

# Team Based Conflict Resolution in Special Education

by Anita Engiles, Marshall Peter, Susan Baxter Quash-Mah and Bonnie Todis, June 1996

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*Special Note: The IDEA '97 regulations are very specific that the mediation states must offer when a due process hearing has been requested is to be conducted by a single mediator. Team conciliation is offered not as a process that satisfies these requirements but rather as one of many options that may be useful, in addition to those that are legally required, when parents and educators disagree. Conciliation may be of particular value when those disagreements include issues of culture, gender or class bias. Additional information on this article is available from CADRE Director, [Marshall Peter](#) and Mediation Specialist, Anita Engiles.*

## **ABSTRACT**

This paper describes a promising method for resolving disagreements between families and school districts regarding students' special education programs. Specifically the paper describes the development of local, community-based mediation teams that use a prescribed process for resolving disagreements.

## **INTRODUCTION**

The Individuals with Disabilities Act (IDEA) is based on the fundamental premise that parents and schools, when working cooperatively together, are uniquely suited to make the best decisions regarding appropriate educational programs for students. The development of an IEP (Individualized Educational Program) is the central process in IDEA's strategy for assuring appropriate educational programs for children with special needs. Building and nurturing the partnerships necessary for good IEPs is at the heart of making IDEA work. When parents and providers of educational services see themselves as partners, they cooperate in the design of the student's IEP.

Because parents and educators may not share identical perceptions of the child or goals for the student and because their roles in the child's life as parent and professional are dissimilar, disputes are inevitable and normal. Parents of children with disabilities and school districts may disagree about the best educational approach for a child who needs special education. There is often disagreement about what information is relevant, the meaning of specific data or the best means to achieve agreed upon goals. Usually the spirit of partnership and cooperation provides a basis for resolving disagreements.

In cases where parents and schools are unable to agree about what is best for a particular student, IDEA provides each party with the right to a due process hearing to resolve their disagreements. There are a number of disadvantages, both philosophical and practical, associated with the use of due process hearings to resolve disputes under IDEA.

Due process hearings require the commitment of significant amounts of financial and human resources. People are reluctant to take such a step before exhausting all other options. The costs associated with due process hearings make them unattractive options for schools and families. As a result, many situations become more serious instead of benefiting from a timely and early response.

Due process hearings are focused on fact finding and are generally unresponsive to the emotional aspects of disagreements between families and schools. Conflicts between parents and teachers are highly emotional; the problem has usually been growing and doing damage for some time before someone requests a hearing. The dispute has become deeper and broader than the original issue. Efforts to improve the situation have failed, and trust is low. What began as miscommunication or a misunderstanding can become a multi-layered conflict with slights, hurts and tremendous emotional charge on both sides. When the hearing process fails to address these issues, the parties are likely to experience increased frustration.

Due process hearings create adversaries. Once a district is notified of a request for a hearing, administrators and other staff begin to see the parent as an adversary. Communication becomes strained and negotiations constrained. Possibilities for agreement become limited as the people become "parties" polarized into "sides." The guarded, defensive, and sometimes aggressive interactions among parents, teachers, and school administrators during the preparation and hearing often damage relationships and create enemies whose ability to work collaboratively following the hearing is severely compromised.

IDEA contains a prevailing party attorney fee provision to reduce the barriers to parents accessing an advocate who knows the law and who can act as spokesperson for the parent before and during the due process hearing. Increasingly it is understood that parents and schools make a serious error if they participate in a hearing without an attorney. Attorneys naturally focus discussions on rights, responsibilities, legal process, and precedent. In many cases, however, the issues of respect, communication and the perception of fairness are the keys to efficient resolution of the conflict. In addition, while attorneys may level the playing field, the need to negotiate attorney's fees may complicate the resolution of the presenting problem.

Hearings may be avoided by settlement. Settlement is often reached at the last minute because of a desire to avoid the hearing and its costs, not because of an insight or new perception of the problem and its appropriate resolution. Coercion or fear rather than cooperation and collaboration may provide the basis for settlement. Relationships remain strained and even though a settlement is reached, the affected parties may have difficulty implementing it. The parties may have learned that threats can yield compliance, but if compliance is accompanied by increased defensiveness, the relationship is likely to continue to deteriorate.

The partnerships envisioned by IDEA do not flourish in an atmosphere characterized by compliance and enforcement. Many who have participated in due process hearings, even if they "won," say the cost was too high.

Given the strong, contrasting perceptions of parents and school officials, it is striking that the majority of both sets of parties felt either neutral or negative about the entire experience. Separate from any justice they may produce, hearings seem to have large personal and transactional costs. Many parents and school officials believed the hearings were emotionally traumatic. One parent who not only won, but also believed she had been accorded the appropriate procedures, bitterly complained of the system:

*It's a waste of money. It shouldn't have to go so far. It was a personal thing. They didn't think I'd do it. It cost me grief and aggravation. It cost them money which they could have used to educate.*

For another parent, the process 'was a traumatic experience. We suffered emotionally and financially.' . . . A school official, who also gave the highest favorable ratings for all aspects of the system, agreed that the experience was not worthwhile, saying:

*My views have changed as a result of going through the hearing. The law isn't bringing about what it's supposed to. It's too costly. It's misleading parents. I have very negative views of the law.* <sup>(1)</sup>

In response to the problems inherent in due process hearings, some states have developed mediation programs. Generally, parents request mediation by contacting their State Department of Education. The parent must agree to participate in an unfamiliar procedure that seems risky and creates feelings of anxiety. For many parents, the decision to take a concern to the state level and involve a distant bureaucracy is made only when frustration, anger, or discouragement has reached an intolerable level.

State level mediation is often used only as a "last ditch effort" before a hearing. Much like a settlement reached "on the courthouse steps," its value lies more in avoiding the financial, emotional and relational costs of the hearing process than in its potential for resolving the underlying conflict.

Of additional concern is the increasing body of anecdotal evidence indicating that parents from "minority" communities request due process and state level mediation disproportionately less than their Euro-American counterparts. It seems reasonable to hypothesize that the disincentives and barriers affecting the use of these options by all parents disproportionately impact "minority" parents.

Due process hearings and mediation through state mediation programs, while useful, prove unsatisfactory in some important ways. They may:

- be difficult to access;
- be expensive;
- harm rather than help the relationship between disputants; and/or
- be unresponsive to diverse populations.

If parents and school districts could access a less damaging, less polarizing and more responsive process, they might be willing to use it sooner, with resultant savings in time, emotions and dollars for all concerned. A community-based team conciliation model may address problems inherent in these dispute resolution methods and provide an important alternative for resolving special education conflicts.

## **AN ALTERNATIVE TO THE CURRENT SYSTEM**

In examining of options currently available to families and schools who disagree, four important considerations drive the development of a new model. An ideal dispute resolution process:

- addresses mutual concerns without doing additional harm to individuals and relationships;
- allows parents and schools to make constructive, ongoing contributions to resolutions that affect them;
- values time and money as precious resources and uses them as sparingly as possible; and

- is responsive to the needs of diverse populations.

This paper describes an alternative to the options parents and educators currently have when they do not agree. This alternative honors and seeks to preserve or restore relationships between parents and educators in order to enhance those partnerships which are so vital to every student's educational program.

## **The Model**

The Direction Service Ombudsperson Project (the Conciliation Project) has been testing an adaptation of a team conciliation model developed by the Community Board Program of San Francisco, Inc. (CBSF). This model was developed in the late 1970's and disseminated to many communities throughout the country, especially on the West Coast during the 1980's. CBSF's work with disputes in San Francisco's diverse neighborhoods successfully demonstrated a model for using trained volunteers to assist people in conflict to work together. The team model has many attributes and application possibilities which recommend it as a useful model for this Project, including the fact that people in many communities have received CBSF training and the basic model is already being used in some community dispute resolution centers.

The model as adapted uses a team of trained volunteers to facilitate a structured process of interest-based negotiation<sup>(2)</sup> between a parent and an educator in order to reach a mutually agreed upon resolution to a dispute about a student's education. The interests (needs and desires), not the "rights," of the participants become the focus for creating an agreement.

"Mediation" has become a popular term for a variety of dispute resolution processes, many of which are quite dissimilar when carefully examined. The values, principles, methods, and goals of these various dispute resolution processes offer insight into their potential benefits and limitations.<sup>(3)</sup> Some processes emphasize settlement over empowerment. In some processes the third party serves an evaluative, and sometimes decision-making, function; in others the third party's role is solely facilitative. In some processes settlement terms are based on the parties' "rights," in others participants craft an agreement based on the more subjective concept of interests or underlying needs.

Many forms of "mediation" do share values and characteristics with the process described here. Nevertheless we have chosen to call this process "conciliation" to distinguish it from other forms of dispute resolution that differ from it in fundamental ways. Use of the word "conciliation" brings attention to the value of improving or mending the relationship as well as reaching an agreement. We found that both parents and educators whom we contacted about "mediation" responded to us on the basis of their experience with or what they had heard about "mediation." In each case, use of the word "mediation" to describe the process detailed here was at least confusing and, in several cases, created resistance even to learning more about it.

The goals and interests reflected in conciliation help to distinguish it from and highlight similarities to other alternatives. These include:

- empowerment

- collaboration
- respect
- acceptance
- future focus
- confidentiality

Conciliation is a voluntary process; no one is required to participate. The primary parties must be willing to meet and discuss their concerns in an effort to negotiate a mutually satisfactory agreement.

Conciliation is collaborative. The process provides an opportunity and structure for the participants to work together to create solutions which meet their respective and mutual interests and needs.

Conciliation is empowering. The parties are the decision makers and can explore issues and design solutions which are responsive to their concerns. The conciliators have no decision making authority and will not impose a solution or judgment on the parties. This process is not an adjudication process and is not designed to determine legal rights. Parties are not limited by rules of evidence or relevance.

Conciliation is not a process for assigning blame or determining fault. Who's right and who's wrong are not appropriate issues for conciliation. Participants in conciliation are asked to step out of a "win/lose" into a "win/win" paradigm. Coercion, threats, giving in, withholding, doing battle, no holds barred, and other strategies for winning at all costs are not legitimate means for reaching resolution. The "win/win" value of conciliation and the structure of the process encourage the parties to move from positions as adversaries or opponents to a focus on communication, cooperative problem solving and the development of a mutually acceptable resolution.

Conciliation is confidential to the extent that the parties agree to maintain confidentiality. Often the ability to limit the "audience" and public scrutiny can help disputants safely explore sensitive issues such as racism, fair treatment, trust, power, and control.

Conciliation focuses on communication and creative problem solving. The conciliator's task is to help the parties define the problem, explore and learn about each other's interests, and work together to develop a solution, plan of action, or agreement for future behavior or interactions. Conciliation goes beyond "nothing but the facts" to an exploration of the concerns which underlie the conflict and the issues that must be addressed to create a lasting resolution. Participants in conciliation are encouraged to use effective communication skills (active listening, paraphrasing, non-judgmental questioning, collaborative negotiation techniques, etc.) and may leave the conciliation with an enhanced ability to solve problems independent of the conciliation process.

Conciliation is future oriented. Sharing information about past events and perceptions may help each participant understand the point of view and reasoning of the other and create some common understanding of the past. It is not necessary to agree about the past; in fact, people

rarely will. The past is used only as a guide and background for developing agreements about future interactions.

Experience in other fields with dispute resolution processes that share these characteristics has shown that parties themselves can create durable, relevant agreements that are more responsive to their needs than a hearing officer or judge. Parties to a conciliation not only solve problems, but also repair damage to relationships and re-establish the trust that is required to produce a satisfactory and long-lasting agreement.

When applied to the area of special education disputes, the general benefits of conciliation become even more apparent. Conciliation offers parents and schools the opportunity to learn from each other and work through their differences so they can agree on a plan and work together toward their mutual goal of providing the student with an appropriate education.

Conciliation offers the opportunity for parents and educators to cooperatively attack a problem or misunderstanding instead of attacking each other. Being able to work together to solve a problem helps mend broken relationships and establish a foundation on which to build in the future. The costs of an adversarial due process hearing can be enormous in dollars, emotional energy, and time. Conciliation offers the opportunity to reduce all of these costs and move toward "getting on" with the job at hand, that of educating and parenting a child with special needs.

Conciliation, however, may not be appropriate for all special education disputes. Circumstances which would make a situation inappropriate for conciliation include:

- one or both parties require(s) a legal interpretation of the IDEA or other applicable law;
- the goal of the parent is a personnel change;
- any of the concerned parties are unwilling to participate in a collaborative, problem-solving process; or
- there is an imbalance in capacity for which the conciliators and the parties cannot compensate sufficiently to protect the integrity of the conciliation process (e.g., diminished mental capacity, mental illness).

