

Building Partnerships, Creating Agreement

Collaborative Problem Solving in Early Intervention and Special Education



Jointly Developed By:



The Consortium For
Appropriate Dispute
Resolution In Special
Education (CADRE)



The IDEA Partnership
Project (at NASDSE)



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Office of Special Education Programs (OSEP)

Development Team

The following individuals & organizations participated
in the development of this training



American Association of School Administrators

Carol Auer



American Occupational Therapy Association (AOTA)

Carol Gryde



Nat'l Center for Appropriate Dispute Resolution in
Education (CADRE)

Anita Engiles

Philip Moses

Marshall Peter

Aimee Walsh

Richard Zeller



IDEA Partnership

Joanne Cashman

Terry Jackson



Fiesta Educativa

Lorena Morales



*Not Just Responding To Change,
But Leading It!*



OFFICE FOR DISPUTE
RESOLUTION



National Council on Independent Living

Maureen Hollowell

National Education Association (NEA)

Judy Richards

New York Long Island Families Together (LIFT)

Helene Fallon

Pennsylvania Office of Dispute Resolution

Suzanne McDougall

Dixie Trinen

Kerry Smith

School Social Work Association of America (SSWAA)

Steve Button

Statewide Parent Advocacy Network (SPAN)

Diana MTK Autin

Wisconsin Family Assistance Center for Education, Training & Supports (FACETS)

Nelsinia Ramos

Wisconsin Special Education Mediation System

Nissan Bar-Lev

Jan Serak

CADRE/IDEA Partnerships

Creating Agreement Workgroup Vision

Educational outcomes are improved when families, schools and service providers work together effectively.

Training and support for diverse groups of stakeholders helps them learn together and problem solve in ways that are more responsive to individual students' needs.

Positions & Interests

Positions & Interests

Position:

Specific solution proposed to resolve problem – the “What”

Interest:

Underlying real need/ desire that gives position its life (beliefs, values, expectations, fears, priorities, hopes, concerns) – the “Why”

Depositioning:

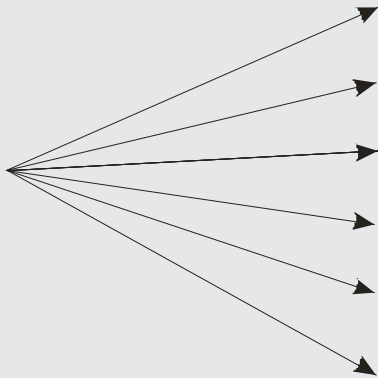
Why is that solution so important to you?





Position

Be in by 10:00



Possible Interests

- Concern about safety
- Wanting to be a good parent
- Wanting to exercise control
- Wanting to protect against bad influences
- Wanting to be able to sleep at night
- Concerned about what neighbors think

Sample Positions:

“Any child in my class must be able to do the basic work required.”

“We want an American Sign Language interpreter in that English Lit class.”

“Rob has a right to a full time instructional assistant next term”

Finding the Interests

What need is the person taking this position attempting to satisfy?

What is motivating the person?

What is the person trying to accomplish?

What is the person afraid will happen if a demand is not fulfilled?



Finding the Interests

Question, question, question...

- "Why is that solution so important for you?"
- Why are you suggesting...?
- "What would you accomplish in getting what you want?"
- "What if that did/didn't happen?"
- "How will you be affected by...?"
- **"Imagine that you got _____; what would be taken care of?"**

Explain your interests

Communicate and explain your interests.

Make your interests come alive.

Acknowledge the other party's interests.

Share your interests and reasoning first and proposals later.

Summary: Interest-based Negotiation

Aims not to change the other person, but to change negotiation behavior

Shifts from "your position versus mine" to "you and I versus the problem"

Involves a mutual exploration of interests to yield more creative options.

