

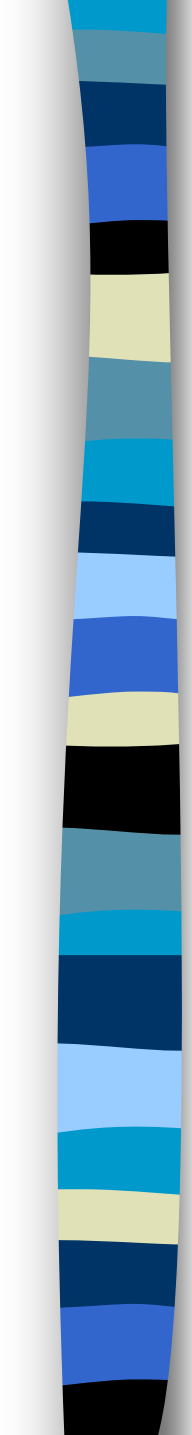


**IOWA'S SPECIAL EDUCATION
MEDIATORS:**

**POTTED PLANTS NEGOTIATING FOR A
PLACE IN THE SUNLIGHT. A
QUALITATIVE EXAMINATION OF
PERSONAL PHILOSOPHY AND
PERCEIVED POWER**

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March 2006



(In) special education mediation the mediator...is oftentimes nothing more than a potted plant in the room. You get things started... and then it is really kind of a settlement negotiation between attorneys without a judge...and then the mediator becomes a secretary, a scribe, to write down what it is that they want in the agreement.

*Iowa Special Education Mediator
(in response to mediation in the state of IA).*



What is mediation?

- Mediation is a problem-solving negotiation process in which an impartial third party works as a facilitator with disputants to assist them in reaching a collaborative agreement (King, P.C., & Willy, 2004).



Mediation vs. Litigation

- Collaborative
(relationship focused)
- Mediators
- Places the power to resolve the conflict in the hands of the disputants
- Time efficient
- Not costly

- Combative
(Winners and Losers)
- Prosecutors
- Places the power to resolve the conflict in the hands of the judge
- Timely
- Expensive



Mediation vs. Litigation

Litigation remains to be the most dominant dispute resolution mechanism.

Mediation However:

- Is valued as efficient and fair.
- Is appealing due to its flexibility.



Process of Mediation

- Initial joint session
- Opening statements
- Caucus
- Negotiating
- Conclusion



Description of the Mediator

An unbiased third party through whom the parties can engage in negotiation
(Mathews, 2004).

- Qualities of mediators:
 - Persistent
 - Optimistic
 - Pathfinder for the future
 - Listener



Description of Counsel

Attorneys can be involved in mediation.

- Role of attorneys:
 - Highly competent about relevant case law
 - Provide legal advice
 - Speak for clients
 - Supportive to the participants who should be the key players within negotiation



Effectiveness of Mediators

Mediator competence is critical to the success of mediation.

- Methods for assuring mediator effectiveness:
 - Quality Assessments
 - Participant Questionnaires
 - Written Exams
 - Settlements Rates
 - Performance Based Assessments

