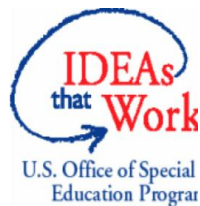


# Presenter's Guide

## Building Partnerships Creating Agreement

*Accessing and Using the  
Materials in the Collection*



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### Purpose of this Guide:

This presenter's guide is intended to support the PowerPoint slides by offering

- Talking points relative to each slide,
- Suggested background readings,
- Suggested activities to enhance learning opportunities for Participants;
- Tips to facilitate the professional growth experience; and
- Suggested readings for extension of learning.

### About the format:

There are three distinct sections of this document, "Preparation", "Presentation/Process", and "Supplementary Materials".

The **preparation** section begins on the following page and includes:

- Participant objectives;
- A suggested agenda/timeframe to help you meet the needs of the audience and/or available time allotment;
- Support/background materials the presenter may wish to access prior to preparation for presentation;
- Materials and supplies needed for the presentation; and
- Equipment needed for the presentation.

The **presentation/process** section follows preparation suggestions and includes:

- Suggested minutes for information sharing and/or suggested activities for each of the key concepts of the presentation, within each section minutes are enclosed in boxes and intended to be highlighted ahead of time dependent on the overall timeframe selected for the presentation;
- Slides in miniature, in sequential order, with talking points,
  - Usually in summary format, not intended to be read verbatim, and
  - Presenter is encouraged to interject his/her own style;
- Participant activities to enhance learning opportunities, indicated by a vertical line to the left of each activity,
  - May be carried out as suggested, or
  - Adjusted to audience and time allotment;
- Presenter notes to suggest background information or extension readings, noted in bold italic font;
- Presenter tips to suggest facilitation techniques, noted in bold italic font.

The **supplementary materials** section contains handouts that may be copied and used to support or enhance the presentation.

## Best Practices in Creating Agreement Preparation

### Objectives:

Participants will increase knowledge relative to

- Creating Agreement concepts and terminology
- Become aware of the additional resources on the CADRE website.

### Agenda/Timing:

60 minutes: Total time for information sharing and conflict style activity

Suggested time allotments:

6 min	Introduction, Costs of Conflict, Development and Vision
4 min	Key Elements of Creating Agreement, Nature of Conflict
3 min	Positions and Interests
6 min	Listening, Communication
8 min	Power Imbalances and factors that impact
25 min	Conflict Resolution Styles with activity
3 min	Dispute Resolution Options
5 min	Outcomes, Resources and Discussion

45 minutes: Total time for information sharing and brief discussion

Suggested time allotments:

6 min	Introduction, Costs of Conflict, Development and Vision
4 min	Key Elements of Creating Agreement, Nature of Conflict
3 min	Positions and Interests
6 min	Listening, Communication
8 min	Power Imbalances and factors that impact
10 min	Conflict Resolution Styles
3 min	Dispute Resolution Options
5 min	Outcomes, Resources and Discussion

### Support Materials:

IDEA Partnership website for the complete Creating Agreement Collection  
CADRE website for resources on additional resources and trainer contacts

### Materials and Supplies:

PowerPoint slides - or -  
Overheads prepared from the Power Point slides  
Handout Masters – to be copied in appropriate numbers  
Paper and pencils for participants

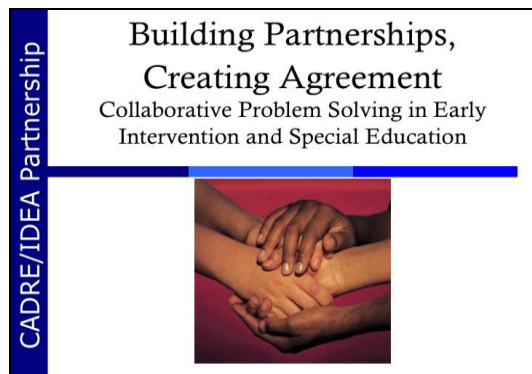
### Equipment:

Computer and projector -or-  
Overhead projector  
Projection screen

## Best Practices in Creating Agreement *Presentation/Process*

Introduction, Costs of Conflict, Development and Vision:

4 minutes



**1 minute**

**Presenter Tip:** The introduction should be brief and garner interest immediately. The following is a start point; adapt for the particular audience.

