

DIALOGUE STARTER  
for  
**Dispute Resolution**

**BEYOND MEDIATION: STRATEGIES FOR APPROPRIATE EARLY  
DISPUTE RESOLUTION IN SPECIAL EDUCATION**

*Knowing your available time and your audience, choose one or many of the dialogue starters below.*

**Reaction Questions:**

- 1) IDEA encourages early dispute resolution. Why is this strategy important:
  - in human terms?
  - in terms of program and resources?
- 2) In your experience, how have due process procedures impacted trust and the relationship between parents and school personnel?
- 3) Do you see any disadvantages in the movement away from formal/ legalistic engagement, and toward early dispute resolution options?
- 4) What in your experience are the 3 most common causes of disagreements and conflicts between families of students receiving special education services, educators and other service providers? Where do these fit within the design, delivery, relationship categories set out in the briefing paper? What implications do you see for yourself individually and for the system in which you work?
- 5) What experience have you had with conflicts which involved issues of privacy and confidentiality? What impact did these problems have on decisions about eligibility, placement and methodology? On delivery of services? On relationships

**Application Questions:**

- 1) Recall from your experience, a specific relationship conflict. How/when did it begin? How did each party contribute to the conflict? How might capacity-building and prevention strategies have served to preempt or change the course of the conflict?
- 2) Recall from your experience, a specific delivery conflict. Describe the substance of the dispute. How/when did it begin? How, and at what point, might early dispute assistance strategies have served to positively address, reframe, or change the course of the disagreement?

3) Recall from your experience a specific design dispute that was unable to be resolved without a neutral third party (e.g. conflict resolution strategy). Track the evolution of the dispute. What features of the conflict necessitated a third party? Describe the relationship between the parties after conflict resolution.

4) How might educators and/or other service providers respond to an unexpected loss or limitation in staff or another element critical to a student's agreed upon educational program so that a relationship problem is not created in addition to the delivery problem? Remember to consider culture.....

5) What systemic barriers exist within your special education system which makes it difficult to create opportunities for prevention and capacity building strategies? If the most manageable of these barriers were removed, what would change and how would that affect your ability to respond earlier and more capably to potential problems?

6) What systemic barriers exist within your special education system which makes it difficult to create opportunities for early dispute assistance strategies? If the most manageable of these barriers were removed, what would change and how would that affect your ability to respond earlier and more capably to potential problems?

7) With whom do you need to share this information on early and alternate dispute resolution?

8) Who has the influence to put early dispute resolution on the public agenda in your (school, district, state)?

9) How can you approach them? Why should they listen to your ideas about early and alternate dispute resolution?

10) How can you offer to support initiatives that will promote early and alternate dispute resolution?

11) What preparation do teachers and related service providers need to effectively participate in early and alternative dispute resolution?

12) What preparation do family members and youth and related service providers need to effectively participate in early and alternative dispute resolution?

13) What preparation do administrators and related service providers need to effectively participate in early and alternative dispute resolution?

14) How could early and alternate dispute resolution impact these issues which persistently challenge decisionmakers:

- Increasing numbers of identifications
- High cost of specific services
- Prevention and early intervention in general education settings

### Question/Starters: National Studies

The 2002-3 data from the *State and Local Implementation of IDEA* (SLIIDA) Study <http://www.abt.sliidea.org/> gives some interesting insights into the way that early dispute resolution is understood and used around the nation:

Only 25.4 % of the districts surveyed were involved in one or more early or alternate dispute resolutions in the year prior to interview. Of those districts, top issues addressed through early and alternate dispute resolution were: the educational program (37.3%) and educational placement (34.9%). Other uses were disputes identification were: Identification (3.9%), Discipline (4.8%), Evaluation (9.5) and other issues (9.7%)

**Source:** SLIIDEA, Data Tables, Dispute Resolution, Exhibit 2.98

- 1) What could explain the data showing that only 25.4% of schools surveyed use early and alternate dispute resolution strategies in the prior year?
- 2) What might be done to increase the likelihood that schools will use early and alternate dispute resolution strategies?

Of the schools interviewed, only 25.8% received any targeted funds designed to improve IEP services. Of the schools making up that 25.8%, only 37.3% used the funds to increase the use of early and alternative dispute resolution.

**Source:** SLIIDEA, Data Tables, Dispute Resolution, Exhibit 3.94

- 1) How might investing in early and alternate dispute resolution improve IEP services?
- 2) Why don't more district and school sites invest in this strategy?

Of the schools surveyed, only 35.1% received any technical assistance in using early or alternate dispute resolution strategies. For those schools in that 35.1%, the technical assistance was most often delivered by a district staff person (67.4%) or outside consultant (30.2%).

**Source:** SLIIDEA, Data Tables, Dispute Resolution, Exhibit 3.95

- 1) Who else might be good providers of technical assistance?
- 2) What training should district staff that deliver technical assistance in early and alternate dispute resolution receive to do that job well?
- 3) What knowledge, skills and dispositions should technical assistance providers in early and alternate dispute resolution serving districts and schools possess?

Of the districts surveyed, 44.5% collected or had access to data on the number of type of disputes with parents of students with IEPs. Of that schools in that 44.5%, 77.4% used the information for program evaluation, 30.4% used the information for professional development and 15.5% did not specify how the data was used ( Please Note: The total is over 100%, as data may be used for more than one purpose in some cases).

**Source:** SLIIDEA, Data Tables, Dispute Resolution, Exhibit 3.97

- 1) What may account for the preferred use of this data for evaluation?
- 2) How could the data be helpful for professional development?