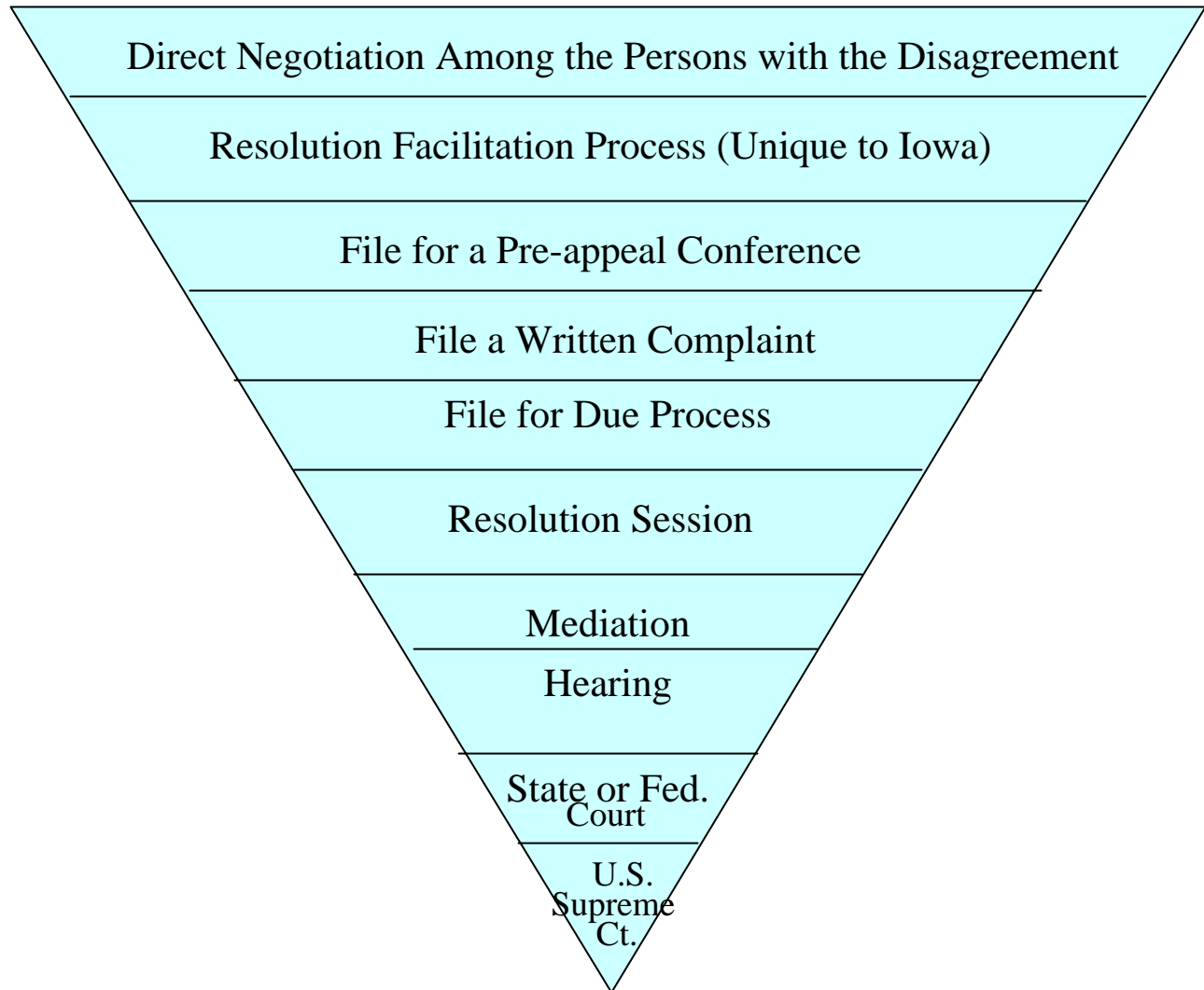


Mediation in Special Education

The Individuals with Disabilities Education Act (IDEA) offers dispute resolution options.

- Formal Complaint
- Due Process Hearing
- Mediation
- Resolution Session

Iowa Special Education Mediation





Problem Statement

- Research examining effectiveness of mediators has focused on superficial and arbitrary indicators of competence, such as agreement rates, or standardized exams.
- Neither the process preferences nor the role of the mediator has been carefully examined.



Research Questions:

- RQ1: Do mediators report and observations reveal that a marriage between the conceptual dichotomies of the problem-solving and the narrative approach supports the facilitation of mediation?
- RQ2: Which of Raven's 6 identified power influences are reported and observed within the parameters of special education related mediation?