## **The People**

Ideal volunteer conciliators have some common characteristics and attributes. They are people interested in contributing to peaceful dispute resolution in their community. They bring understanding of local values and customs. Their life experience aids them in understanding and empathizing with participants in the conciliation process. While they may have special education experience either as a parent or as a teacher/administrator, this expertise is not required. In fact, expertise or experience with special education and associated biases may make it more difficult for team members to remain impartial and refrain from offering solutions to the disputants.

The ideal cadre of trained volunteers is as diverse as possible, including:

- men and women,
- ethnic diversity,

- cultural diversity,
- educational diversity,
- socio-economic class diversity,
- generational diversity, and
- other characteristics which reflect the community.

A highly diverse group of volunteers is a rich resource for the composition of sensitive teams. Parties often appreciate having their age, gender, socio-economic background, and other aspects of personal culture (e.g., single parent, alternative lifestyle, religious affiliation) reflected in the team members. For example, it may be important that some of the conciliators are parents or that the team reflects some of the ethnic or cultural identities of the parties. If the conciliation involves a bi-cultural, bilingual parent, the team can include members who share those characteristics. When team composition contributes to a sense of trust in the process, the first step has been taken in creating an environment where collaborative work can be done. Diverse teams also benefit enormously from the differing perspectives on communication and problem solving found among team members. Conciliation assumes that discussions about and resolutions to disagreements can best be facilitated by individuals possessing a wide array of communication skills, talents and strategies that often are not found in a single individual.

An additional benefit of a multi-person team model is the ability to offset individual strengths and weaknesses and for newly trained volunteers to work with more experienced team members. Both the training of conciliators and the conciliations themselves create opportunities for individuals from diverse segments of the community to come together in a common effort. In those joint efforts, each person teaches and learns from the others. The result is increased understanding of both self and other, a result also cultivated between the parties through the conciliation process. As volunteers do the work, they continue to develop their skills, and the community's capacity for conflict resolution is increased by the presence of individuals with well-developed conciliation skills. In this way the training, the functioning team and, in fact, the entire dispute resolution program can represent different levels at which an alternative approach to conflict resolution is being practiced in a community.

### **TEAM CONCILIATION**

Conciliation, like mediation, is practiced in many forms including use of a single conciliator, co-conciliators, or a conciliation team (the proposed model). Figure 1 contrasts some potential benefits and limitations of single conciliator models with team/co-conciliator models.

**FIGURE 1**

<b>TEAM OR CO-CONCILIATION*</b>	<b>SINGLE CONCILIATOR</b>
<b>Potential Benefits</b>	<b>Potential Benefits</b>
Diversity	Scheduling only one person in addition to the parties simplifies process
Synergy	Conciliator is free to follow alternate

Team models collaboration

strategy at any time

Parties' culture (in broadest sense) can be reflected in team members

Minimum of focus on what the conciliator is doing

Capacity to balance competencies/limitations

Process not dependent on any one individual team members

Presence and collective energy of team members encourages parties to work hard to resolve their problem

No single team member required to orchestrate the entire process

Team provides broad range of opportunities for individual skill building thus enhancing community capacity for conflict resolution

### **Potential Limitations**

### **Potential Limitations**

Team members must expend effort to work together

Capacities/characteristics limited to those of one individual

More than one idea of what to do can create tension

Limited capacity to accommodate misfit between conciliator and a disputant

Logistically more complicated

Single conciliator may have more difficulty overcoming parties' tendency to see conciliator as judge or expert

\* Co-conciliation differs from solo conciliation more than co-conciliation differs from using a team of conciliators. Generally the difference between team and co-conciliation is one of degree; use of 3, 4, or 5 conciliators, rather than 2, multiplies both the benefits and the costs in proportion to the number of people on the team.

In summary, conciliation requires the voluntary and cooperative effort of everyone involved to be successful. The process creates the opportunity for people to be heard, to hear "the other side," to recognize areas of common concern and belief, and to work collaboratively to create agreements about areas where there is disagreement. The process supports disputants to creatively and jointly develop a plan for creating a future situation that is acceptable to everyone involved. Conciliation can be a first step toward healing relationships that have been strained or

even hostile. When parents and schools can bring together their respective knowledge about a child for the benefit of that child, everyone reaps the rewards.

The conciliation process is a structured, three-part process of conflict resolution: Case Development, Team Process, and Follow-up. Each of these stages is necessary to insure a voluntary, mutually understood, effective and durable agreement.

### **Case Development**

When a parent or school person contacts Lane County Direction Service Conciliation Project with questions about the process or to request assistance, the conflict resolution process begins. Case development is the least appreciated and perhaps the most important part of the conflict resolution continuum. Disputes are often resolved during case development, thus eliminating the need for a face-to-face conciliation. This may occur because of the active listening and clarifying done by the case developer. Sometimes exploration of options produces a possibility previously unidentified that the parent or educator wishes to pursue.

The case developer (see Appendix A for job description of the case developer) begins to define a relationship between the Project and the initiating party and models the values--for example, respect, empowerment and collaboration--of the conciliation process. The case developer uses the same communication and problem solving skills that the conciliators use in a face-to-face conciliation process: active listening, paraphrasing and reflecting back, focusing on the future, and not making decisions for participants. Thorough and careful case development ensures that the participants come to the process voluntarily, with a minimum of apprehension and with the seeds of a sense of ownership in the outcome.

Successful case development will assist potential conciliation participants to:

- clarify goals;
- evaluate alternatives to the conciliation process;
- determine what information they need to effectively participate in the conciliation process; and,
- determine whether they have sufficient capacity to effectively participate in the conciliation process.

Part of case development is helping parties become aware of their goals and encouraging them to broaden their thinking about the type of agreement that might meet their needs. Interest-based negotiation works best when there are a number of interests which can be accommodated in different ways, allowing more flexibility in designing a resolution that is satisfactory to all parties. People also need information about how the process works, what they must do to use the process, and how it may benefit them. Helping people think about how they can best use conciliation and assisting people identify information they may need in order to participate effectively are components of case development.

Case developers assist the parties to evaluate their alternatives to conciliation. The parties' real and perceived options affect both their motivation to negotiate and the type of agreement they

will find acceptable. Part of helping people determine appropriateness involves educating the parties about the type of process the Project can offer and the kinds of results that they can expect to get by using this process. For example, if a party wants a legal precedent, s/he must use the legal system. If the party wants an apology, the legal system usually will not produce that result whereas conciliation might (although that will depend entirely on the parties).

In the contact with the initiating party, the case developer explains the premises of the conciliation process, including:

- it is voluntary and collaborative;
- the parties involved maintain control over all decisions and agreements;
- the focus is on the future and creating a solution; and,
- the goal is to reach a mutually satisfactory resolution, not to establish blame or fault.

The case developer helps the parties decide who will participate in the conciliation. The case developer asks the initiating party who the other involved parties are, who should be included to make potential solutions work, and who could block or cause the failure of a solution. The case developer then contacts the other involved parties, shares information about the conciliation process and this particular request for conciliation, gathers information from their perspectives on who is needed to create a solution and who could make a solution fail. Usually it is preferable to have only one educator and one parent--the two people who are most involved in the conflict. The process can then focus on both the conflict and the relationship where the conflict is most strongly expressed.

The case developer gets enough information to bring parties together and to ensure that barriers to useful agreements are addressed and considered. In-depth understanding of problems is not necessary nor is contact with everyone who might be interested or have an opinion. As part of this process, the case developer listens for problems and concerns with past efforts to address the situation that will be included in the team briefing to ensure that the end agreement anticipates likely obstacles to implementation. If both parties agree to the conciliation, each signs an Agreement to Participate in Conciliation and Confidentiality form (Appendix C - Forms).

Once both parties have agreed to participate in conciliation, the case developer may schedule the conciliation and convene a team of conciliators or may ask the team convener to do so. (See Appendix A for Job Description of team convener). The team convener is responsible for:

- determining a date and time convenient for all parties;
- finding a suitable, neutral location and arranging for room setup;
- making other arrangements necessary for the conciliation to occur;
- convening an appropriate team reflecting balance in whatever dimensions are important to the participants (gender, age, culture, training, etc.);
- screening team members to determine any actual conflict of interest or the appearance of a conflict of interest; and,
- briefing the team members about the dynamics and concerns of the parties..

## **Team Process**

Prior to the arrival of the parties, the team meets with the case developer to prepare for the conciliation. During this briefing, the case developer gives the team information about the parties and the conflict, as well as any information about dynamics, history, and past efforts to address the concerns motivating the conciliation. The team members discuss how they will work together and any concerns they have about this particular conciliation.

During the entire process, team members model communication and conflict resolution skills. Team members often discuss how they should proceed, who should lead during each step of the process, and different approaches to helping the parties move through the process. This is done in the presence of the parties, an approach which de-mystifies what the team is doing, reveals the commitment of the team members, demonstrates problem solving and collaboration in action and sets the tone for the parties to begin working together in a similar way.

The basic problem-solving process is preceded by an Opening and followed by a Closing. The intervening steps of the process are:

1. Identifying Issues
2. Understanding Interests
3. Problem-solving and Reaching Agreement

A more detailed description of each part of the process follows, along with an explanation of the goals of each step and a description of the team members and participants interactions during each step.

### **The Opening**

During this Step the conciliators do most of the speaking and set the tone for the conciliation. Team members introduce themselves and indicate that they are volunteering their time out of a commitment to assist the disputants to reach a mutually agreeable resolution. Awareness that the team members are uncompensated often intrigues parties and encourages them to trust the unfolding process. The conciliators explain the way the team will work together and describe the process the parties will be asked to use:

- the steps
- the direction of communication
- the goals during each step

They emphasize the characteristics of the process:

- voluntary
- confidential
- collaborative
- decisions made by the parties, not the team
- focus on the future and a workable solution, rather than on the past to fix blame.

The team asks for each party's agreement to follow ground rules including respectful treatment of each person by every other person and allowing each person to speak uninterrupted.

### **Step 1 - Identifying Issues**

In this Step, the parties are asked to speak only to the conciliators and to offer their perspective on what has brought them to conciliation. Each speaks in turn to the team, and team members ask clarifying questions as well as acknowledge and validate each person's experience. The parties are asked to refrain from talking to each other and to focus on helping the team understand the conflict from each of their perspectives. The goals of Step 1 are:

- for the parties to be able to articulate their concerns;
- for everyone to understand what issues need to be resolved in order for the parties to reach an agreement;
- for the team to begin to establish rapport with each of the parties; and,
- for the parties to begin to understand the interests (often intangible, basic needs for respect, safety, face saving, preserving reputation) which must also be satisfied for the parties to resolve the issues (often substantive claims about placement, treatment, or services).

### **Step 2 - Understanding Interests**

When the team members feel they understand the conflict from each party's point of view, the team assists the parties to talk directly to each other. Parties are asked to continue to treat each other respectfully as they share their feelings and the emotional content associated with the disagreement. A communication technique such as paraphrasing may be used.

One of the interests or issues identified in Step 1 is selected, and one of the parties is asked to speak to the other about the issue or interest. The team members ask each party to refrain from responding to what the other is saying and to listen carefully.

The goal of Step 2 is for each person to be heard and understood by the other. The team members tell the parties that the goal is to understand how the other person sees the situation; not to agree with, only to understand, the other person's perspective. The team helps each person accurately to reflect what the other has said and to verify that the summary has included all the essential substance and emotion of the communication. If not, they repeat the procedure. Once the listener has accurately reflected what the other has communicated, the listener may respond to what the speaker said, thus becoming the speaker; the new listener is asked to listen, repeat, verify accuracy and only then respond. This procedure slows down the communication and changes what has usually been two monologues with no listeners into a true dialogue. *It is essential before concluding Step 2 that each party believe that his or her perspective is completely understood by the other party.*

During both Steps 1 and 2 there is often new information which one or both parties had not known before. The team will highlight any such information; it can often be a stepping stone to an insight. The illumination of new information may be used to "save face" and may be followed

by an acknowledgment by one or both parties that they might have behaved, thought or felt differently if they had known that information. An indication that each party is prepared to accept some share of responsibility for the current situation is usually a sign that each is prepared to contribute to a resolution and the team will ask the parties to move into Step 3.

### **Step 3 - Problem Solving and Reaching Agreement**

This Step ideally finds the parties approaching the situation as a joint problem that needs to be solved jointly. The team guides them into an option generation process, often "brainstorming" where evaluation is off-limits and creativity is encouraged. The goal is to expand the options as much as possible before beginning an elimination process, to ensure that a potential solution is not overlooked. Then, referring to the interests that were uncovered in Steps 1 and 2, each option can be evaluated to determine whether it will address the essential concerns of each party. Options that fall short of this test are unlikely to produce a mutually acceptable and durable resolution.

At this point in the process the parties may return to anger, frustration and blaming after seeming to reach a calmer, more hopeful state in Step 1 and 2. During the process of talking about options, participants can slip back into "zero sum" thinking (what you gain must come from my share of the pie and vice versa) which often leads naturally to a sense of being threatened and needing to defend or attack. The team will remind the participants of the progress made so far in gaining understanding and working together and encourage continued effort toward a resolution that will meet each person's most important concerns.

