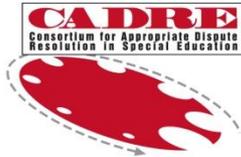


# Building Partnerships, Creating Agreement Collaborative Problem Solving in Early Intervention and Special Education



# Jointly Developed By:



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



The IDEA Partnership  
Project (at NASDSE)



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

# Development Team

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



- **American Association of School Administrators**

- Carol Auer



- **American Occupational Therapy Association (AOTA)**

- Carol Gryde



- **Consortium for Appropriate Dispute Resolution in Education (CADRE)**

- Loni Elliott

- Philip Moses

- Marshall Peter

- John Reiman

- Richard Zeller



- **IDEA Partnership**

- Joanne Cashman

- Terry Jackson



- **Fiesta Educativa**

- Lorena Morales

# Development Team (cont.)

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



- **National Council on Independent Living**

- Maureen Hollowell



- **National Education Association (NEA)**

- Judy Richards



- **New York Long Island Families Together (LIFT)**

- Helene Fallon



- **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

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## **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:**

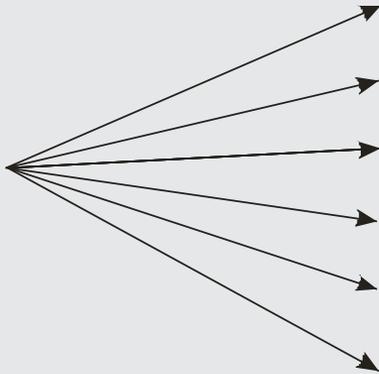
Why is that solution so important to you?





**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...

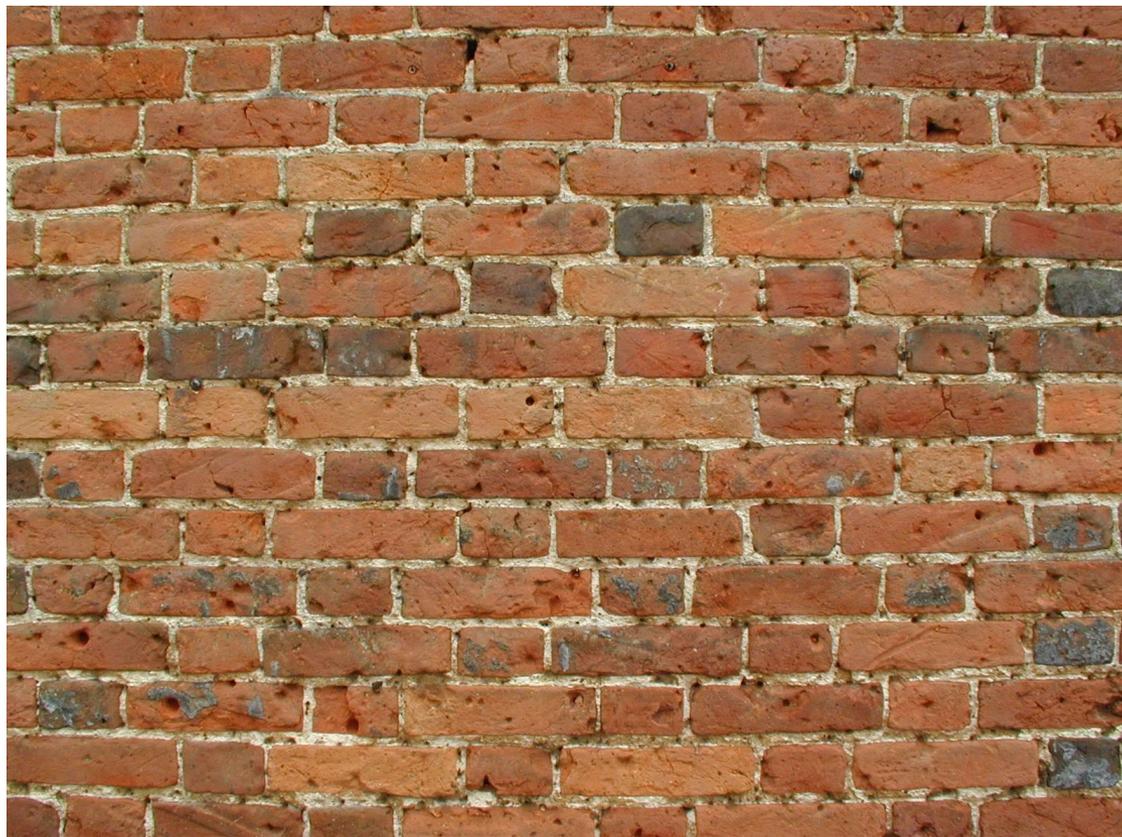


## To See (or Hear) Clearly



- 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





# 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

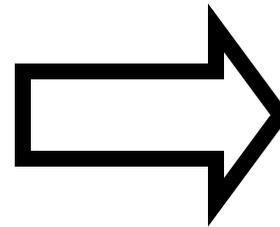
# CONFLICT

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?