This PowerPoint is a part of the Creating Agreement Collection. The entire Collection is available on the IDEA Partnership website.

### Building Partnerships and Creating Agreement

- In the field of special education, it is especially important that parents and families and school staff work together to create the appropriate programs and services for the child with disabilities.
- As we know so much more about what works for students as a result of education research, parents and school staff continue to seek out those strategies and programs with the greatest potential for success.
- We will spend the next 30 minutes or so exploring materials and content knowledge available to parents and school staff in this IDEA Partnership Collection and on the Center for Appropriate Dispute Resolution in Special Education (CADRE) website.
- We will share materials that:
  - You may not have known existed
  - May support you in your conversations and planning for services to children
  - May save you time, energy and money
- This PowerPoint is designed to be an overview of a more in depth workshop. Persons who wish to use this PowerPoint as a presentation are strongly encouraged to attend a “Creating Agreement training” before presenting to others.
- There are persons who can come to your district, state or parent center and present this “Creating Agreement” training in formats of one hour, three hours or six hours.
- Additional information and resources can be found on the CADRE website:  
<http://www.directionservice.org/cadre/index.cfm>

## Costs of Conflict

Financial costs  
Educational costs  
Human costs  
Relationship costs  
Societal costs



2 minutes

**Presenter Tip:** This slide is intended to demonstrate the many problem areas that can arise when conflict is not handled appropriately. Emphasize that it is most cost-effective to resolve disputes early through less adversarial means.

Ideas for sharing with the participants:

There are many kinds of costs associated with poorly managed conflict.

**Financial costs:** legal costs for the district, and legal costs for the parent that may result in having to remortgage their home; negative family impact.

**Educational costs:** bleeds energy away from instruction, can interfere with needed consistency; more than 50% of special educators leave the profession within the first five years

**Human costs:** stress, burnout, marital discord, divorce

**Relationships:** Unresolved conflict hurts relationships among people who have to work together for as much as 13 years. To win a Due Process hearing, for example, one side has to demonstrate that the other side is at fault or wrong (one party wins, the other loses)


**Societal costs:** parents, families, schools divided; bad press for special education (especially in difficult fiscal times); may negatively impact school budget elections; missed opportunities

It's more cost-effective to resolve disputes early through less adversarial means.




CADRE/IDEA Partnership


**Jointly Developed By:**



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



The IDEA Partnership  
Project (at NASDSE)



With funding from the US Department of Education,  
Office of Special Education Programs (OSEP)

1 minute

**Presenter Tip:** This slide is self-explanatory. Review briefly with the participants.

CADRE/IDEA Partnership

**Development Team**

The following organizations participated  
in the development of this presentation

- American Association of School Administrators
- American Occupational Therapy Association
- Council of Administrators of Special Education
- Fiesta Educativa
- Learning Disabilities Association
- National Council on Independent Living
- National Education Association (NEA)
- New York Long Island Families Together (LIFT)
- Pennsylvania's Office for Dispute Resolution
- School Social Work Association of America (SSWAA)
- Statewide Parent Advocacy Network (SPAN)
- Wisconsin Family Assistance Center for Education,  
Training & Supports (FACETS)
- Wisconsin Special Education Mediation System

1 minute

**Presenter Tip:** This slide is included to emphasize the cross-stakeholder groups involved in the development of this presentation. The Creating Agreement Development Team reflects the belief that engaging cross stakeholder groups in the development & implementation of trainings and approaches is more effective.

CADRE/IDEA Partnership

**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.

1 minute

**Presenter Tip:** Slide is self-explanatory, but extremely important.

Key Elements of Creating Agreement:

4 minutes

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### Key Elements

- Value of conflict
- Positions & interests
- Listening & communication
- Power imbalance & cultural reciprocity
- Student Involvement
- Conflict resolution styles
- Conflict resolution options
- Resources



1 minute


**Presenter Tip:** This slide is a list of the key elements of Creating Agreement that will be expanded in later slides. It is important as it supports the adult learner to focus and organize thinking for the content to follow.