During Step 3 a participant may allude to or include a new issue in the list of problems which need to be resolved. The team will address this new issue by cycling back to Step 1 to gain information and Step 2 to facilitate understanding of this new issue before looking for options which address the interests underlying it.

When potential solutions emerge from the options, the team helps parties carefully consider the options from each one's perspective. How will this option meet the other party's interests? If it will not, what other option must be included in order for the other party to find the solution acceptable? At this point in the process, team members also review any potential obstacles identified during case development to be sure that they are considered in the agreement. The team members:

- assist the parties to be specific about the exact details of their commitments;
- act as agents of reality, testing each option against what is realistic for each party to do;
- act as devil's advocates, giving voice to concerns which may threaten the durability of the agreement; and,
- help the parties decide what to do if one or the other does not comply with the agreement or if unanticipated problems occur.

When a final agreement has been reached, one of the team members writes an agreement in precise terms. The agreement includes the parties' names and specifies who will do what, by when and how. A time is often set for a follow-up. Each party signs the agreement and usually at least one of the team members signs as a witness. Each party is given a copy of the complete signed agreement.

The team then closes the conciliation session with appreciation to the parties for their willingness to try conciliation, for their hard work during conciliation, and, if they reached a resolution, for their commitment to following the agreement they have reached together.

### **Follow-up**

The third part of this conciliation model is the follow-up. The case developer checks with each party to see if the agreement is being followed or if there is a need for a "tune-up" to address unanticipated problems or second thoughts by one or both parties. This is also an opportunity to ask each participant to assess his or her satisfaction with the process and the outcome of the conciliation and whether the solution, if honored, has resolved the dispute.

### **Accommodating Cultural Differences**

Cultural, ethnic, and other individual differences significantly influence the choice, the use, the appropriateness, and the effectiveness of any dispute resolution process. Asking participants about their concerns, how they deal with conflict, how they react to direct confrontation, how they feel about the public nature of conciliation, what their attitudes are towards others helping them to reach a resolution (as well as many other questions) can help determine appropriate accommodations for differences..

The Golden Rule, "Do unto others as you would have them do unto you," can create misunderstandings and conflict where people do not share common preferences, perceptions and values. "Do unto others as they would have you do unto them" has been called The Platinum Rule and provides important guidance in cross-cultural communication and dispute resolution. Using your own preferences and values as a guide for your behavior may lead to misunderstanding. How others want to be treated is a more trustworthy guide to what they need. Being aware of and sensitive to the fact that we all don't view the world the same, don't react to conflict the same, and don't all have the same attitude towards authority or outsiders can make the difference between being successful and being disrespectful.

Using the expertise of cultural liaisons--people outside the particular conflict but a member of the same community as a disputant--can also be helpful. People willing to provide information about how a community resolves conflicts and what approaches are likely to be best received, can be extremely helpful. It is important that this information be accepted and used in a respectful and honest way. Developing relationships outside of one's own culture usually takes more time, more experience, more trust building than relationships within one's own culture.

In all situations, but especially in cross-cultural or cross-ethnic situations, our interpretation of issues and behavior may be inaccurate. When conciliation involves parties from differing

cultures (socio-economic, racial, ethnic, gender, etc.), conciliators need to ask questions and rely on the parties to provide contextual as well as relational information. Asking questions about the parties' perspectives of conflict, school/parent relationships, parenting styles, discipline styles and techniques, etc. can help everyone better understand the parties' relationship and other issues that are important to mending the relationship and creating a workable agreement. Conciliation lends itself well to disagreements with multi-cultural factors since its goals include being heard and understood, and supporting the participants to create solutions responsive to their particular interests.

The Conciliation Project has developed relationships in the Hispanic/Latino and Native American communities. Our experience with the differences between these two cultures and mainstream culture have yielded some useful insights. The following are some examples of cultural differences commonly held within these communities which are different from those held by "mainstream" culture. These are offered recognizing that all individuals within a group do not adhere to the same values and that these examples cannot be used as hard and fast rules, but are simply illustrations of the differences which may be present.

- In both the Hispanic/Latino and Native American communities, who you are as a person, what you have contributed to the community, and what your personal values are far outweigh academic or other credentials.
- Time is often viewed differently. Moving quickly, "getting the job done," is not as highly valued as the relationships between people. We have seen examples of this in both the Hispanic/Latino and Native American communities.
- Families are seen in a broader sense than the "mainstream" nuclear family. Family extends to aunts, uncles, grandparents, and long-term, close friends. This different understanding of family impacts the way children are reared, disciplined, and instructed

Other issues and differences affect the treatment of African-Americans, Asian-Americans, and other groups that have been the targets of discrimination. As we have developed team conciliation, we have emphasized cultural relevance and sensitivity. The principal mechanism of assurance has been the active recruitment and involvement of people from different communities in training, case development, and conciliation team composition.

## **LOCAL IMPLEMENTATION OF TEAM CONCILIATION**

### **Conciliations**

In order to test the proposed model, a goal was set to complete six conciliations in the spring of 1995. The developmental phase of the Project had involved the Special Education Directors for the three largest school districts in the county. Each had expressed enthusiasm about the potential of the process and assured us that there were conflicts which they were prepared to refer to the Project. With the commitment of these Special Education Directors, we anticipated no difficulty in identifying appropriate disagreements for referral.

Volunteers from the community who were previously trained to use the CBSF model in neighborhood disputes agreed to compose the teams for the initial conciliations. These volunteers were given a brief orientation on issues specific to special education disputes, including:

- terms and acronyms used in special education,
- stresses associated with parenting and teaching children with special needs,
- information regarding disabling conditions, and
- general information regarding special education law.

By using experienced team members for the initial conciliations, we hoped to be able to determine quickly the viability of the concept and the model. In addition, the Project intended to monitor these initial conciliations to gain a clearer understanding of the training needs of the volunteers who would be recruited for the ongoing teams.

Five parents contacted the Project and were interviewed by case developers during the 1994-95 school year, and thirteen during the 1995-96 school year. In five of these cases, the parent chose to pursue actions other than conciliation after discussing the situation with the case developer. Twelve parents asked that the case developer contact an educator to discuss the situation.

All educators contacted by the case developer were aware of concerns about the students although most felt conciliation was not appropriate in this case or at least "not yet." Only one educator refused to consider conciliation as an option. The concern of the parent in that case was how the student and parents were treated by the school. The parents had previously requested a due process hearing, and the school took the position that they now were providing what was required by the hearing officer's decision and that was legally sufficient. Unfortunately, according to both "sides," the student was the loser: educational services had been interrupted as the relationship between the family and the school continued to deteriorate following the hearing.

Case development seems to have facilitated constructive communication in all of the other instances where the parent asked the Project to contact an educator. In several cases, the problem was solved following case development. In one case it is clear that the solution was a direct result of case development. In the other cases, it is likely that case development was at least a factor in the resolution.

The role of case development in the resolution of conflict is well known in other contexts. Neighborhood mediators commonly experience settlement of the majority of their cases during the case development stage. Another statistic from neighborhood mediation is that only 20-30% of the inquiries for services result in face-to-face meetings between the parties. It is not surprising then that only three of the parents who contacted the Project have participated in a team conciliation up to this point.

Another case had a conciliation scheduled and re-scheduled three times due to illness, flood and snow. The parent and the special education director were able to work together during the delay and reach an agreement that addressed the parent's concern.

Written and verbal feedback from the parents and educators involved in the three conciliations which occurred indicate a high level of satisfaction with the process and a sense of successful resolution in two of the three cases. In the third, although the parties gave high ratings to the process, the outcome was not completely satisfactory. The parties were unable to design a collaborative future relationship since the student would not be returning to the same school the next year, and the parent and educator anticipated no further contact.

The participants in the other two conciliations reached agreements about how to proceed with the students' educational programs. Even more important, they left the conciliation as partners with a relationship that might support future problem solving.

In one of the cases the parent and the educator had attended the same church but no longer did. The parent suspected that the way the student was being treated at school was a reflection of a moral judgment by the educator. With the support of the team, the parent and educator were able to discuss this fear. The parent accepted the reassurance of the educator that, although she was concerned about the moral development of the student, her interventions with the student was based on behaviors which the parent also agreed were problems.

In the other conciliation, the parent worked with severely emotionally disturbed students (SED) and did not want his child identified as SED. The parent feared the label would negatively impact the student's self-esteem and perhaps have adverse consequences for medical insurance and treatment. The educator and the parent were able to agree that the student could be identified as Other Health Impaired (OHI) and receive the services the parent and school agreed were appropriate, in this case a school district subsidized alternative educational placement. The work of the case developer laid a foundation. The conciliation team facilitated the communication and problem solving of the participants so that the parent and educator began to jointly contribute what each could uniquely bring to their partnership. All agreed this was a win-win outcome.

The opportunities to bring forth these win-win outcomes have been limited so far. Although this has been disappointing, it has not been surprising. In addition to the factors mentioned above that diminished the desire to proceed from contact to case development to conciliation, there is a natural human reluctance to acknowledge and approach conflict. Withdrawal and denial are common responses.

In our outreach efforts we distributed over 1,500 brochures and made personal or written contact with over 200 school psychologists and social workers, principals, and PTA leaders. Personal follow-up contacts with special education directors indicate that they are aware of team conciliation and support its use. The one local special education director who participated in a conciliation has given the Project high marks in her comments to other educators. Yet without exception, each referral we have received to this point was made by staff from other programs at Direction Service.

Through follow-up conversations with educators, we have identified a number of factors that have contributed to the disappointingly low number of requests for conciliation services.

Confidentiality restrictions prevented school districts from contacting the Project directly about parents who were unhappy with their children's educational programs. Without getting the parents' permission to contact us about their concerns, educators were limited to providing our brochures and suggesting that the parents contact us.

Educators reported that they were reluctant to suggest the Project in situations that were not already severely polarized, fearing that the suggestion would be perceived by the parents to mean that the school found them so difficult to work with that additional, outside assistance was needed. Administrators also seemed reluctant to refer in situations where they believed they had not exhausted all available resources in attempting to resolve the disagreement.

In response to contacts from Project staff, administrators made these statements: "It's not that bad yet." "We still need to try . . ." "I don't want to communicate that we believe we can't work this out." "What if we try the conciliation and don't reach an agreement. That might push the parent into filing a hearing request."

In spite of these difficulties, the number of contacts we are receiving is on the rise. Of the eighteen contacts we have received, eight were in 1995 (April through December), 10 were in the first five months of 1996 and seven files were opened in May 1996. One conciliation is scheduled and two are in the process of being scheduled at this time. This increase is due in part, no doubt, to both the cumulative results of twelve months of outreach efforts and the impending end of another school year bringing into focus frustrations and disappointments with educational achievements and progress.

### **Recruitment of Conciliators**

Twenty-three volunteers were recruited for a September 1995 training. Special emphasis and attention was devoted to recruiting non-EuroAmerican trainees to ensure that teams could reflect the cultural diversity of a broad range of disputants. The Project was successful in recruiting volunteers representative of the entire community. The mix of volunteers recruited was as follows (totals exceed the number of volunteers because volunteers fell into more than one category):

- 16 women and 7 men
- ages 21 to late 60s
- 11 Caucasians, 2 African Americans, 3 Latinos/Hispanics, 2 Asian Americans, and 5 Native Americans
- 3 people who identified themselves as having disabilities
- 2 educators and 1 retired educator
- 3 parents of children with disabilities
- 7 people who self-identified as advocates

Personal contacts were made by Project staff with individuals who were able to recommend potential trainees. In addition, local community dispute resolution centers, colleges, cultural or ethnic organizations (NAACP, AARP, Latino Coalition, African-American Community

Coalition, Native American programs, Asian outreach centers), churches, PTAs and other organizations within the community were contacted. Notices in newsletters, press releases, and information shared with schools and parent groups may also have produced trainees. Incentives for participating in the training and volunteering time to the Project included:

- free conciliation training;
- the opportunity to help families and children with special needs; and
- helping to save tax dollars that might be spent on due process by resolving situations at the local level.

The Project provided or reimbursed volunteers for child care, transportation, meals, and other expenses incurred in order to participate in the training. The Project has continued to provide the conciliators with support for expenses associated with their volunteer commitment, based on the different needs of individual volunteers.

### **Volunteer Conciliator Training<sup>(4)</sup>**

Each volunteer participated in a 30-hour training in dispute resolution techniques, the CBSF team model and its specific application to special education disputes. The training was scheduled for four days, each 7½ hours long, in September 1995. Training days were two consecutive Wednesdays and Thursdays, anticipating that volunteers would need to be available when most school-based conciliations would take place, during the educators' workday, rather than evenings or weekends. The week between training sessions allowed trainees an opportunity to spend time reading and processing the written materials and practicing skills.

