response (Interest Selected)

That is not correct. Since only one option for David is offered, and we don't know why, this is a positional statement.

Go to next question.

Slide 18 Response (Position Selected)

That is not correct. There is no solution offered, and only a statement of how the speaker feels about seeing Maya with her non-disabled friends.

Go to next question.

Slide 18 Response (Interest Selected)

Correct! There is no specific solution offered, but instead the speaker is describing how it feels to see Maya in this situation.

Go to next question.

Slide 19 Response (Position Selected)

Correct! The only solution offered is to reschedule the meeting for a different day.

Slide 19 Response (Interest Selected)

That is not correct. The speaker has not shared the need for wanting a different day. This is a positional statement.

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Narrator

To help people focus on interests, it is helpful to call attention to them if you think you know the interest. For example, "Ms. Warner, you're worried about Daria's behavior and don't want anyone to get hurt."

Narrator

It is easy to see how powerful it can be to use interests as a means to reach agreement. But finding the interest isn't always so straightforward. Sometimes when someone states their position, it isn't immediately clear what the interest or need is behind their positional statement. Other times, you may find that people don't know what their interest is until they think about it more. You may even notice in your dealings with others, that some people have a hard time sharing their interests at all. Helping people express their interests and explore why they think certain programs and services should happen, or finding respectful ways to uncover hidden or not shared interests will help the IEP Team reach a good decision. There are a few key phrases you can use or questions you can ask to help uncover hidden interests.

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Narrator

When you notice someone is becoming positional, you can help them identify an interest. One way to do this is to ask an open-ended question. Let's look at what happened in this IEP meeting. Mr. Whittaker, the Speech Language Therapist says to Amelia's mother, "Mrs. Nguyn, you said you want Amelia to have an increase in the amount of speech therapy she is getting. What are you seeing that we need the team to think about? (pause) What do you hope to see as a result?" By asking some probing questions, Mr. Whittaker helps move beyond Mrs. Nguyn's position of an additional hour of speech-language therapy and into her interest. After Mrs. Nguyn explains her concerns about Amelia's ability to communicate with friends and her worries about Amelia's lack of confidence, Ms. Krayeva, Amelia's teacher, nods her head. She shares that she is hoping to improve Amelia's articulation so that she isn't self-conscious and anxious about presenting in front of the class. When we focus on interests we may find we have concerns in common. The conversation uncovers the interest of identifying a social goal for Amelia and a common goal to help her work on building her confidence. The change from the position about the number of minutes for speech therapy now includes exploring many options to meet that need and shared interest of everyone on the IFP team.



Narrator

There are times when someone does not take a strong position, but just disagrees about what is being offered. In this scenario, an IEP team is working on a behavior intervention program for Mr. Mathis' son, Dawson. Mr. Mathis has come to the team with a specific intervention he has researched and wants to be in the IEP. The rest of the team has listened to Mr. Mathis' proposal, and now wants to discuss other possible options. Mr. Mathis doesn't want to talk about other options and continues to push for the program he has brought to the team. One way to help move the conversation along is to try a probing question to help uncover his interest.

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Narrator

What are some questions the IEP team could ask Mr. Mathis to help identify his interests?

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Narrator

Ms. Montgomery, Dawson's case manager, says: "I understand you've done considerable research on behavioral intervention programs. We agree that whatever program we decide on needs to help Dawson learn new behavior strategies. What behavioral goals do you think we should focus on?" By asking Mr. Mathis to explore the

goals to be achieved, and not on a specific program, he is given the chance to think about Dawson's needs. In this case, a probing question identified a key goal that Mr. Mathis has for Dawson, and that is to learn to respect the personal boundaries of others. Listen closely to his response and see if you can help him identify the underlying goal he wants to achieve. Mr. Mathis states, "The program I shared with you will help Dawson in his interactions with his classmates. He doesn't understand that not everyone wants to be hugged and that what he sees as a friendly slap on the back is not always appreciated. This program teaches good replacement behaviors for Dawson to try." Mr. Mathis wants his son, Dawson, to have positive interactions with his classmates and to learn good social skills. He needs to have that interest explored in the team's discussions. The team reviewed the importance of developing positive social skills and identified several replacement behaviors for Dawson to learn. As long as these interests were met, Mr. Mathis was willing to discuss other options that will meet these specific goals he has for his son.

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Narrator

hard position in a disagreement with someone. Ask yourself: what was motivating m What did I hope to accomplish? What was I afraid would happen if I didn't get my wa If you had shared your interests, would it have changed the argument in any way?					