Uses objective criteria

Adapted from Highnam, K. (2001). Interest-based negotiation, *CSSEA 2001 Fall Conference and AGM*. Surry B.C, Canada. CSSEA; Fisher and Ury, *Getting to Yes*.

Listening

“Seek first to understand, then to be understood.”

Stephen Covey, “Habit 5”
Seven Habits of Highly Effective People



Listening

- Think of a time when someone listened to you.
- What did he/she do that made you feel s/he was listening?
- What was his/her attitude toward you?



Listening

Following the thoughts and feelings of others to understand what they are saying from their perspective, frame of reference, or point of view.

Dignity and Respect

Communication Loop

Sender



Message

Receiver



Filtering Lenses

Reflective
Listening

EARS



EYES

UNDIVIDED
ATTENTION

HEART

The Chinese characters that make up the verb “to listen” tell us something about this skill.

Listening is a disciplined skill

You can't do two things at once
if one of them is listening.

You can't listen if you are trying to
figure out what to say.

You can't listen if you are
assuming.

Listening

Listening for the heart... with the heart...

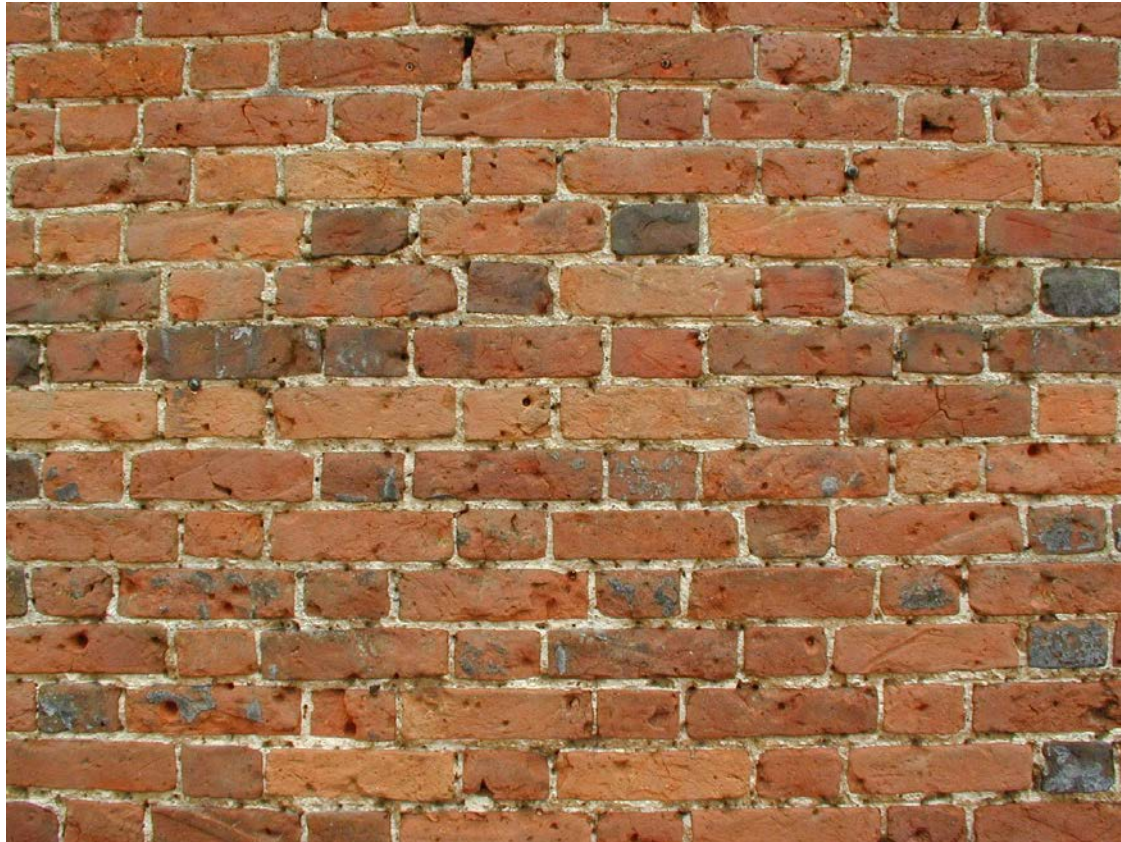


To See (or Hear) Clearly



- It is only with the heart that one can see clearly; what is essential is invisible to the eye.
 - *The Little Prince*
Antoine de Saint Exupery

What stands in the way?