3 minutes

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### Conflict

- Expressed struggle
- Two or more people
- Interdependent
- Strong emotion
- Perceived blockage



Needs  
Values

**Presenter Tip:** When one inquires about the meaning of the word “conflict”, typically, the responses range from: anger, fear, resentment, and frustration.... This slide explores and attempts to redefine that limited negative tone of conflict.

Ideas for sharing with participants:

Since responses are usually negative, the most common response to conflict is avoidance”. In fact, a survey of Americans attitude toward CONFLICT showed that about 50% of Americans would rather avoid it all together...but in any meaningful relationship, there will be conflict. A complete absence of conflict may mean that the relationship simply does not matter; conflict resolved effectively will strengthen the relationship.

Definition of a conflict:

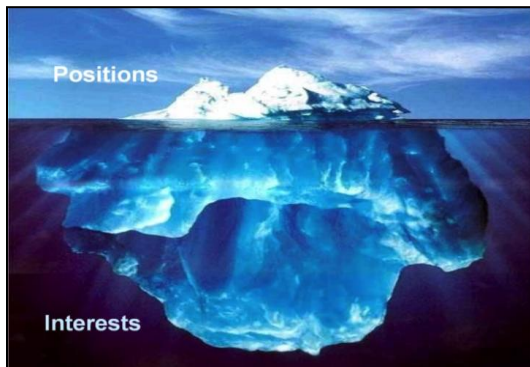
- (1) Conflict is an expressed struggle
- (2) between at least 2 interdependent parties who
- (3) are experiencing strong emotion resulting
- (4) from perceived differences in needs or values.

Two interdependent parties: family and school. Action of one party has consequences for the other party. Conflict is all about emotions. Interdependency is the primary motivating factor in resolving dispute. If you don't need each other, you can choose to go to court. Families and schools have a relationship for many years, an incentive to work things out.

Positions and Interests:

3 minutes

3 minutes



**Presenter Tip:** The concept of positions and interests is a very complex one. For the purpose of this overview, stress the idea that while our interests may drive our actions, it is usually our position that is readily apparent to other and to ourselves.

Ideas for sharing with participants:

Top of the iceberg represents positions; interests run deeply under the surface.

We could resolve everything that sits on top of the water and still have a relationship shipwreck if we don't address the real interests that lie underneath and that can not easily be seen.

At the heart of many conflicts is a focus on the different participants' positions as opposed to their interests. We are used to stating our positions. We are used to going into meetings with our position – our demand or our offer – and our back up position, what we are willing to settle for or compromise on. We are not used to going into meetings ready to express – or even necessarily be clear about – our underlying interests. This contributes to the likelihood of disputes.

It is important to find the interests/needs (e.g. father needs toileting help at home, more time with spouse; teacher feels overburdened with the needs of all her students; principal feels control slipping away; etc.).

Identify underlying needs by asking questions that define underlying interests, for example: **Why is that specific solution so important for you?**

**Presenter Note:** A Positions and Interests video is available on the Cadre website.

[http://www.directionservice.org/cadre/understanding\\_pos.cfm](http://www.directionservice.org/cadre/understanding_pos.cfm)

Listening/Communication:

6 minutes

Listening to understand:

"Seek first to understand, then to be understood."

Stephen Covey, "Habit 5"  
Seven Habits of Highly Effective People



3 minutes

**Presenter Tip:** Listening is hard work, that may become a very positive habit with practice.

Ideas for sharing with participants:

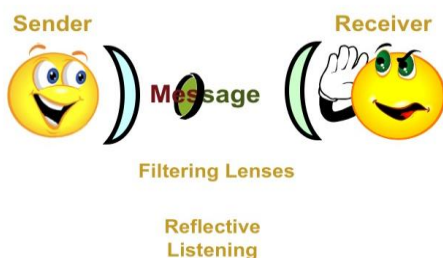
It is only possible to get to the underlying interests in any conversation if we truly listen. Only when a person feels understood will he seek to fully understand another person. Someone has to go first or we're stuck. Unless I feel you are making a genuine effort (and succeeding) in understanding me, most of my attention will be spent on readying my next point so that you will understand me. Energy that I could be using to listen to you will instead be spent on continuing to have you understand me.