Methodology

■ Participants

- Two Iowa Special Education State Mediators
- Collectively have worked in the field of conflict resolution for over 52 years
- In addition to sped mediation, mediators have mediated divorce mediation, civil disputes, and facilitated labor negotiations
- Both mediators serve as trainers for the Iowa Department of Education.



Settings

- University conference room
- Various AEA's-observation was conducted in district mediation was filed.
- Restaurants
- House-participant worked out of his home



Data Collection Procedures

■ Prefieldwork

- Literature Review

■ Fieldwork:

- Interviews
- Observation

■ Postfieldwork:

- Data Analysis
- Documentation

(Carbaugh & Hastings, 1992).



Data Analysis

Tier I: Initial reading and coding

Tier II: Establishment of Categories and Subcategories

Tier III: Emergence of Themes

(Strauss & Corbin, 1990).



Results

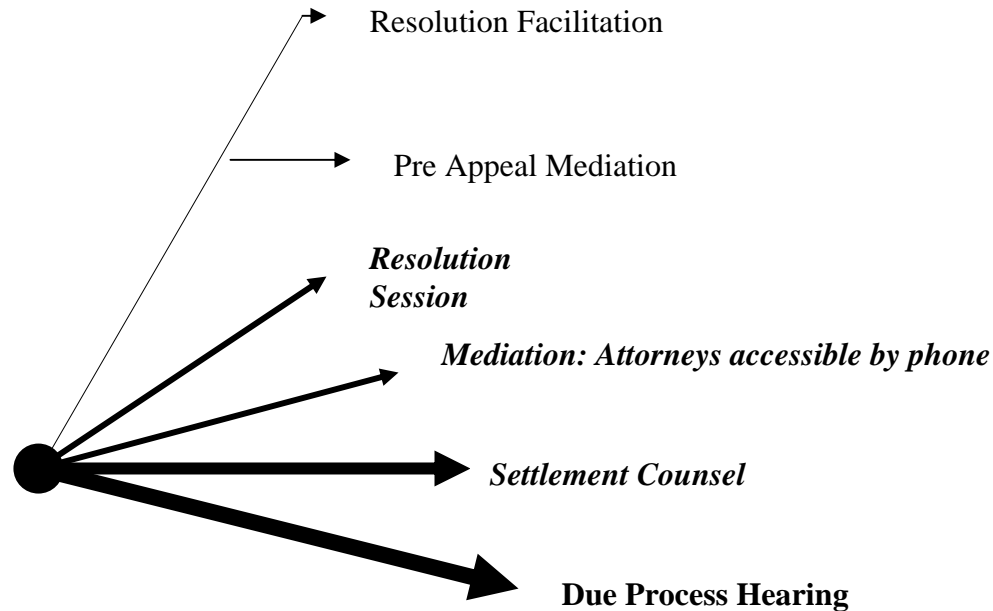
- RQ1: Do mediators report and observations reveal that a marriage between the conceptual dichotomies of the problem-solving and the narrative approach supports the facilitation of mediation?
- Mediator Philosophy
 - Complexities that construct personal belief systems.
 - Goals of mediation
 - Parity between philosophy and practice



Results

- RQ2: Which of Raven's 6 identified power influences are reported and observed within the parameters of special education related mediation?
- Power
 - “Make no assumptions about power.”
 - Legitimate power
 - Expert power

Suggested Addition to Iowa's Dispute Resolution Continuum





Implications

- For mediators:
 - Opportunity to be reflective of practice
 - Validated experiences
 - Reciprocity of expertise



Implications

- For the state of Iowa:
 - Proposed addition to dispute resolution continuum
 - Reciprocity of expertise



Implications

■ For Families

- More options
- Mediation will be authentic and support the rebuilding of trust and damaged relationships



Implications

■ For researchers

- Longitudinal studies
- Why is it not being used more frequently?
- Why is it most frequently used at the most informal level of conflict?
- Can mediation be used at the most escalated level of conflict as well?

Questions?