The basic conciliation skills training included presentations, demonstrations, both large and small group discussions and experiential learning through roleplays designed as opportunities to practice skills. These various teaching methods are structured to accommodate a variety of learning styles and to facilitate the integration of concepts and skills.

It is necessary to have a long enough block of time on each training day so that material can be presented, the process can be demonstrated, and trainees can participate in roleplay exercises to facilitate experiential learning. Roleplays take between two and three hours which includes time for practice and time before and after the practice to prepare for and review the experience. In order for trainees to have an opportunity to learn from the perspective of the parties as well as practice the role of conciliator, the training includes four roleplays. Trainees are encouraged and assisted by roleplay coaches assigned to each roleplay group. Coaches participate in the pre-conciliation briefing, guide the conciliation process through the use of interventions, and structure the debriefing so that specific feedback contributes to the learning of all participants.

Following the basic training, volunteers can improve their skills by working with more skilled conciliators on the same team and by participating in ongoing training opportunities. Ongoing training has included role plays along with development and improvement of specific skills identified by trainers and trainees. Even with quality training it may be necessary to assist certain trainees to self-select out of the program, recognizing the "lack of fit" between their styles or values and the principles and values which are essential to the conciliation process.

## EVALUATION

### Evaluation of Conciliations

The small number of conciliations done so far can support only the most tentative conclusions. Evaluation information has been collected throughout the life of the Project. Upon completion of six conciliations this information will be analyzed and a final evaluation summary written that will preliminarily describe costs and benefits associated with the model. The evaluations will provide information to be used both summatively to improve training and conciliation practices and formatively to appraise the impact of the conciliation intervention. Evaluations will also assess durability of the agreements reached through conciliation.

**Pre-intervention information:** Pre-intervention data includes participants' assessments of pre-intervention family/school relationships; other interventions that have been tried and explanations for why they didn't work; estimates of time spent on the issues pre-intervention, and other "costs" of having the issue remain unresolved, i.e., students not getting appropriate services, stress-related illness, and polarization or extension of the issue. Because we are obtaining pre-intervention information through the case development process, we will also be able to track cases that resolve during case development and identify common factors that contribute to early resolution.

**Post-intervention interviews:** We will ask parents, professionals, and team members and ask them to discuss:

- Satisfaction with conciliation process;
- Satisfaction with conciliation outcomes;
- Impact on quality of life of family, student, professionals;
- Impact on other contextual factors identified in pre-intervention interviews;
- Impact on parent/professional relationships;
- Indications that participants will generalize this experience to resolution of other issues; and,
- Assessments of costs (time and money, stress, etc.) of this alternative conciliation process vs. continuing what they were doing or other approaches.

Each case study will include:

- A description of the problem and general pre-intervention context.
- A description of the team and the process.
- Outcomes, including the factors listed above and others raised by participants.

We will use the Direction Service Conciliation Satisfaction Survey (see Appendix B) to assess participants' satisfaction with the conciliation process and its outcomes. This questionnaire uses a Likert rating scale to evaluate participants' satisfaction in the areas of procedure (process of conducting the conciliation), substance (agreements reached or outcomes of the conciliation), and psychological outcomes (personal impact of the conciliation). The questionnaire also includes open-ended questions pertaining to most and least helpful features of the conciliation,

time devoted to the process, satisfaction with procedure and outcome, and details of the process. A form is also included for participants to suggest revisions in the conciliation process.

We will also track resources used, time invested by each of the parties (contrasted with time invested pre-conciliation) and differential effects with different team compositions. In addition to participants' (family, professional, conciliator) assessments of their satisfaction with the outcome of the issues that brought them to conciliation and with the conciliation process, we are also interested in the context surrounding the issues and the process. We will therefore access participants' views of:

- Motivating factors: what factors bring a case to conciliation?
- How conciliation affected the parties' relationships with each other.
- Changes in their well-being or quality of life/work.
- Changes in their ability to resolve conflicts with each other (and others) in the future.
- Whether they generalize their experience with conciliation to other issues.
- How durable the agreements are.

We will use a case study approach to access and report this information. To collect the data for case studies we will compile pre-intervention information through the case development process, conduct on-going informal interviews and focus groups with team members, and conduct on-going informal interviews and focus groups with participants following conciliation intervention.

### **Evaluation of Training**

A thorough, independent evaluation of the training, "Direction Service Conciliation Training Evaluation Summary" (Meyer 1995), has been completed and is available from Direction Service. The evaluation confirms high levels of participant satisfaction with content and quality. Trainees felt competent and confident about participating in conciliation at the conclusion of the training.

## CONCLUSION

Team conciliation shows promise as a useful mechanism for restoring positive working relationships between families and schools. The model's focus on broad and diverse community participation may encourage problem resolution between schools and families who typically do not participate in the available array of conflict resolution options.

While early indications about the usefulness of the model are hopeful, data is very preliminary, and additional research and development are needed. Specific questions that invite further exploration include:

- How best can timely referrals be encouraged?
- What are the best strategies for recruiting and retaining conciliators?
- How best can we accommodate families whose primary language is not English?
- What organization(s) should organize and pay for conciliation?
- What are other areas of interest in general education for which conciliation might be helpful? For example, discipline, school safety, special education backlash, regular education placement resistance, etc.

In light of the increasingly contentious relationships between families and schools, additional research and development on team conciliation and other conflict resolution models are well justified. Specific attention should be devoted to development of a continuum of options that meet the needs of the full community and ensure that problems are resolved as quickly and completely as possible.

1. Goldberg, Steven S. and Kuriloff, Peter J. "Evaluating the Fairness of Special Education Hearings," *Exceptional Children*, May 1991, p. 553.

2. For more information on interest-based negotiation, the reader is referred to *Getting to Yes* by Roger Fisher and William Ury; Houghton Mifflin Company, Boston, 1981.

3. *The Promise of Mediation*, Roberta Baruch Bush and Joseph P. Folger; Jossey Bass Publishers, San Francisco, 1994.

4. The *Team Conciliator's Manual* and the *Conciliator Trainer's Manual* are available from Direction Service and provide additional detail on training content and evaluation.

# **Team Based Conflict Resolution In Special Education – Appendices**

*by Anita Engiles, Marshall Peter, Susan Baxter Quash-Mah and Bonnie Todis, June 1996*

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## **Appendices**

APPENDIX A: [Job Descriptions](#)

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[Agreement to Mediate in Conciliation Session / Agreement to Confidentiality](#)

[Authorization for Release and Exchange of Information](#)

[Informed Consent](#)

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[In-take & Interview Form](#)

[Contact Record](#)

[Conciliation Report](#)

[Case Closing Summary](#)

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*Special Note: The IDEA '97 regulations are very specific that the mediation states must offer when a due process hearing has been requested is to be conducted by a single mediator. Team conciliation is offered not as a process that satisfies these requirements but rather as one of many options that may be useful, in addition to those that are legally required, when parents and educators disagree. Conciliation may be of particular value when those disagreements include issues of culture, gender or class bias. Additional information on this article is available from CADRE Director, [Marshall Peter](#) and Mediation Specialist, Anita Engiles.*

## **APPENDIX A: Job Descriptions**

### **TEAM CONVENER**

#### **Functions:**

- \* Convene conciliation teams
- \* Make all logistical arrangements (time and date, location, accessibility, attendance, equipment)
- \* Act as contact person for team members and disputants
- \* Be present to greet and welcome the parties when they arrive
- \* Contact parties at the time set to see if agreement has been followed
- \* Re-convene team if needed and desired by the parties

#### **Knowledge:**

- \* Understanding of the conciliation process
- \* Familiarity with potential conciliators' skills, styles and other personal characteristics

#### **Skills:**

- \* Ability to select among available conciliators to create a balanced and effective team which can assist parties to work constructively together and also provide opportunities for mutual support and learning among the team members
- \* Ability to manage the details of scheduling the attendance of the parties and team members

#### **Experience:**

- \* Any combination of life and work experience which results in the abilities and knowledge listed above
- \* Conciliation training and experience as a team conciliator would be helpful

## **CASE DEVELOPER**

### **Functions:**

- \* Contact each party
- \* Educate parties about the conciliation process
- describe the team and the process
- explain role of conciliators and parties
- identify limitations as well as benefits of conciliation
- model the skills used in conciliation during interactions with the parties
- \* Ascertain whether problem is appropriate for conciliation
- \* Determine the appropriate parties to participate in conciliation
- \* If problem is appropriate for conciliation, encourage and support each party to use the process before proceeding to due process or litigation
- \* Gain commitment of each party to participate in conciliation
- \* Make referrals to other resources if needed
- \* Provide information about the parties and the problem to the team prior to the conciliation session

### **Knowledge:**

- \* Understanding of the conciliation process
- \* Understanding of the options which parties have for resolving the problem
- \* Understanding of the various ways that people respond to conflict
- \* Awareness of own responses to conflict

### **Skills:**

- \* Active listening skills
- \* Ability to communicate effectively with people who are very angry, hostile, belligerent, distrustful, discouraged
- \* Ability to gain trust of parties
- \* Ability to determine what the problem is
- \* Ability to assist parties to evaluate their goals and their options for achieving them to determine whether conciliation is an appropriate process for them

### **Experience:**

- \* Any combination of life and work experience which results in the abilities and knowledge listed above, especially interviewing and working with people in crisis
- \* Conciliation training and experience as a team conciliator would be helpful

## APPENDIX B: Direction Service Conciliation Project Satisfaction Survey

Case # \_\_\_\_\_

### Direction Service Conciliation Project

### SATISFACTION SURVEY

Your answers to these questions will help us improve services offered by this Project. All information which you give us is confidential. Thank you for taking the time to give us your responses.

**We are interested in knowing how satisfied you are with the way things were done. Mark your responses to the following questions:**

1. How satisfied were you with your involvement in choosing where the meeting was held?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

2. How satisfied were you with your involvement in choosing when the meeting was held?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

3. How satisfied were you with the length of the meeting?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

4. How satisfied were you with the process used to determine who could attend the meeting?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

5. How satisfied were you with the structure of the meeting?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

6. How satisfied were you with the rules about confidentiality?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

7. How satisfied were you with the rules of courtesy and expected and acceptable behaviors?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

8. How satisfied were you with any decisions to postpone issues for later conciliation or other intervention?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

9. How satisfied were you with the number of team members?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

10. How satisfied were you with the team members' ability to manage the process?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

11. How satisfied were you with the team members' ability to deal with the issues?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

12. How satisfied were you overall with the conciliation process?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

Please give any suggestions you have for improving the process.

If you did not reach any agreement, please go to the next page.

**If you did reach an agreement we are interested in knowing how satisfied you are with the agreement. Mark your responses to the following questions:**

13. How clear and understandable is the agreement?

Completely Unclear  
Mostly Unclear  
Mostly Clear  
Completely Clear

14. How fair is the agreement?

Completely Unfair  
Mostly Unfair  
Mostly Fair  
Completely Fair

15. How practical is the agreement?

Completely Impractical  
Mostly Impractical  
Mostly Practical  
Completely Practical

16. How satisfied are you with the timetable for carrying out the agreement?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

17. To what extent were the agreements reached acceptable to you?

Completely Unacceptable  
Mostly Unacceptable  
Mostly Acceptable  
Completely Acceptable

18. How sure are you that you will follow the agreement?

Completely Unsure  
Mostly Unsure  
Mostly Sure  
Completely Sure

19. How sure are you that the other party will follow the agreement?

Completely Unsure  
Mostly Unsure  
Mostly Sure  
Completely Sure

**We are interested in knowing about your experience of the process. Mark your responses to the following questions:**

20. How able were you to say what was important to you?

Completely Unable  
Mostly Unable  
Mostly Able  
Completely Able

21. How well did the team members understand what was important to you?

No Understanding  
Little Understanding  
Moderate Understanding  
Complete Understanding

22. How well did the other party understand what was important to you?

No Understanding  
Little Understanding  
Moderate Understanding  
Complete Understanding

23. How satisfied were you with the team members' ability to help others understand what was important to you?

Completely  
Dissatisfied  
Mostly Dissatisfied Mostly Satisfied  
Completely Satisfied

24. To what extent do you have a better understanding of what was important to the other party?

No Understanding  
Little Understanding  
Moderate Understanding  
Complete Understanding

25. How much do you feel you contributed to the resolution of the conflict?

No Contribution  
Little Contribution  
Moderate Contribution  
Large Contribution

26. How much do you feel the other party contributed to the resolution of the conflict?

No Contribution  
Little Contribution  
Moderate Contribution  
Large Contribution

27. How satisfied were you with the fairness of the team?

Completely  
Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

28. If another conflict occurs I would use this process again.

Disagree Completely  
Mostly Disagree  
Mostly Agree  
Completely Agree

29. I would recommend this process to others.

No  
Probably Not  
Probably  
Yes

30. To what extent have your issues in the dispute been resolved?

Completely Unresolved  
Mostly Unresolved  
Mostly Resolved  
Completely Resolved

31. The conciliation ended the way it did because: (check up to 5 most important factors)

\_\_\_\_\_ of my own persistence  
\_\_\_\_\_ I changed my position  
\_\_\_\_\_ of the skill of the conciliators  
\_\_\_\_\_ the other party changed their position  
\_\_\_\_\_ of the persistence of the conciliators  
\_\_\_\_\_ neither party was willing to change their position

- of good faith efforts by both parties
- I would not change my position
- communication was improved
- the other party would not change their position
- both parties compromised
- other \_\_\_\_\_

32. What are your ideas and/or feelings about conciliation after this special education conciliation?

(check all that apply)

- Better than I thought
- Worse than I thought
- Easier than I thought
- Harder than I thought
- Different than I thought
- Similar to what I thought
- More complicated than I thought
- Simpler than I thought
- Other \_\_\_\_\_

Thank you for your time. Please comment on **anything else** about the process or outcome you would like us to know.