It is also important to recognize your own interests. Think about a time when you took a

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Narrator

Thinking about your own interests before starting a discussion is great preparation. Be willing to share your hopes, desires, and fears and make sure you give room for others to share theirs as well. You will find that better conversations based on interests can lead to better solutions and stronger relationships.

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Narrator

You have completed lesson 1 of the *Focusing on Interests to Reach Agreement* course. This course continues in Lesson 2, *Building Agreement Through Consensus*.

Lesson 2

Slide 1

Narrator

Welcome to the second lesson of the Focusing on Interests to Reach Agreement course: Building Agreement Through Consensus.

Slide 2

Narrator

As we learned in the last lesson, uncovering interests is essential to resolving disagreements in a way that considers what is important to people. After interests are identified, the next step is to work toward agreement. However, coming to agreement, particularly when there are competing interests involved, requires skill. Competing interests can occur when IEP Team members, such as a parent and a school administrator, have different solutions in mind that seem to clash. Building agreement is accomplished using a variety of strategies and skill sets. In this second lesson, we'll learn how to work together to build agreements.

Slide 3

Narrator

There are many ways to come to agreement. In a competition, we agree that the winner is the person who is stronger, faster, or more skilled. There are times when we may act like we're in agreement with someone or a policy because we are afraid to disagree. For example, a manager could use her authority to make a vacation schedule without asking employees for preferences. Employees don't disagree because they want to keep their jobs. This isn't real agreement. Sometimes we come to an agreement by doing something simple like flipping a coin to avoid a long discussion. However, while a decision is made, individual needs are likely not met. Voting is another way to make a decision. Quick decisions may be easier, but without focusing on the needs of everyone involved, there will be less satisfaction with the decision. In collaboration, we try to reach what is called "consensus."

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Narrator

Consensus means that all the people on the team agree to support the decision of the group. IDEA (The Individuals with Disabilities Education Act) requires IEP team members, which includes parents, to make joint informed decisions to meet the unique needs of the child. Consensus decision making achieves that end. Consensus does not always mean that everyone agrees whole-heartedly with the decision. Consensus means that after everyone has been heard and understood, and all ideas have been considered, the decision of the group can be supported by everyone who participated in making it. Consensus sometimes means that not everyone gets what they want. It does,

however, mean that the decision addresses the important needs of everyone in the group. Because consensus requires teams to explore the needs each team member, we can see why it is so important to uncover everyone's interests.

Slide 5

Narrator

Most decisions are easy for teams to come to, but sometimes people can feel very strongly that a particular solution is the best. In these situations, help the team identify all of the interests and use those interests in framing the problem. For example, Mrs. Gardner is unhappy that her daughter, Cassidy, will have a different one-on-one aide in the coming school year. Because of this, she keeps blocking the team's plans to transition Cassidy to a new person. Cassidy is very attached to her aide, Mrs. Bruce, but Mrs. Bruce is going to change schools and is not available. Through exploring interests, the team learns that Mrs. Gardner is worried that Cassidy won't want to come to school because Mrs. Bruce won't be there. Mrs. Gardner has also noted that she appreciates how hard Mrs. Bruce has worked to make sure that she knew how Cassidy did at school every day and gave her suggestions for how to work with Cassidy at home. As the team works towards agreement about the new aide, the principal, Mr. Hoover, frames the problem by saying, "Thank you, Mrs. Gardner, for sharing your concerns. Mrs. Bruce has provided lots of supports that you would like to see continued. Let's discuss ways we can ensure that Mrs. Gardner continues to receive important feedback about Cassidy, and that she has access to folks who can provide suggestions for managing Cassidy's behavior when she's not in school." By framing the problem to include Mrs. Gardner's interest, the Principal has opened a whole new conversation that can address Mrs. Gardner's concerns and help move the team toward agreement.

Slide 6

Narrator

When a team is stuck debating one option, it may be helpful to encourage coming up with many ideas to consider. Brainstorming is a common way to share a lot of ideas quickly. When there are multiple ideas on the table, each can be explored by looking at the interests the team identified earlier. For example, Mrs. Gardner, during the brainstorming session says, "You know, since Mrs. Bruce knows Cassidy well, perhaps I can continue to meet with her regularly to discuss Cassidy's progress." Mrs. Bruce responds, "I don't think I will be able to manage my new caseload at a new school and still make time to see you. However, I can bring Mr. Cantrell, the new school counselor, up to date on Cassidy's file. I'd be happy to introduce you to him so you two can begin building a connection." Although Mrs. Gardner's idea was not used, it did get Mrs. Bruce thinking about a solution that met Mrs. Gardner's interests.