- 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 is the most cost effective skill you could use to avoid a disagreement or in preventing one from escalating. One of the most common reasons parents tell parent centers that they are filing for due process is because the school or district "just won't listen to me," "it's useless to keep talking to them because they don't hear a word I'm saying." Professionals say, "the parent is so demanding"; "we do have other children to provide for".

The savings from active and reflective listening comes from decrease in disagreements, promoting team work and saving time...so if listening is cost effective, NOT listening can be costly. It can lead to mistakes, poor teamwork, wasted time, and ineffective educational programs for students.

Communication Loop



3 minutes

Ideas for sharing with participants:

In every communication cycle there is a sender, a receiver and a message.

We all have filtering lenses that the message must pass through. A message will pass through both the sender's filter as well as the receiver's filter. Examples of filtering lenses are personal life experiences, power imbalances and cultural norms.

Reflective listening attempts to bypass those filters by repeating back what the receiver believes the message contains (both content and meaning). This feedback can prevent major misunderstandings. Reference the game of "Gossip" as an example to participants that the lack of feedback results in major misunderstandings.

Accord dignity and respect to the other person by following their thoughts and feelings to understand what they are saying from their perspective, frame of reference, or point of view.

Complete the listening circle!

Power Imbalances, Cultural Reciprocity & Student Involvement:

8 minutes

**POWER IMBALANCES**

- Inherent in conflict
- Participants may not be prepared
- Cultural differences may contribute
- There are formal & informal forms of power
- Critical to address power imbalances



4 minutes

**Presenter Note:** This slide usually brings a laugh from the audience. It is important to stress the very real feelings that are represented here.

Ideas for sharing with participants:

A thorough discussion related to power imbalances is challenging due to the complexity of the topic. In depth training is especially necessary on this topic. We all carry a lot of “baggage” due to our own personal experiences.

**Actual and perceived power may differ**

- Power imbalance may be actual and/or perceived (either party may in fact or by perception have more or less power). In some cases, both parties perceive the other as having more power. Schools often have more people at the table than parents and this can contribute to an imbalance (numbers can, in reality, or by perception, matter).
- The behavior (intentional or unintentional) of a party (high emotion, refusing to cooperate, filibustering, threatening, etc) can alter the power dynamics.

**Participants may not be equipped/supported to participate effectively**

- Participants may not have information about, or experience with, the skills necessary to positively and productively engage others.
- The management of personal power and skillful responses to the power of others may require training/practice. Support systems and resources may not be in place to assist parties in balanced participation.

**Cultural differences may contribute (next slide)****Recognize there are formal and informal forms of power**

- Formal power includes: access to resources, legal counsel, etc.
- Informal power includes: communication skills, experience with procedural safeguards, etc.

**Well-facilitated processes and trained participants support power balance**


- Creating balance does not disempower the more powerful. It builds the capacities of all at the table to more equitably engage each other. Address power balance issues early and throughout (have “antennas” to search for and respond to imbalances).

- Training (PTI, pre-service, in-service, etc) builds capacity for all to participate more powerfully.
- Preparation = Power (for all participants); Lack of preparation empowers the other.

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### Cultural Reciprocity

Culture shapes status, relationships and social behaviors with regard to conflict resolution  
 Strategies to address cultural reciprocity range from policy to program to personal level  
 Platinum Rule: Do unto others as they would have you do unto them.



2 minutes

**Presenter Tip:** Cultural reciprocity is about building relationships, not simply learning about other cultures. This concept may be difficult for some to understand.

Ideas to share with participants:

**Cultures have different ways of responding to conflict**

- Some cultures engage in conflict resolution collaboratively, others are more avoidance oriented.

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

- Some cultures don't question educators and other professionals; some cultures sacrifice justice for harmony.

**Recognize that many people communicate and process information differently**

- Rational vs. intuitive; linear vs. circular; abstract vs. concrete.
- Be flexible in communication style to reflect cultural and linguistic differences (eye contact, shaking of hands).