What can we do?



Communication Essentials

Addressing Power Imbalances

Cultural Reciprocity

Student Involvement



Power Imbalances

Inherent in Conflict

Actual and perceived power may differ

Participants may not be equipped/supported to participate effectively

Cultural differences may contribute

Recognize there are formal and informal forms of power



Power Imbalances

Addressing Power Imbalances

Well-facilitated processes and trained participants

Well-built relationships

Unbiased third party/facilitator



What else can help reduce power imbalances?

Cultural Reciprocity

Cultures have different ways of responding to conflict

Culture shapes status, relationships and social behaviors with regard to conflict resolution

Recognize that many people communicate and process information differently



Cultural Reciprocity

Strategies to address cultural reciprocity range from the policy to the program to the personal level

Cultural reciprocity is a process, not an outcome



Moving from Cultural Competence to Cultural Reciprocity



- Do unto others as they would have you do unto them.
- You can only practice cultural reciprocity if you listen with the heart...for the heart...and share your heart.

Student Involvement

“Nothing about me
without me.”

Fundamentally important

Capacity for participation varies

Advantages of participation

Challenges with participation

CONFLICT

Even with the best listening & a focus on interests, not positions, in any meaningful relationship there will be conflict.

What does the word “conflict” bring to mind?

Conflict

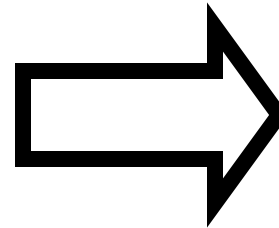
Expressed struggle

Two or more people

Interdependent

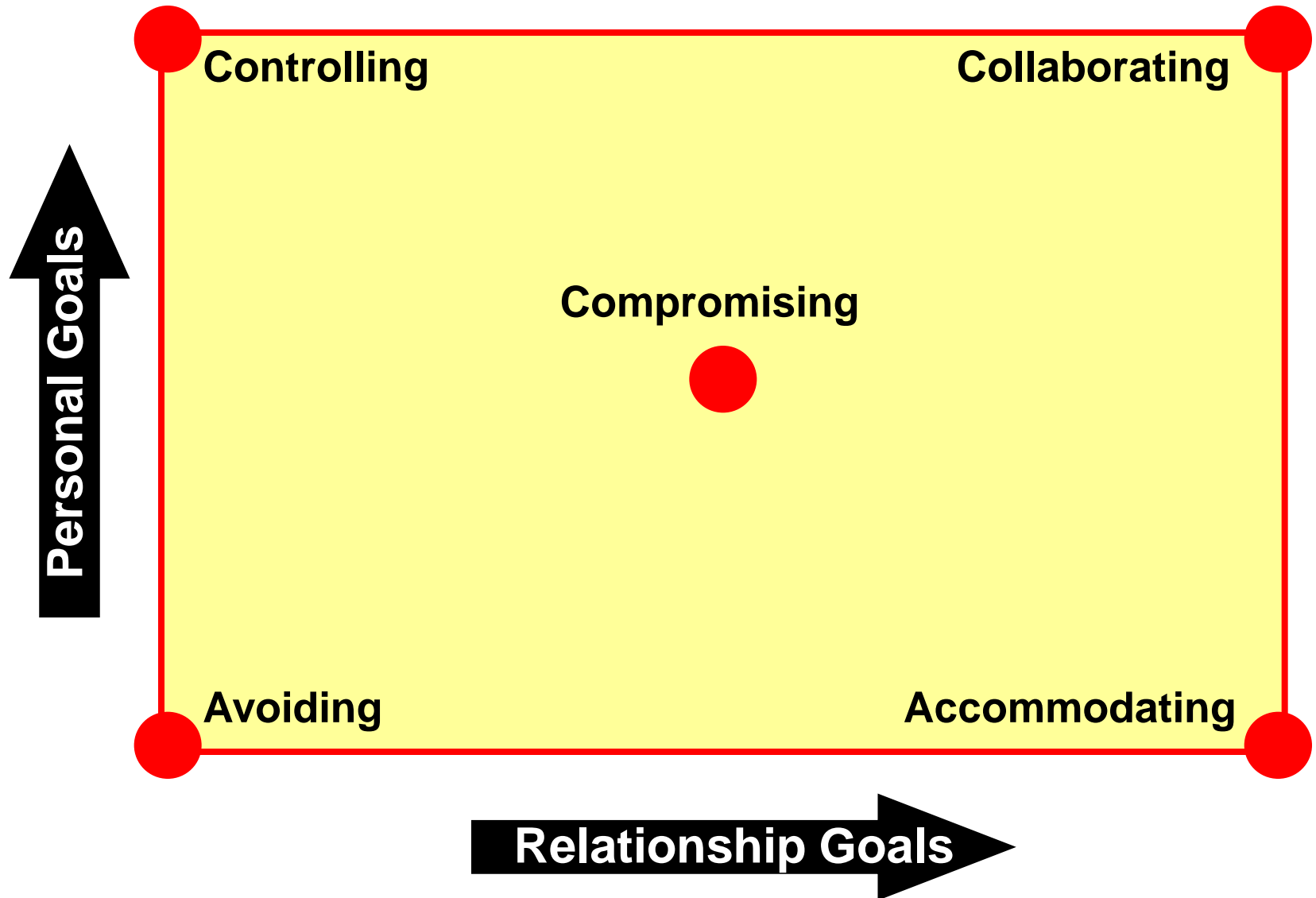
Strong emotion

Perceived blockage



Needs
Values

The Five Conflict Handling Modes



Costs of Conflict

Financial costs