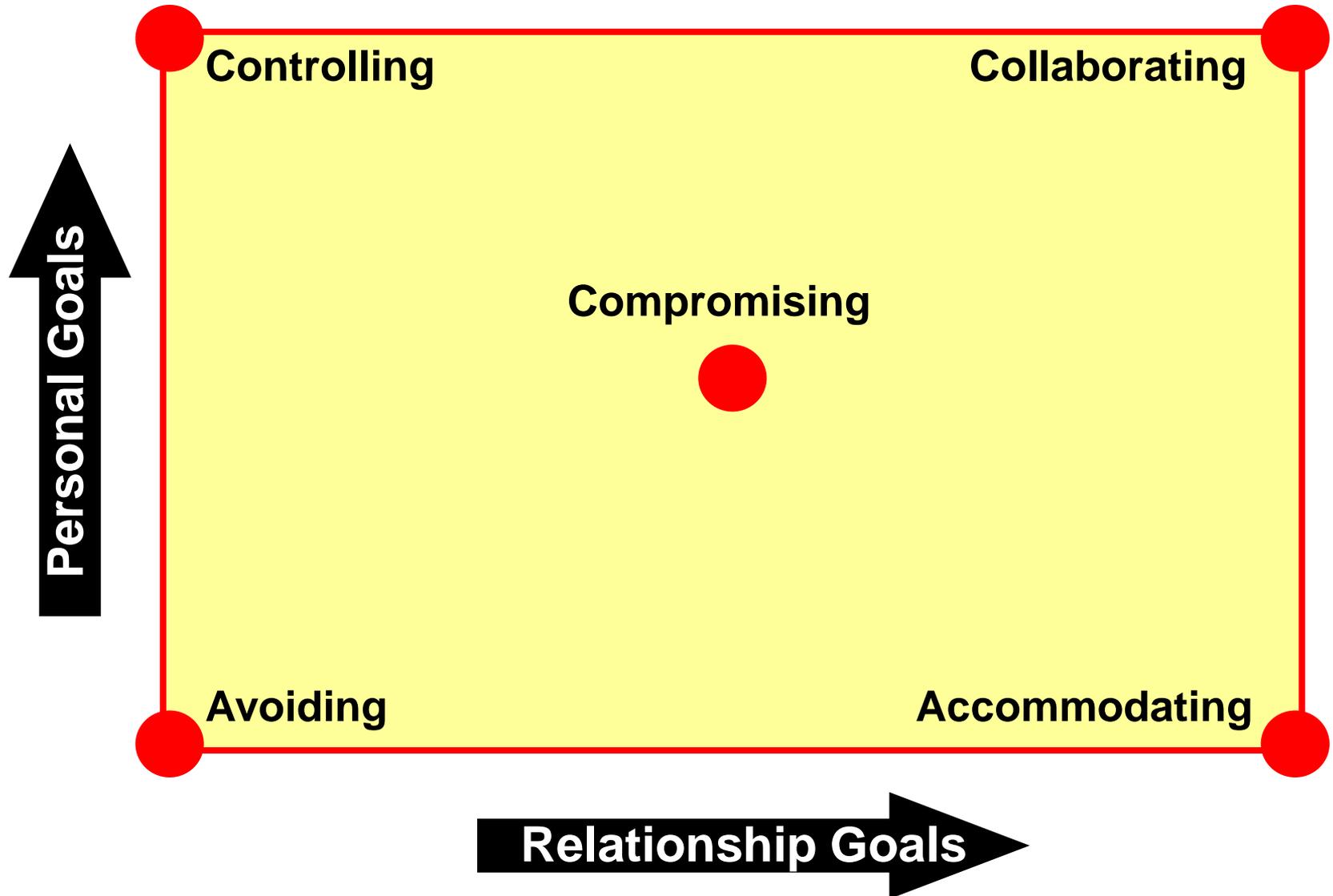
# Conflict

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



Needs  
Values

# The Five Conflict Handling Modes

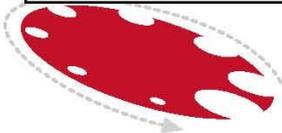


# Costs of Conflict

- 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/<br>Intervention<br>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<br>that help<br>clarify<br>placement of<br>the options<br>along the<br>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](http://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](http://www.sharedwork.org)



CADRE, the National Center on  
Dispute Resolution in  
Special Education

[www.directionservice.org/cadre](http://www.directionservice.org/cadre)



The IDEA Partnership

[www.ideapartnership.org](http://www.ideapartnership.org)



Region 1 Parent TA Center @ SPAN

[www.spannj.org](http://www.spannj.org); [diana.autin@spannj.org](mailto:diana.autin@spannj.org)