**CONCILIATION PROJECT  
AUTHORIZATION FOR RELEASE AND EXCHANGE OF INFORMATION**

Date \_\_\_\_\_

TO:

\_\_\_\_\_  
\_\_\_\_\_

This is to authorize the release and exchange of pertinent information and records concerning:

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

In order to help resolve conflicts and/or problems relating to delivery of services to my child, I hereby authorize you to share information with Lane County Direction Service. This authorizes the exchange of past, current, and future records and information regarding this client until the expiration date of \_\_\_\_\_. **I realize that I have a legal right to terminate the conditions of this authorization at any time.**

\_\_\_\_\_

\_\_\_\_\_

Signature of Client or Parent/Guardian if minor

Date Signed

\_\_\_\_\_

Name of Client or Parent/Guardian (please print)

\_\_\_\_\_

Signature of Case Developer

Collection of confidential information regarding Direction Service clients is authorized by Public Law 91-230, 44 U.S.C. 3103.

## CONCILIATION PROJECT INFORMED CONSENT

You are invited to take part in a research project about improving the delivery of services to children and young adults with disabilities and helping assure their involvement in appropriate educational programs. The project is striving to resolve individual and systemic problems enabling children with physical, mental, emotional, or learning disabilities and their families to receive the services they need. The purpose of our study is to examine the effectiveness of the Conciliation Project, not to study the families who receive assistance. The research project is part of a study being conducted by Marshall Peter, Anita Engiles, Bonnie Todis, and Susan Baxter Quash-Mah at Direction Service.

You can choose whether you want to be part of the research project. As part of our research, we will ask you to share with us your impressions of the service and how it might be improved. Whether you decide to be a part of the research project or decide, now or in the future, not to participate, you will be provided the assistance and services offered by the project. If you do decide to be part of the project and you start to feel uncomfortable, you can stop at any time.

One reason you may not want to be in the research project is that you might feel uncomfortable talking about personal experiences when you know that information may be shared with other members of the research team. You might be concerned that someone who was not a part of the research team would find out what you said and felt. To make sure this does not happen, we will train everyone in the project not to talk about anything they learn from interviews or file information with anyone outside of the project. Another way we will protect your privacy is by assigning you a number for research purposes, so no one who is not part of the research team will know who said what. You may ask at any time to see the material in your file and to have comments taken out.

It is our strong belief that families will benefit from being involved with the Conciliation Project. However, allowing the project to provide assistance might cause your situation to get worse rather than better. If you have any questions about the project at any time, you can call Marshall at 503-686-5060 (TDD 686-5063).

If you sign below, you are saying that you understand this information, you agree to take part in the research project, you know you can stop at any time, and you have been given a copy of this form.

---

Signature \_\_\_\_\_ Date \_\_\_\_\_

---

Name (please print) \_\_\_\_\_

---

Case Developer signature

**CASE TRACKING FORM**

**Student Name** \_\_\_\_\_ **Case#** \_\_\_\_\_

**DATES**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ First call received from \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Case developer assigned \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Case \_\_\_\_\_ accepted \_\_\_\_\_ not accepted

If not accepted, reason \_\_\_\_\_

Referred elsewhere (specify) \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Parent contacted (name) \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ District contacted (name/title) \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Other contacted (name/title) \_\_\_\_\_

**Agreement to Participate in Conciliation & Confidentiality signed:**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ By Parent(s)/Guardian(s) names \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ By District (name/title) \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ By Other (name/title) \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Agreement to Participate in Conciliation withdrawn by \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Conciliation held \_\_agreement \_\_partial \_\_no agreement

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Conciliation Report completed

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ IEP scheduled to implement results

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Tune-up conciliation held

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire sent to all participants

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire received from Parent(s)/Guardian(s)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire received from District

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire received from Other

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Exit interview with Parent(s)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Exit interview with School/District

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ 2-month follow-up sent to Parent(s)/Guardian(s) & District

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ 2-month follow-up received from Parent(s)/Guardian(s)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ 2-month follow-up received from District

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Data entered

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Case closed

**CONCILIATION IN-TAKE & INTERVIEW FORM**

**Date** \_\_\_\_\_ **Referred by** \_\_\_\_\_

**Case Developer** \_\_\_\_\_ **Case #** \_\_\_\_\_

**IDENTIFYING INFORMATION OF PEOPLE INVOLVED**

Name of Student \_\_\_\_\_

Name of Parent(s)/Guardian(s) \_\_\_\_\_

Address \_\_\_\_\_

Phone: wk \_\_\_\_\_ hm \_\_\_\_\_ best time to call \_\_\_\_\_

Cultural/Ethnic/Racial background \_\_\_\_\_

Name of District & School \_\_\_\_\_

Name & Title of Contact \_\_\_\_\_

Address \_\_\_\_\_

Phone: wk \_\_\_\_\_ hm \_\_\_\_\_

best time to call \_\_\_\_\_

Cultural/Ethnic/Racial background \_\_\_\_\_

Name of Other(s) Involved \_\_\_\_\_

Name & Title of Contact \_\_\_\_\_

Address \_\_\_\_\_

Phone: wk \_\_\_\_\_ hm \_\_\_\_\_

best time to call \_\_\_\_\_

**STUDENT INFORMATION**

Birthdate \_\_\_\_/\_\_\_\_/\_\_\_\_ Grade \_\_\_\_\_ Gender \_\_\_\_ M \_\_\_\_ F

Cultural/Ethnic/Racial background \_\_\_\_\_

Date of last evaluation \_\_\_\_/\_\_\_\_/\_\_\_\_

IEP in place \_\_\_\_\_

Disability \_\_\_\_\_

Spoken language(s) \_\_\_\_\_

Other means of communication \_\_\_\_\_

Interpreter Needed \_\_\_\_\_

Date of rejected IEP \_\_\_\_/\_\_\_\_/\_\_\_\_

Date of conciliation request \_\_\_\_/\_\_\_\_/\_\_\_\_

Hearing request \_\_\_\_\_ Yes \_\_\_\_\_ No

Date of hearing request \_\_\_\_/\_\_\_\_/\_\_\_\_

**Summary from Parent(s).**

History:

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Present situation:

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---

---

What does Parent(s) want?

---

---

---

Who else is involved?

---

---

Does or does not want a conciliation?

---

Best time(s)/day(s) for conciliation.

---

Willing to have one or two observers (who)?

---

Agreement to Mediate and Confidentiality signed?

---

One-word description of other party(ies)?

---

Case Developer comments (e.g., suitability for conciliation, will attend, will reach agreement, etc.)

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**Summary from District/School.**

History:

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Present situation:

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What does Parent(s) want?

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Who else is involved?

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Does or does not want a conciliation?

---

Best time(s)/day(s) for conciliation.

---

---

Willing to have one or two observers (who)?

---

Agreement to Mediate and Confidentiality signed?

---

One-word description of other party(ies)?

---

Case Developer comments (e.g., suitability for conciliation, will attend, will reach agreement, etc.)

---

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---

**ISSUES** (Mark all that are mentioned. Identify who mentioned the issue.)

Identification: S = Student P = Parent A = Administrator T = Teacher O = Other

- \_\_\_\_\_ Eligibility
- \_\_\_\_\_ Identification
- \_\_\_\_\_ Permission to evaluate
- \_\_\_\_\_ Independent education evaluation (IEE)
- \_\_\_\_\_ Type of special education program
- \_\_\_\_\_ Type of related service
- \_\_\_\_\_ Amount of special education program
- \_\_\_\_\_ Amount of related service
- \_\_\_\_\_ Least restrictive environment
- \_\_\_\_\_ Private placement
- \_\_\_\_\_ Transportation
- \_\_\_\_\_ Change of educational level
- \_\_\_\_\_ Extended school year
- \_\_\_\_\_ Vocational education
- \_\_\_\_\_ Cost of program/service
- \_\_\_\_\_ Graduation
- \_\_\_\_\_ Medical
- \_\_\_\_\_ Behavior management
- \_\_\_\_\_ Suspension &/or expulsion
- \_\_\_\_\_ Method of instruction
- \_\_\_\_\_ Availability of personnel

\_\_\_\_\_ Goals & objectives

\_\_\_\_\_ Communication problem

\_\_\_\_\_ Different perceptions of student's needs

\_\_\_\_\_ Personality clash

\_\_\_\_\_ Conflict over other issues

\_\_\_\_\_ Previous conflict over same issues

\_\_\_\_\_ Personnel problems

\_\_\_\_\_ Other (specify)

\_\_\_\_\_

\_\_\_\_\_

—



**CONCILIATION REPORT**

(to be completed by the case developer at the conclusion of the conciliation)

**Student Name**

\_\_\_\_\_ **Case #** \_\_\_\_\_

**Case Developer**

\_\_\_\_\_ **Date** \_\_\_\_\_

Results: \_\_\_\_\_ Agreement \_\_\_\_\_ Partial agreement \_\_\_\_\_ No agreement

Date of IEP to implement results \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Total # of people at conciliation (including conciliators) \_\_\_\_\_

Conciliators:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Facilitator, if present)

Other persons attending:

\_\_\_\_\_ Student

\_\_\_\_\_ Mother

\_\_\_\_\_ Father

\_\_\_\_\_ Stepparent(s)

\_\_\_\_\_ Guardian(s)

\_\_\_\_\_ Advocate(s)

\_\_\_\_\_ Spec ed admin (title) \_\_\_\_\_

\_\_\_\_\_ Reg ed admin (title) \_\_\_\_\_

\_\_\_\_\_ Spec ed teacher

\_\_\_\_\_ Reg ed teacher

\_\_\_\_\_ Other (give title)\_\_\_\_\_

\_\_\_\_\_

**ISSUES** (Mark all that were identified. By whom?)

Identification: S = Student P = Parent A = Administrator T = Teacher O = Other

\_\_\_\_\_ Eligibility

\_\_\_\_\_ Identification

\_\_\_\_\_ Permission to evaluate

\_\_\_\_\_ Independent education evaluation (IEE)

\_\_\_\_\_ Type of special education program

\_\_\_\_\_ Type of related service

\_\_\_\_\_ Amount of special education program

\_\_\_\_\_ Amount of related service

\_\_\_\_\_ Least restrictive environment

\_\_\_\_\_ Private placement

\_\_\_\_\_ Transportation

\_\_\_\_\_ Change of educational level

\_\_\_\_\_ Extended school year

\_\_\_\_\_ Vocational education

\_\_\_\_\_ Cost of program/service

\_\_\_\_\_ Graduation

\_\_\_\_\_ Medical

\_\_\_\_\_ Behavior management

\_\_\_\_\_ Suspension &/or expulsion

- \_\_\_\_\_ Method of instruction
- \_\_\_\_\_ Availability of personnel
- \_\_\_\_\_ Goals & objectives
- \_\_\_\_\_ Communication problem
- \_\_\_\_\_ Different perceptions of student's needs
- \_\_\_\_\_ Personality clash
- \_\_\_\_\_ Conflict over other issues
- \_\_\_\_\_ Previous conflict over same issues
- \_\_\_\_\_ Personnel problems
- \_\_\_\_\_ Other (specify)

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**Debriefing Protocol**

What were the issues as perceived by the parent(s)?

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What were the issues as perceived by the school?

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What were the issues as perceived by other(s)?

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What factors led to the dispute?

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What factors contributed to reaching/not reaching an agreement?

---

---

How likely do you think it is that the agreements will be carried out?

---

---

Is the agreement reached one that will solve the problem? For how long?

---

What did you do that was effective?

---

What would you do differently?