**Strategies to address cultural competency range from the policy to the program to the personal level**

- Policy example: availability of qualified interpreters; commitment to diverse cadre of neutrals
- Program example: inclusion of cultural liaison; materials in alternate languages
- Personal example: learning more about family or school cultures involved in the situation

**Cultural competence is a process, not an outcome**

- Culturally relevant understanding should be continually reached for and woven throughout everything you do
- Cultural competence presupposes that one of the partners in a relationship is going to be developing cultural competence "about" the other in the relationship;



usually, it is the professional who is assumed to need to develop cultural competence. Cultural reciprocity is about building relationships – it's not just about learning about the other, but also about sharing about oneself.

**Presenter Note:** Resources in Spanish may be found on the CADRE website [http://www.directionservice.org/cadre/index\\_espanol.cfm](http://www.directionservice.org/cadre/index_espanol.cfm)



2 minutes

**Presenter Tip:** While the IDEA regulations require student invitation to certain meetings, this is an attempt to address real participation.

Ideas to share with participants:

### Fundamentally important

- Students should be present and meaningfully participate to the maximum extent possible in a meeting regarding the service they receive.

### Capacity for participation varies

- Cognitive and verbal abilities ---Mental and physical health issues---Cultural, linguistic and educational background---Inhibition and reticence in communication and expression
  - Acute conditions and temporary incapacity
  - Triggers (emotional power of past experience)
  - External events (family crisis, not taking medication)
  - Physical needs (bathroom break, nicotine level)

### Advantages of Participation:

- Provides vital opportunity for student to be understood
- Takes student preferences directly into account
- Enhances student ability to articulate needs to service providers
- Fosters student empowerment
- Elevates civility of process \*Encourages positive, strength-based discussions
- Creates new relationships and linkages \*Ensures presence of a key participant in design and implementation of effective agreement

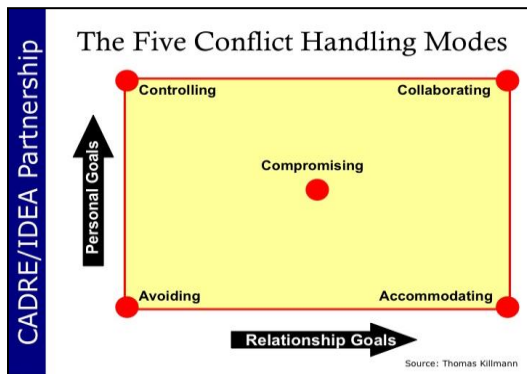
### Challenges with Participation:



- Competency to participate---Disagreement between parents and student--- Coercion and forced agreements ---Need for united front among adults
- Restraint in topics of discussion
- Potential for student to accept unreasonable levels of responsibility

Conflict Resolution Styles:

10 minutes/25 minutes



10 minutes

**Presenter Tip:** The goal of this slide and the next one is an understanding that one should be able to choose the conflict management style that best fits the situation.

Ideas to share with participants:

We each have our own conflict resolution style that shapes how we interact with people. It is valuable for each of us to understand where our “natural” conflict-handling mode lies, and to be aware of how others’ styles shape their behavior. You may have different styles for personal vs. professional situations, family relationships vs. professional relationships. No right or wrong one, need to be able to have a hand full of cards so you can select out what fits for that situation.

**Avoiding:** low concern for personal and relationship goals, high ratings for avoiding conflict probably because we feel we don’t have tools to deal with them.

**Accommodating:** sacrifice personal goals to accommodate relationship goals. When do we typically engage in accommodating behavior? With significant others. It’s the relationship we care about.

**Controlling:** Very high concern for personal goals, low for relationship goals. This is a “power” approach to addressing disputes. You see this in the for profit world where everything is driven by the bottom line. Also in the parent-child relationship – it doesn’t work very well with adolescents!

**Compromising:** If you would just give up something, we could get it resolved. Be careful about using this word. This is a less optimal approach to addressing disputes. If you go into a conflict ready to compromise, you are going to compromise.

**Collaborating:** High concern for both personal and relationship goals. Takes a lot of time, commitment, facilitation and negotiation skills, a set of skills most of us never learn

until late in life. When an agreement is worked out here, it usually lasts a long time, is durable, etc. This is our goal.

15 minutes

**Presenter Note:** You may choose to use Handout # 1, *Measuring Your Conflict Style*, at this point. This will add approximately 15 minutes to this section.