Narrator

Sometimes people are unwilling to come to an agreement because they fear there is no chance to change it once it is made. Let's take this example. Aaron's dad, Mr. Carson, would like Aaron to become more independent. Aaron has a cognitive disability and has an escort from the bus when he gets to school, and back to the bus when school is out. The school staff on the IEP team are uncomfortable with having Aaron go by himself because he has been known to wander off when unsupervised. Mr. Carson reminds the rest of the team that Aaron hasn't wandered off in the past six months.



The school staff fear for Aaron's safety and the increased liability that more independence may have for the district. One option for the team to consider is a "contingency" agreement. A contingency agreement is a mini-agreement, and considers what else may or may not happen. The team can explore contingencies by asking, "What if?" questions.

Narrator

What if Aaron's team decides to let him go to and from the bus by himself? How could the school's interest in Aaron's safety be addressed by a mini-agreement or a contingency agreement?

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Narrator

The team needs to make sure that Aaron is safe. The team agrees to move toward a goal of greater independence for Aaron. At first there will be a "line of sight" person who will watch Aaron from a distance. The team sets up specific goals to slowly increase Aaron's independence. The team also agrees to meet again if there are any concerns or within three months as this plan is implemented.

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Narrator

Sometimes there are other reasons why teams cannot reach agreement. In the following examples, we'll explore: overcoming interpersonal barriers; working through competing positions; moving past emotional blocks; and dealing with impasse. How might you work to overcome these barriers?



Overcoming interpersonal barriers. Mr. Gonzales does not like his daughter's teacher, Mr. Taylor. Mr. Gonzales will disagree with anything Mr. Taylor says and openly states he does not trust him.

Working through competing positions. Ms. Peterson, a general education math teacher, prides herself on having very high standards for her students. She believes all students should have homework and doesn't agree with a parent who wants to decrease the amount of homework for her child.

Moving past emotional blocks. Tara's mom, Ms. Randolph, is unwilling to talk about transition of her daughter from elementary school to junior high.

Dealing with impasse. The team has come to agreement on everything on Miguel's IEP except for bus transportation. There is no agreement in sight and most of the IEP is not part of the transportation issue.

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Narrator

Let's look at the first example: Mr. Gonzales does not like his daughter's teacher, Mr. Taylor. Mr. Gonzales will disagree with anything Mr. Taylor says and openly states he does not trust him. If you were running this IEP meeting and were aware of Mr. Gonzales' opinion about Mr. Taylor, what would you do? If you were Mr. Taylor or Mr. Gonzales, what would you do?

Narrator

There are times when relationship barriers will make agreement difficult to reach. For whatever reason, Mr. Gonzales will not accept Mr. Taylor's opinions as having value. In this situation, it may be helpful to have others share Mr. Taylor's ideas with the team, so they can be weighed for their own merit, and not because of whose ideas they were. Perhaps it may be helpful to bring in a neutral facilitator to run the meeting and redirect the team's focus to the needs of Mr. Gonzales' daughter. A neutral person is less likely to get drawn into interpersonal conflicts. Sometimes the barriers are too big to handle in the IEP meeting. Groups should not try to address deep interpersonal barriers as a full IEP team, particularly when there is a history of important issues that go beyond the scope of developing the IEP. When there are interpersonal conflicts, one option is to meet with a neutral third party separately from the IEP team. In this case, the principal agrees to meet with Mr. Taylor and Mr. Gonzales to try to work through what is causing Mr. Gonzales's disapproval of Mr. Taylor.

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Narrator

In the second example, Ms. Peterson, is the 7th grade general education math teacher. She prides herself on having very high standards for her students. Ms. Peterson's position is that homework is necessary to do well in math. Ms. Peterson has an interest that her students are challenged by high standards. She also has an interest that Rita learns math. Rita's IEP currently does not have a math goal for Rita. She has been identified as having a specific learning disability in the area of reading. Rita is in Ms. Peterson's class. Rita's mother, Ms. Rowland, tells the IEP Team that homework time is very difficult for her daughter, Rita. She says Rita spends many hours struggling every night. Ms. Rowland is worried that her daughter is so stressed and overwhelmed, and doesn't get to enjoy any activities after school because of the amount of math

homework she has. No matter how much homework Rita has, she still is very behind other students. Ms. Rowland's interests are that Rita has less stress and has more time for other activities. She also wants Rita to learn math. Ms. Peterson and Ms. Rowland have a shared interest that Rita learns math, but they disagree on the best way to go about it. In this case, the IEP team writes down the interest, and before brainstorming, agrees this interest will be the criteria for a good decision about Rita. The IEP Team decides to build an agreement around this common interest that "Rita progresses in math."