---

**Conciliator perception of factors that led to dispute** (the most significant factors).

\_\_\_\_\_ Different perceptions of student's needs

\_\_\_\_\_ Different opinions about appropriate services

\_\_\_\_\_ Miscommunication

\_\_\_\_\_ Insufficient communication

\_\_\_\_\_ Distrust based on conflict over this issue

\_\_\_\_\_ Distrust based on conflicts over

## CASE CLOSING SUMMARY

**Student Name** \_\_\_\_\_ **Case #** \_\_\_\_\_

**Case Developer** \_\_\_\_\_ **Date Closed** \_\_\_\_\_

### **Time Spent**

With parent(s) \_\_\_\_\_

With district \_\_\_\_\_

With other(s) (specify) \_\_\_\_\_

In logistics \_\_\_\_\_

(scheduling, setting up room, etc.)

In conciliation \_\_\_\_\_ # of sessions \_\_\_\_\_

### **Resolution/Termination**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ People reached resolution on their own.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Staff assisted with resolution \_\_\_\_\_ by phone \_\_\_\_\_ after meeting

Total # of contacts \_\_\_\_\_ by phone \_\_\_\_\_ in person

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Conciliation resolution \_\_\_\_\_ agreement \_\_\_\_\_ partial \_\_\_\_\_ no agreement

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Withdraw hearing request

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Postponed hearing

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Withdraw conciliation request

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Requested hearing

## **EXIT INTERVIEW**

Using responses on the written Participant Satisfaction Questionnaire as a guide for areas to explore, the case developer will interview each participant individually and ask for perceptions on the following.

1. Describe what happened in the conciliation.
2. How did the outcome compare with your expectations?
3. How satisfied are you with the outcome?
4. How likely do you think it is that the agreements reached will be carried out?
5. Is the agreement that was reached one that you think will solve the problem? For how long?
6. Was there anything in the process that made you uncomfortable?
7. Was there anything about the process that you especially liked?
8. How was this process different from other interactions you have had with this particular individual [school personnel/parent]?
9. Did you feel that any cultural differences were adequately addressed in the team composition? In the process? If there was a lack of cultural sensitivity, how did this affect the process? The outcome?
10. Would you participate in this type of process again?
11. One-word description of the other party.

## **APPENDIX A: Job Descriptions**

### **TEAM CONVENER**

#### **Functions:**

- \* Convene conciliation teams
- \* Make all logistical arrangements (time and date, location, accessibility, attendance, equipment)
- \* Act as contact person for team members and disputants
- \* Be present to greet and welcome the parties when they arrive
- \* Contact parties at the time set to see if agreement has been followed
- \* Re-convene team if needed and desired by the parties

#### **Knowledge:**

- \* Understanding of the conciliation process
- \* Familiarity with potential conciliators' skills, styles and other personal characteristics

#### **Skills:**

- \* Ability to select among available conciliators to create a balanced and effective team which can assist parties to work constructively together and also provide opportunities for mutual support and learning among the team members
- \* Ability to manage the details of scheduling the attendance of the parties and team members

#### **Experience:**

- \* Any combination of life and work experience which results in the abilities and knowledge listed above
- \* Conciliation training and experience as a team conciliator would be helpful

### **CASE DEVELOPER**

#### **Functions:**

- \* Contact each party

- \* Educate parties about the conciliation process
- describe the team and the process
- explain role of conciliators and parties
- identify limitations as well as benefits of conciliation
- model the skills used in conciliation during interactions with the parties
- \* Ascertain whether problem is appropriate for conciliation
- \* Determine the appropriate parties to participate in conciliation
- \* If problem is appropriate for conciliation, encourage and support each party to use the process before proceeding to due process or litigation
- \* Gain commitment of each party to participate in conciliation
- \* Make referrals to other resources if needed
- \* Provide information about the parties and the problem to the team prior to the conciliation session

### **Knowledge:**

- \* Understanding of the conciliation process
- \* Understanding of the options which parties have for resolving the problem
- \* Understanding of the various ways that people respond to conflict
- \* Awareness of own responses to conflict

### **Skills:**

- \* Active listening skills
- \* Ability to communicate effectively with people who are very angry, hostile, belligerent, distrustful, discouraged
- \* Ability to gain trust of parties
- \* Ability to determine what the problem is

\* Ability to assist parties to evaluate their goals and their options for achieving them to determine whether conciliation is an appropriate process for them

**Experience:**

\* Any combination of life and work experience which results in the abilities and knowledge listed above, especially interviewing and working with people in crisis

\* Conciliation training and experience as a team conciliator would be helpful

**APPENDIX B: Direction Service Conciliation Project Satisfaction Survey**

Case # \_\_\_\_\_

Direction Service Conciliation Project

SATISFACTION SURVEY

Your answers to these questions will help us improve services offered by this Project. All information which you give us is confidential. Thank you for taking the time to give us your responses.

**We are interested in knowing how satisfied you are with the way things were done. Mark your responses to the following questions:**

1. How satisfied were you with your involvement in choosing where the meeting was held?

- Completely Dissatisfied
- Mostly Dissatisfied
- Mostly Satisfied
- Completely Satisfied

2. How satisfied were you with your involvement in choosing when the meeting was held?

- Completely Dissatisfied
- Mostly Dissatisfied
- Mostly Satisfied
- Completely Satisfied

3. How satisfied were you with the length of the meeting?

- Completely Dissatisfied
- Mostly Dissatisfied
- Mostly Satisfied
- Completely Satisfied

4. How satisfied were you with the process used to determine who could attend the meeting?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

5. How satisfied were you with the structure of the meeting?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

6. How satisfied were you with the rules about confidentiality?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

7. How satisfied were you with the rules of courtesy and expected and acceptable behaviors?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

8. How satisfied were you with any decisions to postpone issues for later conciliation or other intervention?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

9. How satisfied were you with the number of team members?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

10. How satisfied were you with the team members' ability to manage the process?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

11. How satisfied were you with the team members' ability to deal with the issues?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

12. How satisfied were you overall with the conciliation process?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

Please give any suggestions you have for improving the process.

If you did not reach any agreement, please go to the next page.

**If you did reach an agreement we are interested in knowing how satisfied you are with the agreement. Mark your responses to the following questions:**

13. How clear and understandable is the agreement?

Completely Unclear  
Mostly Unclear  
Mostly Clear  
Completely Clear

14. How fair is the agreement?

Completely Unfair  
Mostly Unfair  
Mostly Fair  
Completely Fair

15. How practical is the agreement?

Completely Impractical  
Mostly Impractical  
Mostly Practical  
Completely Practical

16. How satisfied are you with the timetable for carrying out the agreement?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

17. To what extent were the agreements reached acceptable to you?

Completely Unacceptable  
Mostly Unacceptable  
Mostly Acceptable  
Completely Acceptable

18. How sure are you that you will follow the agreement?

Completely Unsure  
Mostly Unsure  
Mostly Sure  
Completely Sure

19. How sure are you that the other party will follow the agreement?

Completely Unsure  
Mostly Unsure  
Mostly Sure  
Completely Sure

**We are interested in knowing about your experience of the process. Mark your responses to the following questions:**

20. How able were you to say what was important to you?

Completely Unable  
Mostly Unable  
Mostly Able  
Completely Able

21. How well did the team members understand what was important to you?

No Understanding  
Little Understanding  
Moderate Understanding  
Complete Understanding

22. How well did the other party understand what was important to you?

No Understanding  
Little Understanding  
Moderate Understanding  
Complete Understanding

23. How satisfied were you with the team members' ability to help others understand what was important to you?

Completely  
Dissatisfied  
Mostly Dissatisfied Mostly Satisfied  
Completely Satisfied

24. To what extent do you have a better understanding of what was important to the other party?

No Understanding  
Little Understanding  
Moderate Understanding  
Complete Understanding

25. How much do you feel you contributed to the resolution of the conflict?

No Contribution  
Little Contribution  
Moderate Contribution  
Large Contribution

26. How much do you feel the other party contributed to the resolution of the conflict?

No Contribution  
Little Contribution  
Moderate Contribution  
Large Contribution

27. How satisfied were you with the fairness of the team?

Completely  
Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

28. If another conflict occurs I would use this process again.

Disagree Completely  
Mostly Disagree  
Mostly Agree  
Completely Agree

29. I would recommend this process to others.

No  
Probably Not  
Probably  
Yes

30. To what extent have your issues in the dispute been resolved?

Completely Unresolved  
Mostly Unresolved  
Mostly Resolved  
Completely Resolved

31. The conciliation ended the way it did because: (check up to 5 most important factors)

- of my own persistence
- I changed my position
- of the skill of the conciliators
- the other party changed their position
- of the persistence of the conciliators
- neither party was willing to change their position
- of good faith efforts by both parties
- I would not change my position
- communication was improved
- the other party would not change their position
- both parties compromised
- other \_\_\_\_\_

32. What are your ideas and/or feelings about conciliation after this special education conciliation?

(check all that apply)

- Better than I thought
- Worse than I thought
- Easier than I thought
- Harder than I thought
- Different than I thought
- Similar to what I thought
- More complicated than I thought
- Simpler than I thought
- Other \_\_\_\_\_

Thank you for your time. Please comment on **anything else** about the process or outcome you would like us to know.

### **APPENDIX C: Forms**

Case # \_\_\_\_\_

#### **AGREEMENT TO MEDIATE IN CONCILIATION SESSION AGREEMENT TO CONFIDENTIALITY**

I agree to attend a conciliation meeting that is scheduled at a time and on a date I agree to. If I have an emergency that will stop me from attending, I agree to contact the person scheduling the conciliation as soon as possible.

I understand that the conciliation process is voluntary and confidential. Voluntary means that anyone can leave the conciliation at any time and not continue the meeting. Confidential means

that any information which I share in the conciliation will not be shared with anyone else without my permission. I agree not to share anything anyone else shares in the conciliation without their permission. I understand that the conciliators will refuse to provide any materials or to testify concerning any of our discussions in any hearing or court proceeding.

I understand that the conciliation process is not the same as having a due process hearing or going to court. I understand that the conciliators will not make decisions for me or for anyone else in the conciliation. I agree to work hard to resolve the concerns that I am bringing to conciliation. I also understand that there are no guarantees; even if I work hard, there will be no agreement unless everyone agrees.

I understand that if I want to stop the conciliation or if I am not satisfied at the end of the conciliation, I can still request a due process hearing or any other legal process I wish.

\_\_\_\_\_

Signature Date

\_\_\_\_\_

Name (please print)

\_\_\_\_\_

Case Developer signature

Case # \_\_\_\_\_

**CONCILIATION PROJECT  
AUTHORIZATION FOR RELEASE AND EXCHANGE OF INFORMATION**

Date \_\_\_\_\_

TO: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This is to authorize the release and exchange of pertinent information and records concerning:

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

\_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

In order to help resolve conflicts and/or problems relating to delivery of services to my child, I hereby authorize you to share information with Lane County Direction Service. This authorizes the exchange of past, current, and future records and information regarding this client until the expiration date of \_\_\_\_\_ . **I realize that I have a legal right to terminate the conditions of this authorization at any time.**

---

Signature of Client or Parent/Guardian if minor Date Signed

---

Name of Client or Parent/Guardian (please print)

---

Signature of Case Developer

Collection of confidential information regarding Direction Service clients is authorized by

Public Law 91-230, 44 U.S.C. 3103.

### **CONCILIATION PROJECT INFORMED CONSENT**

You are invited to take part in a research project about improving the delivery of services to children and young adults with disabilities and helping assure their involvement in appropriate educational programs. The project is striving to resolve individual and systemic problems enabling children with physical, mental, emotional, or learning disabilities and their families to receive the services they need. The purpose of our study is to examine the effectiveness of the Conciliation Project, not to study the families who receive assistance. The research project is part of a study being conducted by Marshall Peter, Anita Engiles, Bonnie Todis, and Susan Baxter Quash-Mah at Direction Service.

You can choose whether you want to be part of the research project. As part of our research, we will ask you to share with us your impressions of the service and how it might be improved. Whether you decide to be a part of the research project or decide, now or in the future, not to participate, you will be provided the assistance and services offered by the project. If you do decide to be part of the project and you start to feel uncomfortable, you can stop at any time.

One reason you may not want to be in the research project is that you might feel uncomfortable talking about personal experiences when you know that information may be shared with other members of the research team. You might be concerned that someone who was not a part of the research team would find out what you said and felt. To make sure this does not happen, we will train everyone in the project not to talk about anything they learn from interviews or file information with anyone outside of the project. Another way we will protect your privacy is by assigning you a number for research purposes, so no one who is not part of the research team

will know who said what. You may ask at any time to see the material in your file and to have comments taken out.

It is our strong belief that families will benefit from being involved with the Conciliation Project. However, allowing the project to provide assistance might cause your situation to get worse rather than better. If you have any questions about the project at any time, you can call Marshall at 503-686-5060 (TDD 686-5063).