Educational costs: takes energy away from instruction, can interfere with needed consistency

Human costs: stress, burnout, marital discord

Relationships: hurts relationships among people who have to work together

Societal costs: parents, families, schools divided; bad press for special education; missed opportunities

CADRE Continuum of Special Education Conflict Resolution Options

Stages of Conflict	Stage I			Stage II			Stage III				Stage IV				Stage V		
Levels of Intervention	Prevention			Disagreement			Conflict				Procedural Safeguards				Legal Review		
Assistance/ Intervention Options	Participant & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent-to-Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Hybrid Models	Ombudsperson	Third-Party Opinion/Consultation	Resolution Meeting	Mediation Under IDEA	Complaints	Due Process Hearing	Hearing Review (Tier II)	Litigation	Legislation
Dimensions that help clarify placement of the options along the Continuum	Third-Party Assistance										Third-Party Intervention						
	Decision Making by Parties										Decision Making by Third Party						
	Interest-Based										Rights-Based						
	Informal & Flexible										Formal & Fixed						



Developed by CADRE
www.directionservice.org/cadre/continuum



U.S. Office of Special
Education Programs

Commitment

People say, what is the sense of our small effort.

They cannot see that we must lay one brick at a time, take one step at a time.

A pebble cast into a pond causes ripples that spread in all directions. Each one of our thoughts, words and deeds is like that...



-Dorothy Day

For more Information Contact:



SharedWork.org

www.sharedwork.org



CADRE, the National Center on
Dispute Resolution in
Special Education

www.directionservice.org/cadre



The IDEA Partnership

www.ideapartnership.org



Region 1 Parent TA Center @ SPAN

www.spannj.org; diana.autin@spannj.org