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Rowland's common interest so that Rita could progress in math. List your options pelow.								

Slide 15

Narrator

The team takes some time to come up with many ways to help Rita learn the math concepts and achieve grade level expectations. They talk about having her go to a smaller group to learn. They discuss providing her a math tutor. They also consider that Rita may need a further evaluation. After discussion, the IEP team agrees to have Rita evaluated for math difficulties and decides in the meantime that she will spend the last 15 minutes of math class working independently with a math tutor to work through several math problems. The team agrees that Rita's math homework will focus on only one key math skill. The team agrees that Rita's math homework should take about 15 minutes each evening. The team agrees to meet next month to review the evaluation data. Ms. Peterson and Ms. Rowland both support the team's decision since Rita is getting more targeted supports that will help her learn the math concepts she needs to progress toward her goals.



Narrator

In the third example, Tara's mother, Ms. Randolph, is unwilling to talk about transition of her daughter from elementary school to junior high. Perhaps Ms. Randolph is having a difficult time imagining Tara having any positive experiences in junior high. Ms. Randolph remembers her own negative junior high experience, and she has strong fears about it for her daughter. Ms. Randolph might block further discussion about transition until she is reassured that the transition can be a good one for Tara. Validating emotions through discussion about her fears is one way to help Ms. Randolph to make sure her concerns are addressed by the team. The team could then engage in brainstorming ways that the transition can be positive to help Ms. Randolph visualize her daughter having a good transition. Exploring the concerns and the possible impact may allow the IEP Team to move forward planning for Tara's transition. For additional information, visit Course 4, *Managing and Responding to Emotions*, in this series.

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Narrator What are some ways that Ms. Randolph could be reassured about Tara's transition?	

Narrator

In this case, it may be helpful to work with Ms. Randolph prior to the team meeting to address her fears. Maybe if she has a tour of the junior high, and meets some of the caring teachers, she would feel more comfortable. The IEP team can also encourage Ms. Randolph to bring someone to support her during the IEP meeting.

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Narrator

In this final example, the IEP team has come to an agreement on everything for Miguel's IEP except for bus transportation. There is no agreement in sight and most of the IEP is not part of the transportation issue. Depending on the needs of the individual student, an IEP may include many supports and related services for students. It is important that those people who need to be at the table are in the room and can make decisions. In Miguel's case, his family has proposed that Miguel have door-to-door bus services. Currently, Miguel's older brother walks four blocks with him to the bus stop. Next school year, however, his brother will be going to a different school and will not be able to accompany Miguel.

There are several questions to be answered by the team. First, does Miguel need door-to-door bus services? If so, can a bus make it up the steep hill where he lives, particularly in the winter months? There is a question about whether there is sufficient room for a bus to turn around. The team does not currently have all the information they need to make a decision. This may be a situation where mediation may be beneficial. The full IEP team may not need to be part of the entire transportation decision. A smaller group with specific knowledge about the issue can meet with Miguel's parents to make a decision. To find out more about the mediation services offered in your state, contact your State Department of Education or visit their website.

Narrator

As teams work to come to agreements, it is important to remember that the individual in the IEP is the child. Keeping the meeting focused on the student helps teams move toward decisions together to meet the child's needs.

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Narrator

Families and educators can use a collaborative approach to working through disagreement by focusing on interests. This course provided a number of strategies to help families and educators focus on interests to reach agreement. In lesson one, several key strategies were given to help family members and educators focus on interests. Understand the difference between positions and interests; identify position and interest statements; uncover hidden interests of others, and identify and share your own interests.

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Slide 23

Narrator

In lesson two, strategies for reaching agreement through consensus were provided. Use interests to frame the problem; brainstorm options; develop contingency agreements; build agreement around common interests; use agreed upon criteria to make decisions; respond to emotions; use third party neutrals when needed; and focus on the child.

Narrator

One strategy offered was to develop contingency agreements. What type of question would you ask to help develop a contingency agreement? When might you use a contingency agreement?	

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Narrator

You've completed the *Focusing on Interests to Reach Agreement* course, the final course in the *Working Together* series.