If you sign below, you are saying that you understand this information, you agree to take part in the research project, you know you can stop at any time, and you have been given a copy of this form.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Case Developer signature

### CASE TRACKING FORM

Student Name \_\_\_\_\_ Case # \_\_\_\_\_  
\_\_\_\_\_

#### DATES

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ First call received from  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Case developer assigned  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Case \_\_\_\_\_ accepted \_\_\_\_\_ not accepted

If not accepted, reason \_\_\_\_\_

Referred elsewhere (specify) \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Parent contacted (name)  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ District contacted (name/title)  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Other contacted (name/title)  
\_\_\_\_\_

Agreement to Participate in Conciliation & Confidentiality signed:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ By Parent(s)/Guardian(s)  
(names)\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ By District (name/title)  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ By Other (name/title)  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Agreement to Participate in Conciliation withdrawn (by  
whom)\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Conciliation held \_\_\_\_\_ agreement \_\_\_\_\_ partial \_\_\_\_\_ no  
agreement

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Conciliation Report completed

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ IEP scheduled to implement results

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Tune-up conciliation held

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire sent to all participants

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire received from Parent(s)/Guardian(s)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire received from District

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire received from Other

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Exit interview with Parent(s)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Exit interview with School/District

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ 2-month follow-up sent to Parent(s)/Guardian(s) & District

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ 2-month follow-up received from Parent(s)/Guardian(s)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ 2-month follow-up received from District

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Data entered

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Case closed

### CONCILIATION IN-TAKE & INTERVIEW FORM

**Date** \_\_\_\_\_ **Referred by** \_\_\_\_\_

**Case Developer** \_\_\_\_\_

**Case #** \_\_\_\_\_

#### IDENTIFYING INFORMATION OF PEOPLE INVOLVED

Name of Student

\_\_\_\_\_

Name of Parent(s)/Guardian(s)

\_\_\_\_\_

Address

\_\_\_\_\_

Phone: wk \_\_\_\_\_ hm \_\_\_\_\_

best time to call \_\_\_\_\_

Cultural/Ethnic/Racial background

\_\_\_\_\_

Name of District & School

\_\_\_\_\_

Name & Title of Contact

\_\_\_\_\_

Address

\_\_\_\_\_

Phone: wk \_\_\_\_\_ hm \_\_\_\_\_

best time to call \_\_\_\_\_

Cultural/Ethnic/Racial background

\_\_\_\_\_

Name of Other(s) Involved

\_\_\_\_\_

Name & Title of Contact

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Address

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Phone: wk \_\_\_\_\_ hm \_\_\_\_\_  
best time to call \_\_\_\_\_

**STUDENT INFORMATION**

Birthdate \_\_\_\_/\_\_\_\_/\_\_\_\_ Grade \_\_\_\_\_ Gender \_\_\_\_ M \_\_\_\_ F

Cultural/Ethnic/Racial background

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Date of last evaluation \_\_\_\_/\_\_\_\_/\_\_\_\_  
IEP in place \_\_\_\_\_

Disability

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Spoken language(s)

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Other means of communication \_\_\_\_\_

Interpreter Needed

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Date of rejected IEP \_\_\_\_/\_\_\_\_/\_\_\_\_  
Date of conciliation request \_\_\_\_/\_\_\_\_/\_\_\_\_

Hearing request \_\_\_\_\_ Yes \_\_\_\_\_ No  
Date of hearing request \_\_\_\_/\_\_\_\_/\_\_\_\_

**Summary from Parent(s).**

History:

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Present situation:

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What does Parent(s) want?

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Who else is involved?

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Does or does not want a conciliation?

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Best time(s)/day(s) for conciliation.

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Willing to have one or two observers (who)?

---

Agreement to Mediate and Confidentiality signed?

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One-word description of other party(ies)?

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Case Developer comments (e.g., suitability for conciliation, will attend, will reach agreement, etc.)

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**Summary from District/School.**

History:

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Present situation:

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What does Parent(s) want?

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Who else is involved?

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Does or does not want a conciliation?

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Best time(s)/day(s) for conciliation.

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---

Willing to have one or two observers (who)?

---

Agreement to Mediate and Confidentiality signed?

---

One-word description of other party(ies)?

---

Case Developer comments (e.g., suitability for conciliation, will attend, will reach agreement, etc.)

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**ISSUES** (Mark all that are mentioned. Identify who mentioned the issue.)

Identification: S = Student P = Parent A = Administrator T = Teacher O = Other

\_\_\_\_\_ Eligibility

\_\_\_\_\_ Identification

\_\_\_\_\_ Permission to evaluate

\_\_\_\_\_ Independent education evaluation (IEE)

\_\_\_\_\_ Type of special education program

\_\_\_\_\_ Type of related service

\_\_\_\_\_ Amount of special education program

\_\_\_\_\_ Amount of related service

\_\_\_\_\_ Least restrictive environment

- \_\_\_\_\_ Private placement
- \_\_\_\_\_ Transportation
- \_\_\_\_\_ Change of educational level
- \_\_\_\_\_ Extended school year
- \_\_\_\_\_ Vocational education
- \_\_\_\_\_ Cost of program/service
- \_\_\_\_\_ Graduation
- \_\_\_\_\_ Medical
- \_\_\_\_\_ Behavior management
- \_\_\_\_\_ Suspension &/or expulsion
- \_\_\_\_\_ Method of instruction
- \_\_\_\_\_ Availability of personnel
- \_\_\_\_\_ Goals & objectives
- \_\_\_\_\_ Communication problem
- \_\_\_\_\_ Different perceptions of student's needs
- \_\_\_\_\_ Personality clash
- \_\_\_\_\_ Conflict over other issues
- \_\_\_\_\_ Previous conflict over same issues
- \_\_\_\_\_ Personnel problems
- \_\_\_\_\_ Other (specify)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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\* P = Parent; S = Student; A = Administrator; T = Teacher; O = Other; M = Mediator

### CONCILIATION REPORT

(to be completed by the case developer at the conclusion of the conciliation)

**Student Name**

\_\_\_\_\_ **Case #** \_\_\_\_\_

**Case Developer**

\_\_\_\_\_ **Date** \_\_\_\_\_

Results: \_\_\_\_\_ Agreement \_\_\_\_\_ Partial agreement \_\_\_\_\_ No agreement

Date of IEP to implement results \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Total # of people at conciliation (including conciliators) \_\_\_\_\_

Conciliators:

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(Facilitator, if present)

Other persons attending:

\_\_\_\_\_ Student

\_\_\_\_\_ Mother

\_\_\_\_\_ Father

\_\_\_\_\_ Stepparent(s)

\_\_\_\_\_ Guardian(s)

\_\_\_\_\_ Advocate(s)

\_\_\_\_\_ Spec ed admin (title)\_\_\_\_\_

\_\_\_\_\_ Reg ed admin (title)\_\_\_\_\_

\_\_\_\_\_ Spec ed teacher

\_\_\_\_\_ Reg ed teacher

\_\_\_\_\_ Other (give title)\_\_\_\_\_

\_\_\_\_\_

**ISSUES** (Mark all that were identified. By whom?)

Identification: S = Student P = Parent A = Administrator T = Teacher O = Other

\_\_\_\_\_ Eligibility

\_\_\_\_\_ Identification

\_\_\_\_\_ Permission to evaluate

\_\_\_\_\_ Independent education evaluation (IEE)

\_\_\_\_\_ Type of special education program

\_\_\_\_\_ Type of related service

\_\_\_\_\_ Amount of special education program

\_\_\_\_\_ Amount of related service

\_\_\_\_\_ Least restrictive environment

\_\_\_\_\_ Private placement

\_\_\_\_\_ Transportation

\_\_\_\_\_ Change of educational level

\_\_\_\_\_ Extended school year

\_\_\_\_\_ Vocational education

\_\_\_\_\_ Cost of program/service

- \_\_\_\_\_ Graduation
- \_\_\_\_\_ Medical
- \_\_\_\_\_ Behavior management
- \_\_\_\_\_ Suspension &/or expulsion
- \_\_\_\_\_ Method of instruction
- \_\_\_\_\_ Availability of personnel
- \_\_\_\_\_ Goals & objectives
- \_\_\_\_\_ Communication problem
- \_\_\_\_\_ Different perceptions of student's needs
- \_\_\_\_\_ Personality clash
- \_\_\_\_\_ Conflict over other issues
- \_\_\_\_\_ Previous conflict over same issues
- \_\_\_\_\_ Personnel problems
- \_\_\_\_\_ Other (specify)

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**Debriefing Protocol**

What were the issues as perceived by the parent(s)?

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What were the issues as perceived by the school?

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What were the issues as perceived by other(s)?

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What factors led to the dispute?

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What factors contributed to reaching/not reaching an agreement?

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How likely do you think it is that the agreements will be carried out?

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Is the agreement reached one that will solve the problem? For how long?

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What did you do that was effective?

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What would you do differently?

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**Conciliator perception of factors that led to dispute** (the most significant factors).

- \_\_\_\_\_ Different perceptions of student's needs
- \_\_\_\_\_ Different opinions about appropriate services
- \_\_\_\_\_ Miscommunication
- \_\_\_\_\_ Insufficient communication
- \_\_\_\_\_ Distrust based on conflict over this issue
- \_\_\_\_\_ Distrust based on conflicts over

**CASE CLOSING SUMMARY**

**Student Name** \_\_\_\_\_ **Case #** \_\_\_\_\_

**Case Developer** \_\_\_\_\_ **Date Closed** \_\_\_\_\_

**Time Spent**

With parent(s) \_\_\_\_\_

With district \_\_\_\_\_

With other(s) (specify) \_\_\_\_\_

In logistics \_\_\_\_\_

(scheduling, setting up room, etc.)

In conciliation \_\_\_\_\_ # of sessions \_\_\_\_\_

### **Resolution/Termination**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ People reached resolution on their own.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Staff assisted with resolution \_\_\_\_\_ by phone \_\_\_\_\_ after meeting

Total # of contacts \_\_\_\_\_ by phone \_\_\_\_\_ in person

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Conciliation resolution \_\_\_\_\_ agreement \_\_\_\_\_ partial \_\_\_\_\_ no agreement

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Withdraw hearing request

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Postponed hearing

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Withdraw conciliation request

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Requested hearing

### **EXIT INTERVIEW**

Using responses on the written Participant Satisfaction Questionnaire as a guide for areas to explore, the case developer will interview each participant individually and ask for perceptions on the following.

1. Describe what happened in the conciliation.
2. How did the outcome compare with your expectations?
3. How satisfied are you with the outcome?
4. How likely do you think it is that the agreements reached will be carried out?
5. Is the agreement that was reached one that you think will solve the problem? For how long?
6. Was there anything in the process that made you uncomfortable?
7. Was there anything about the process that you especially liked?
8. How was this process different from other interactions you have had with this particular individual [school personnel/parent]?
9. Did you feel that any cultural differences were adequately addressed in the team composition? In the process? If there was a lack of cultural sensitivity, how did this affect the process? The outcome?
10. Would you participate in this type of process again?
11. One-word description of the other party.

### **APPENDIX B: Direction Service Conciliation Project Satisfaction Survey**

Case # \_\_\_\_\_

Direction Service Conciliation Project

**SATISFACTION SURVEY**

Your answers to these questions will help us improve services offered by this Project. All information which you give us is confidential. Thank you for taking the time to give us your responses.

**We are interested in knowing how satisfied you are with the way things were done. Mark your responses to the following questions:**

1. How satisfied were you with your involvement in choosing where the meeting was held?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

2. How satisfied were you with your involvement in choosing when the meeting was held?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

3. How satisfied were you with the length of the meeting?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

4. How satisfied were you with the process used to determine who could attend the meeting?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

5. How satisfied were you with the structure of the meeting?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

6. How satisfied were you with the rules about confidentiality?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

7. How satisfied were you with the rules of courtesy and expected and acceptable behaviors?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

8. How satisfied were you with any decisions to postpone issues for later conciliation or other intervention?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

9. How satisfied were you with the number of team members?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

10. How satisfied were you with the team members' ability to manage the process?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

11. How satisfied were you with the team members' ability to deal with the issues?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

12. How satisfied were you overall with the conciliation process?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

Please give any suggestions you have for improving the process.

If you did not reach any agreement, please go to the next page.