Dispute Resolution Options:

3 minutes

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Ask yourself:

“Is this approach (style) the best one to use right now in order to reach a successful outcome to the problem at hand?”

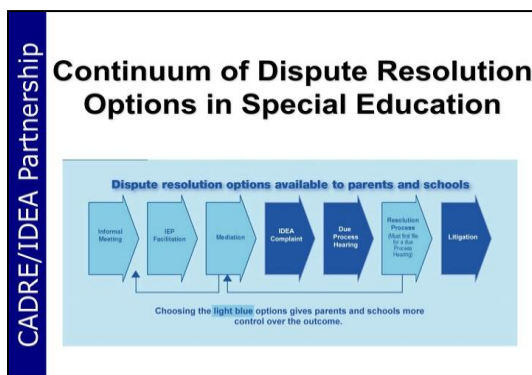


1 minute

**Presenter Tip:** This is a very important concept—that we can become capable of choosing our response style.

Ideas to share with participants:

There is a time and a place for each of these conflict-handling modes. The important things are to understand where your natural comfort level lies, and to learn how to use other modes when they are more appropriate.



2 minutes

**Presenter Tip:** For the purpose of this overview, it is sufficient to indicate that the further to the right we move, the less control we have over the outcome.

Ideas to share with participants:

- The continuum is a way of organizing the evolving landscape of dispute resolution activity.

- Special education disputes do not necessarily flow through the stages in linear fashion (i.e., a parent may invoke a procedural (DPH, complaint, etc) safeguard only to be referred to an earlier process (as, mediation, FIEP)
- Our focus is on trying to help parents and professionals in the special education process work as far to the left as possible on the continuum – to create agreement and prevent disputes, reduce the escalation of conflict, and keep decisions in the hands of the parents and educators who most care about what happens to the child.
- Dispute resolution mechanisms are important and there will always be a place for them, but by focusing on the left side of the chart, we can increase the likelihood that we can create agreement and work together on behalf of children with disabilities.

**Presenter Note:** The OSEP Questions and Answers on Procedural Safeguards and Due Process Procedures for Parents and Children with Disabilities released June 2009 is suggested as background reading on this topic.

[ED\\_08-0101\\_Procedural\\_Safeguards\\_FINAL\\_June\\_2009\[1\].doc](#)

Outcomes, Resources, and Discussion:

3 minutes

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### Potential outcomes

- ▣ Participant response that this overview is high quality, relevant & useful
- ▣ "Ah-ha" moments- a desire to learn more
- ▣ Enhanced communication and partnerships between parents and school
- ▣ Resources directed at the needs and interests of the child
- ▣ Broad applicability
- ▣ Desire for Training

1 minute

**Presenter Tip:** This slide is self-explanatory.

Ideas to share with participants:

These items are given as examples of possible reactions to this material. It may lead to a discussion regarding further exploration and training.

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### Resources



**CADRE**  
Center on Dispute Resolution in Special Education

CADRE, the National Center on Dispute Resolution in Special Education  
[www.directionservice.org/cadre](http://www.directionservice.org/cadre)



**idea**  
PARTNERSHIP

The IDEA Partnership  
[www.idealpartnership.org](http://www.idealpartnership.org)

1 minute

**Presenter Tip:** This slide is used to direct persons to the location of the Creating Agreement Collection and to additional resources available on the CADRE website.

Ideas to share with participants:

This presentation is designed to be an overview of an in depth training. Additional materials are available on the websites listed.

Presenters who wish to use this PowerPoint are strongly encouraged to attend a training on “Creating Agreement” before presenting to others. There are persons who can come to your district, state or parent center and conduct this “Creating Agreement” training in formats of one hour, three hours or six hours.

**Resource:** Visit the CADRE website to access a searchable database of dispute resolution activity including 60 individual practices.

Additional information and resources can be found on the CADRE website:

<http://www.directionservice.org/cadre/index.cfm>

2 minutes

Discussion: Check for comment and/or questions.

## **Best Practices in Creating Agreement** *Supplementary Materials*

Handout # 1: *Measuring Your Conflict Style*

Handout # 2: *Key Terms and Acronyms*

### **Measuring Your Conflict Style**

Think of an example of a conflict, disagreement, argument, or disappointment with someone – focus on ONE PERSON. Then, according to the following scale, fill in your scores PARTICULAR TO THAT PERSON.

