

Three Approaches-One Purpose:

Early Dispute Resolution Strategies

Presented by



Gail Nugent



Marc Purchin



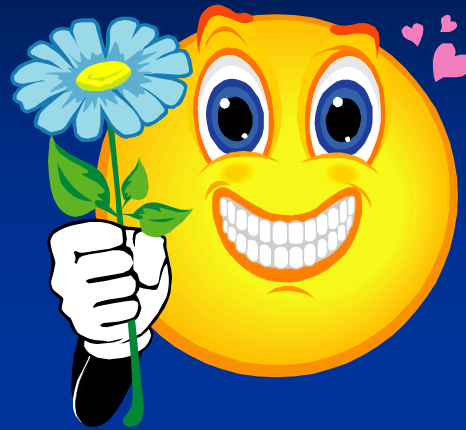
Elaine Talley

Three Approaches One Purpose:

- Goals of Workshop – Share strategies for building ADR capacity
- Introductions of Presenters and Programs
- Skill building tips and demonstrations
- Lessons Learned
- Questions and Comments

California





Elaine Talley

Independent Neutral Facilitator / Mediator

Northern California

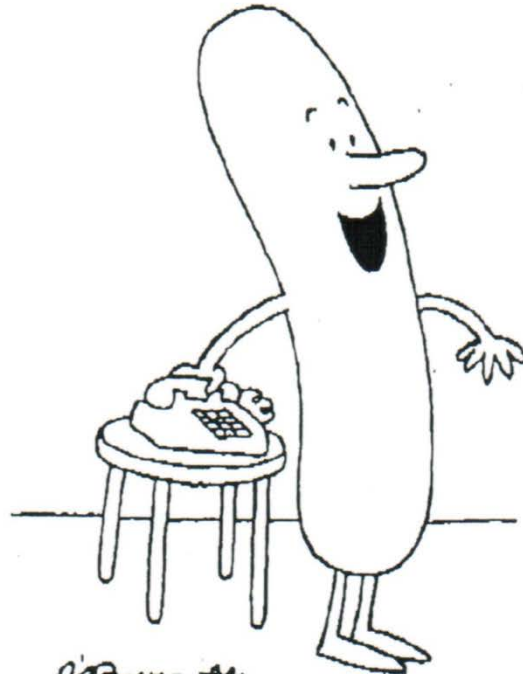
Elaine's Background

- Master of Education and Law Degree
- Special Education Mediator since 1996
- Supervised California's special education mediators
- Developed mediation programs for California Departments of Developmental Services and Rehabilitation
- IEP Facilitation since 2005
- Independent Contractor Neutral

Independent Neutral

- IEP Facilitation
- Mediation and Resolution Sessions
- Independent Hearing Officer
- Staff and Parent Training

Working to Resolve Conflict



C. Powell

"Hey, everybody, we're invited to a cookout!"



Gail Nugent

Norwalk La Mirada School District and Others

Gail's Background

- 25 years Professional Mediator, Trainer and Meeting Facilitator
- 8 Years as a state special education mediator
- Teach mediation for L.A. County Bar Association and other organizations
- Member of Dispute Resolution Section of the American Bar Association's Council



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THE BAR ASSOCIATION PROPOSES A
AMENDMENT TO IDEA REQUIRING THAT
LAWYERS BE PART OF EVERY
CHILD'S IEP TEAM.

ADR in NLM

- Diverse community
- Ingrained negative culture
- Lack of Knowledge and Skill

Building the Program – the 1st Year

- Assessment
- Fund Development
- ADR Trainings
- CAC Renewal/catalyst for Parent Resource Training
- Tracking Disputes

Current Program Components

- Staff development and parent training
- Informal legal consultation for parents and staff
- Coordination of resolution process
 - Informal resolution meetings
 - Formal resolution process
 - Provide case review and “difficult” feedback to parties
- Parent education
- Facilitate IEPs and staff meetings
- Facilitate planning meetings



Marc Purchin

Southwest SELPA and surrounding areas

ADR Coordinator



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MEDIATION BREAKDOWN #31:
LUCKILY, MR. MOODY'S
MISUNDERSTANDING HELPED HIM FEEL
CALM AND CENTERED.

Marc's Background

- Professional Mediator/Trainer
- 8 years as Special Education Mediator
- Teach Conflict Resolution, Negotiation and Mediation at University level

ADR in Southwest SELPA

- 12 school districts, county programs, and 10 charter schools
- No ADR grant
- Began September 2006 as a pilot program funded by Regionalized Service funds and AB602 funds

Building the Program – the 1st Year

- ADR Reorganization Program
- Informational meetings with Superintendents, Directors, CAC, Regional Centers (Harbor and Westside)
- Trainings for District staff and employees
- ADR flyers

Current Program Components

- Trainings – staff development
- CAC parent Training
- Facilitate challenging IEP team meetings
- Facilitate resolution sessions
- Mediate pre-filing meetings
- Conflict resolution coaching

M&MTM Exercise



Managing Challenging People/Behaviors

- Personality Disorders
 - Narcissistic
 - Borderline
 - Antisocial
 - Histrionic
- Characteristics of People with Personality Disorders
- Managing these Relationships

Challenging Behaviors Exercise



REFRAMING

- Definition and Use – attempt to take the “sting” out of a negative communication
- How to – Convert negative or offensive position into statement or question about needs and interests.
- Clues – ask why would *I* say something like that? What fear or concern might I have?
- Try and keep trying – there is never one “right” reframe.