- 1 = never      2 = seldom      3 = sometimes      4 = often      5 = always**
1. \_\_\_ I avoid being “put on the spot”; I keep conflicts to myself.
  2. \_\_\_ I use my influence to get my ideas accepted.
  3. \_\_\_ I usually try to “split the difference” in order to resolve an issue.

4. \_\_\_ I generally try to satisfy the other's needs.
5. \_\_\_ I try to investigate an issue to find a solution acceptable to us.
6. \_\_\_ I usually avoid open discussion of my differences with the other.
7. \_\_\_ I use my authority to make a decision in my favor
8. \_\_\_ I try to find a middle course to resolve an impasse.
9. \_\_\_ I usually accommodate the other's wishes.
10. \_\_\_ I try to integrate my ideas with the other's to come up with a decision jointly.
11. \_\_\_ I try to stay away from disagreement with the other.
12. \_\_\_ I use my expertise to make a decision that favors me.
13. \_\_\_ I propose a middle ground for breaking deadlocks.
14. \_\_\_ I give in to the other's wishes.
15. \_\_\_ I try to work with the other to find solutions that satisfy both our expectations.
16. \_\_\_ I try to keep my disagreement to my self in order to avoid hard feelings.
17. \_\_\_ I generally pursue my side of an issue.
18. \_\_\_ I negotiate with the other to reach a compromise.
19. \_\_\_ I often go with the other's suggestions.
20. \_\_\_ I exchange accurate information with the other so we can solve a problem together.
21. \_\_\_ I try to avoid unpleasant exchanges with the other.
22. \_\_\_ I sometimes use my power to win.
23. \_\_\_ I use "give and take" so that a compromise can be made.
24. \_\_\_ I try to satisfy the other's expectations.
25. \_\_\_ I try to bring all of our concerns out in the open so that the issues can be resolved.

Scoring: Add up your scores to the following questions

1. ___	2. ___	3. ___	4. ___	5. ___
6. ___	7. ___	8. ___	9. ___	10. ___
11. ___	12. ___	13. ___	14. ___	15. ___
16. ___	17. ___	18. ___	19. ___	20. ___
21. ___	22. ___	23. ___	24. ___	25. ___
<b>Avoidance</b>	<b>Control</b>	<b>Compromise</b>	<b>Accommodations</b>	<b>Collaboration</b>
Total ___	Total ___	Total ___	Total ___	Total ___

Source: Adapted from M. A. Rahim and N. R. Magner (1995), "Confirmatory Factor Analysis of the Styles of Handling Interpersonal Conflict: First-Order Factor Model and its Invariance across Groups." *Journal of Applied Psychology* 80, no. 1, 122-132.

## Creating Agreement

### Key Terms and Acronyms

#### Accommodating

Yield to another point of view to satisfy the concerns of the other(s)

#### Avoiding

Sidestep, postpone, or withdraw from the issue for the present

#### CADRE – Center for Appropriate Dispute Resolution in Special Education

The Center for Appropriate Dispute Resolution in Special Education (CADRE) works to increase the nation's capacity to effectively resolve special education disputes, reducing the use of expensive adversarial processes. CADRE works with state and local education and early intervention systems, parent centers, families and educators to improve programs and results for children with disabilities. CADRE is funded by the Office of Special Education Programs at the US Department of Education to serve as the National Center on Dispute Resolution in Special Education.

#### Collaborating

Finding a solution that fully satisfies needs and concerns of both people by identifying concerns of each person and finding alternatives that meet both sets of needs.

#### Compromising

Quick, mutually acceptable alternatives in which both parties give up something

#### Community of Practice (CoP)

Concept referring to the process of social learning that occurs when people who have a common interest in some subject or problem collaborate over an extended period to share ideas, find solutions, and build innovations

#### Conflict

An expressed struggle between at least 2 interdependent parties who are experiencing strong emotion resulting from perceived differences in needs or values

#### Controlling

Pursue own ends without agreement of others when one's personal goals are paramount

#### Creating Agreement

A proactive, relationship building and problem solving process with broad application to cross stakeholder groups

#### Cultural/Linguistic Diversity

Encompasses the ethnic, religious, and language differences that exist between people (e.g., students, teachers, administrators, and families), including traditions, dress, and other expressions of identity

### Cultural Reciprocity

Two way process of information sharing and understanding between individuals from different cultures (people from different cultural backgrounds including the culture of a school)

### Depositioning

Process of unlocking the positions, process of finding out what the underlying interests are and stepping away from your position in the best interests of the situation

### Dialogue Guides

Tools for building shared understanding and shared implementation efforts through conducting interactive discussions which seek common ground and encourage application

### Dispute Resolution – a process for resolving disputes

### Due Process Hearing

Formal processes required under IDEA in which parties to a disagreement (usually school personnel and parents) present arguments and evidence to a hearing officer who issues a ruling.

### Facilitated IEP

An IEP meeting focused on the development of the IEP while addressing conflicts and disagreements that may arise during the meeting. A facilitator will use communication skills that create an environment in which the IEP team members can listen to each member's point of view and work together to complete the development of high quality IEP.

### Facilitator

A neutral party at a meeting who helps keeps members of a group focused on the development of the IEP while addressing conflicts and disagreements that may arise during the meeting. The facilitator will use communication skills that create an environment in which the IEP team members can listen to each member's point of view and work together to complete the development of high quality IEP.

### English Language Learners (ELL)

Students whose first language is one other than English

### ESEA/NCLB – Elementary and Secondary Education Act/No Child Left Behind

The Elementary and Secondary Education Act (ESEA) [original passage in 1965], renamed the "No Child Left Behind" (NCLB) Act of 2001; federal statute relative to k-12 public education

### Exclusionary Factors



The determination of eligibility for a specific learning disability must not be primarily the result of one of the following factors: [*from federal regulation §300.309(a)(3)*]

- (i) A visual, hearing, or motor disability; Mental retardation;
- (ii) Emotional disturbance;
- (iii) Cultural factors;
- (iv) Environmental or economic disadvantage; or
- (v) Limited English proficiency.

IDEA Complaint – signed written complaint

A special education “complaint” is a written, dated, signed statement alleging that a school district, or other educational agency, has violated federal special education law.

Interest

*Underlying real need/desire that gives position its life (beliefs, values, expectations, fears, priorities, hopes, concerns)*

IDEA - Individuals with Disabilities Education Improvement Act of 2004 also referred to as IDEA '04

Original passage in 1975; latest reauthorization in 2004; federal statute relative to public education and services to students with disabilities ages 3 through 21

IDEA Partnership

IDEA Part D federal grant; collaboration of 55 plus national organizations, technical assistance providers, and State and local organizations and agencies, together with the Office of Special Education Programs (OSEP)

Inclusion (as a service delivery model)

Students with identified disabilities are educated with general education age-/grade-level peers

Interest-based Negotiations

A mutual exploration of interests intended to yield more creative options using objective criteria to resolve the issues.

LEA– Local Education Agency

Refers to a specific school district or a group of school districts in a cooperative or regional configuration

Listening

Following the thoughts and feelings of others to understand what they are saying from their perspective, frame of reference, or point of view. Characteristics of good listening include: eye contact, nodding, responding when asked a question, reflecting back.

### Local Level

Refers to all stakeholders within a school, including students, teachers, administrators, families, and others

### Mediation

A process of facilitated negotiation in which a trained impartial facilitator assists in resolving disputes in an informal setting. The mediator facilitates the discussions, encourages the participants to identify and clarify areas of agreement and disagreement, helps them to generate and evaluate options that will be mutually agreeable and that will incorporate their interests, and assists them in integrating these options into a well-specified and workable solution which is written into an agreement.

NCLB/ESEA – No Child Left Behind/Elementary and Secondary Education Act  
See ESEA/NCLB

### Position

Specific solution proposed to resolve problem

### Power Imbalances

Actual and/or perception that either party has more or less power. In some cases, both parties perceive the other as having more power.

### SEA – State Education Agency

Refers to the department of education at the state level

### Stakeholder

Anyone affected by or invested in the implementation and outcomes of a process or activity. For example, teachers, students, administrators, and families are all stakeholders in education.