Reframing Exercise

- Reframe the statement presented using neutral language while capturing the essence of the content.
- Acknowledge the emotional content
- Focus on the issue, not the person.

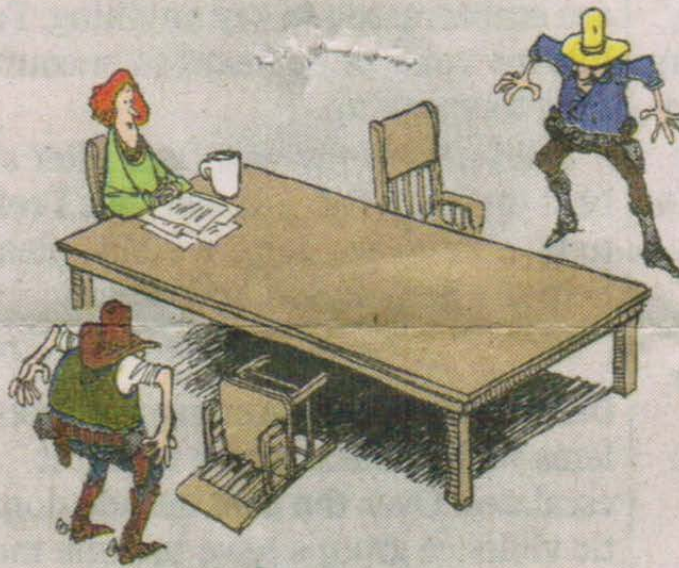
Top Tips for Reducing Conflict in IEPs

- Agenda
- Groundrules
- Visuals
- Shared Responsibility
- Reframe, reframe, reframe
- When you say “no” be clear
- Celebrate agreements, acknowledge disagreements

Celebrate Small Agreements


NON SEQUITUR by Wiley Miller

SO YOU BOTH
AGREE THAT
THIS TOWN ISN'T
BIG ENOUGH FOR
THE TWO OF YOU.
WELL, I THINK
THAT SHOWS
WE'RE MAKING
PROGRESS
HERE...



MEDIATION
at the
O.K. CORRAL

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Top 3 ADR “Aha’s”!

1. ADR has to be a “*culture*” in addition to a *program*.
2. The first and best act of leadership is to help *mobilize people* to tackle *their own* tough problems.
3. ADR *impartiality* must be supported by District administration.

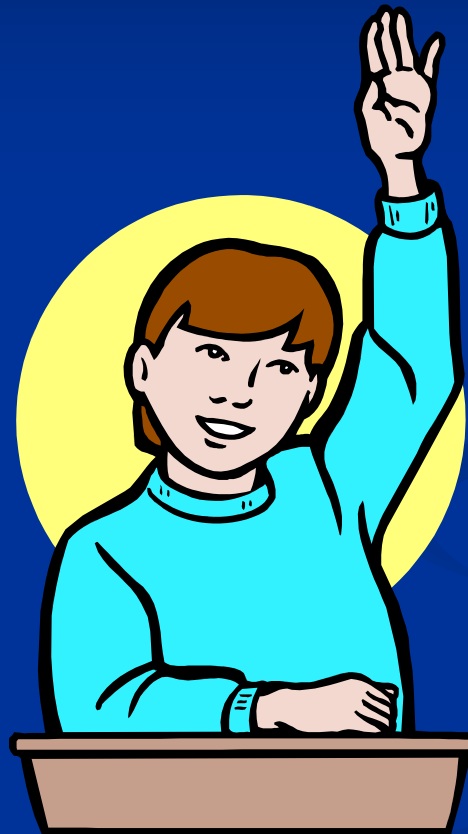
Top 3 ADR “Lessons Learned”

- Never, never, never give up
- Culture needs to shift
- Keep the faith

Top 3 ADR “Learning Points So Far...”

1. Continue to have clear professional boundaries.
2. PROMOTE – PROMOTE – PROMOTE!
Remind Districts and families about ADR-Services. “Out of site – Out of mind.”
3. Remember to take that breath.

Q&A





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MRS. FOSTER FINDS FASHIONABLE,
FUNCTIONAL FOOTWEAR TO ATTEND HER
DAUGHTER'S DUE PROCESS HEARING.



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DUE PROCESS

THE GAME WHERE EVERYBODY GETS A
TURN, NOBODY HAS FUN, AND EVEN IF
YOU WIN, YOU FEEL LIKE YOU'VE LOST!