**If you did reach an agreement we are interested in knowing how satisfied you are with the agreement. Mark your responses to the following questions:**

13. How clear and understandable is the agreement?

Completely Unclear  
Mostly Unclear  
Mostly Clear  
Completely Clear

14. How fair is the agreement?

Completely Unfair  
Mostly Unfair  
Mostly Fair  
Completely Fair

15. How practical is the agreement?

Completely Impractical  
Mostly Impractical  
Mostly Practical  
Completely Practical

16. How satisfied are you with the timetable for carrying out the agreement?

Completely Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

17. To what extent were the agreements reached acceptable to you?

Completely Unacceptable  
Mostly Unacceptable  
Mostly Acceptable  
Completely Acceptable

18. How sure are you that you will follow the agreement?

Completely Unsure  
Mostly Unsure  
Mostly Sure  
Completely Sure

19. How sure are you that the other party will follow the agreement?

Completely Unsure  
Mostly Unsure  
Mostly Sure  
Completely Sure

**We are interested in knowing about your experience of the process. Mark your responses to the following questions:**

20. How able were you to say what was important to you?

Completely Unable  
Mostly Unable  
Mostly Able  
Completely Able

21. How well did the team members understand what was important to you?

No Understanding  
Little Understanding  
Moderate Understanding  
Complete Understanding

22. How well did the other party understand what was important to you?

No Understanding  
Little Understanding  
Moderate Understanding  
Complete Understanding

23. How satisfied were you with the team members' ability to help others understand what was important to you?

Completely  
Dissatisfied  
Mostly Dissatisfied Mostly Satisfied  
Completely Satisfied

24. To what extent do you have a better understanding of what was important to the other party?

No Understanding  
Little Understanding  
Moderate Understanding  
Complete Understanding

25. How much do you feel you contributed to the resolution of the conflict?

No Contribution  
Little Contribution  
Moderate Contribution  
Large Contribution

26. How much do you feel the other party contributed to the resolution of the conflict?

No Contribution  
Little Contribution  
Moderate Contribution  
Large Contribution

27. How satisfied were you with the fairness of the team?

Completely  
Dissatisfied  
Mostly Dissatisfied  
Mostly Satisfied  
Completely Satisfied

28. If another conflict occurs I would use this process again.

Disagree Completely  
Mostly Disagree  
Mostly Agree  
Completely Agree

29. I would recommend this process to others.

No  
Probably Not Probably  
Yes

30. To what extent have your issues in the dispute been resolved?

Completely Unresolved  
Mostly Unresolved  
Mostly Resolved  
Completely Resolved

31. The conciliation ended the way it did because: (check up to 5 most important factors)

\_\_\_\_\_ of my own persistence  
\_\_\_\_\_ I changed my position  
\_\_\_\_\_ of the skill of the conciliators  
\_\_\_\_\_ the other party changed their position  
\_\_\_\_\_ of the persistence of the conciliators  
\_\_\_\_\_ neither party was willing to change their position  
\_\_\_\_\_ of good faith efforts by both parties  
\_\_\_\_\_ I would not change my position  
\_\_\_\_\_ communication was improved  
\_\_\_\_\_ the other party would not change their position  
\_\_\_\_\_ both parties compromised  
\_\_\_\_\_ other \_\_\_\_\_

32. What are your ideas and/or feelings about conciliation after this special education conciliation?

(check all that apply)

- Better than I thought
- Worse than I thought
- Easier than I thought
- Harder than I thought
- Different than I thought
- Similar to what I thought
- More complicated than I thought
- Simpler than I thought
- Other \_\_\_\_\_

Thank you for your time. Please comment on **anything else** about the process or outcome you would like us to know.

### **APPENDIX C: Forms**

Case # \_\_\_\_\_

#### **AGREEMENT TO MEDIATE IN CONCILIATION SESSION AGREEMENT TO CONFIDENTIALITY**

I agree to attend a conciliation meeting that is scheduled at a time and on a date I agree to. If I have an emergency that will stop me from attending, I agree to contact the person scheduling the conciliation as soon as possible.

I understand that the conciliation process is voluntary and confidential. Voluntary means that anyone can leave the conciliation at any time and not continue the meeting. Confidential means that any information which I share in the conciliation will not be shared with anyone else without my permission. I agree not to share anything anyone else shares in the conciliation without their permission. I understand that the conciliators will refuse to provide any materials or to testify concerning any of our discussions in any hearing or court proceeding.

I understand that the conciliation process is not the same as having a due process hearing or going to court. I understand that the conciliators will not make decisions for me or for anyone else in the conciliation. I agree to work hard to resolve the concerns that I am bringing to conciliation. I also understand that there are no guarantees; even if I work hard, there will be no agreement unless everyone agrees.

I understand that if I want to stop the conciliation or if I am not satisfied at the end of the conciliation, I can still request a due process hearing or any other legal process I wish.

\_\_\_\_\_

Signature Date

\_\_\_\_\_

Name (please print)

\_\_\_\_\_

Case Developer signature

Case # \_\_\_\_\_

**CONCILIATION PROJECT  
AUTHORIZATION FOR RELEASE AND EXCHANGE OF INFORMATION**

Date \_\_\_\_\_

TO: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This is to authorize the release and exchange of pertinent information and records concerning:

Name: \_\_\_\_\_ DOB:

\_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

In order to help resolve conflicts and/or problems relating to delivery of services to my child, I hereby authorize you to share information with Lane County Direction Service. This authorizes the exchange of past, current, and future records and information regarding this client until the expiration date of \_\_\_\_\_. **I realize that I have a legal right to terminate the conditions of this authorization at any time.**

\_\_\_\_\_

Signature of Client or Parent/Guardian if minor Date Signed

\_\_\_\_\_

Name of Client or Parent/Guardian (please print)

\_\_\_\_\_

Signature of Case Developer

Collection of confidential information regarding Direction Service clients is authorized by

Public Law 91-230, 44 U.S.C. 3103.

### **CONCILIATION PROJECT INFORMED CONSENT**

You are invited to take part in a research project about improving the delivery of services to children and young adults with disabilities and helping assure their involvement in appropriate educational programs. The project is striving to resolve individual and systemic problems enabling children with physical, mental, emotional, or learning disabilities and their families to receive the services they need. The purpose of our study is to examine the effectiveness of the Conciliation Project, not to study the families who receive assistance. The research project is part of a study being conducted by Marshall Peter, Anita Engiles, Bonnie Todis, and Susan Baxter Quash-Mah at Direction Service.

You can choose whether you want to be part of the research project. As part of our research, we will ask you to share with us your impressions of the service and how it might be improved. Whether you decide to be a part of the research project or decide, now or in the future, not to participate, you will be provided the assistance and services offered by the project. If you do decide to be part of the project and you start to feel uncomfortable, you can stop at any time.

One reason you may not want to be in the research project is that you might feel uncomfortable talking about personal experiences when you know that information may be shared with other members of the research team. You might be concerned that someone who was not a part of the research team would find out what you said and felt. To make sure this does not happen, we will train everyone in the project not to talk about anything they learn from interviews or file information with anyone outside of the project. Another way we will protect your privacy is by assigning you a number for research purposes, so no one who is not part of the research team will know who said what. You may ask at any time to see the material in your file and to have comments taken out.

It is our strong belief that families will benefit from being involved with the Conciliation Project. However, allowing the project to provide assistance might cause your situation to get worse rather than better. If you have any questions about the project at any time, you can call Marshall at 503-686-5060 (TDD 686-5063).

If you sign below, you are saying that you understand this information, you agree to take part in the research project, you know you can stop at any time, and you have been given a copy of this form.

---

Signature Date

---

Name (please print)

---

Case Developer signature

**CASE TRACKING FORM**

**Student Name** \_\_\_\_\_ **Case #**

**DATES**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ First call received from

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Case developer assigned

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Case \_\_\_\_\_ accepted \_\_\_\_\_ not accepted

If not accepted, reason \_\_\_\_\_

Referred elsewhere (specify) \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Parent contacted (name)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ District contacted (name/title)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Other contacted (name/title)

Agreement to Participate in Conciliation & Confidentiality signed:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ By Parent(s)/Guardian(s)  
(names) \_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ By District (name/title)

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ By Other (name/title)

- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Agreement to Participate in Conciliation withdrawn (by whom)\_\_\_\_\_
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Conciliation held \_\_\_\_\_ agreement \_\_\_\_\_ partial \_\_\_\_\_ no agreement
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Conciliation Report completed
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ IEP scheduled to implement results
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Tune-up conciliation held
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire sent to all participants
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire received from Parent(s)/Guardian(s)
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire received from District
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Follow-up questionnaire received from Other
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Exit interview with Parent(s)
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Exit interview with School/District
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ 2-month follow-up sent to Parent(s)/Guardian(s) & District
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ 2-month follow-up received from Parent(s)/Guardian(s)
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ 2-month follow-up received from District
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Data entered
- \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Case closed

**CONCILIATION IN-TAKE & INTERVIEW FORM**

**Date** \_\_\_\_\_ **Referred by** \_\_\_\_\_

**Case Developer** \_\_\_\_\_

**Case #** \_\_\_\_\_

**IDENTIFYING INFORMATION OF PEOPLE INVOLVED**

Name of Student

\_\_\_\_\_

Name of Parent(s)/Guardian(s)

---

Address

---

Phone: wk \_\_\_\_\_ hm \_\_\_\_\_  
best time to call \_\_\_\_\_

Cultural/Ethnic/Racial background

---

Name of District & School

---

Name & Title of Contact

---

Address

---

Phone: wk \_\_\_\_\_ hm \_\_\_\_\_  
best time to call \_\_\_\_\_

Cultural/Ethnic/Racial background

---

Name of Other(s) Involved

---

Name & Title of Contact

---

Address

---

Phone: wk \_\_\_\_\_ hm \_\_\_\_\_  
best time to call \_\_\_\_\_

**STUDENT INFORMATION**

Birthdate \_\_\_\_/\_\_\_\_/\_\_\_\_ Grade \_\_\_\_\_ Gender \_\_\_\_ M \_\_\_\_ F

Cultural/Ethnic/Racial background

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Date of last evaluation \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
IEP in place\_\_\_\_\_

Disability  
\_\_\_\_\_

Spoken language(s)  
\_\_\_\_\_  
Other means of communication\_\_\_\_\_

Interpreter Needed  
\_\_\_\_\_

Date of rejected IEP \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date of conciliation request \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Hearing request \_\_\_\_\_ Yes \_\_\_\_\_ No  
Date of hearing request \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**Summary from Parent(s).**

History:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Present situation:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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What does Parent(s) want?

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Who else is involved?

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Does or does not want a conciliation?

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Best time(s)/day(s) for conciliation.

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Willing to have one or two observers (who)?

---

Agreement to Mediate and Confidentiality signed?

---

One-word description of other party(ies)?

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Case Developer comments (e.g., suitability for conciliation, will attend, will reach agreement, etc.)

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**Summary from District/School.**

History:

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Present situation:

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What does Parent(s) want?

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Who else is involved?

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Does or does not want a conciliation?

---

Best time(s)/day(s) for conciliation.

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Willing to have one or two observers (who)?

---

Agreement to Mediate and Confidentiality signed?

---

One-word description of other party(ies)?

---

Case Developer comments (e.g., suitability for conciliation, will attend, will reach agreement, etc.)

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**ISSUES** (Mark all that are mentioned. Identify who mentioned the issue.)

Identification: S = Student P = Parent A = Administrator T = Teacher O = Other

- \_\_\_\_\_ Eligibility
- \_\_\_\_\_ Identification
- \_\_\_\_\_ Permission to evaluate
- \_\_\_\_\_ Independent education evaluation (IEE)
- \_\_\_\_\_ Type of special education program
- \_\_\_\_\_ Type of related service
- \_\_\_\_\_ Amount of special education program
- \_\_\_\_\_ Amount of related service
- \_\_\_\_\_ Least restrictive environment
- \_\_\_\_\_ Private placement
- \_\_\_\_\_ Transportation
- \_\_\_\_\_ Change of educational level
- \_\_\_\_\_ Extended school year
- \_\_\_\_\_ Vocational education
- \_\_\_\_\_ Cost of program/service
- \_\_\_\_\_ Graduation
- \_\_\_\_\_ Medical

- \_\_\_\_\_ Behavior management
- \_\_\_\_\_ Suspension &/or expulsion
- \_\_\_\_\_ Method of instruction
- \_\_\_\_\_ Availability of personnel
- \_\_\_\_\_ Goals & objectives
- \_\_\_\_\_ Communication problem
- \_\_\_\_\_ Different perceptions of student's needs
- \_\_\_\_\_ Personality clash
- \_\_\_\_\_ Conflict over other issues
- \_\_\_\_\_ Previous conflict over same issues
- \_\_\_\_\_ Personnel problems
- \_\_\_\_\_ Other (specify)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**CONTACT RECORD**

**Student Name**

**Case #**

\_\_\_\_\_

Use the following numbering system to record the type of contact:

1. arrange meeting time or place 6. clarify conciliation process
2. arrange meeting format 7. clarify forms or paperwork
3. clarify issues 8. clarify conciliation agreement
4. discuss feelings 9. to gather follow-up information
5. to gather missing conciliation information 10. other (explain)



Date of IEP to implement results \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Total # of people at conciliation (including conciliators) \_\_\_\_\_

Conciliators:

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(Facilitator, if present)

Other persons attending:

\_\_\_\_\_ Student

\_\_\_\_\_ Mother

\_\_\_\_\_ Father

\_\_\_\_\_ Stepparent(s)

\_\_\_\_\_ Guardian(s)

\_\_\_\_\_ Advocate(s)

\_\_\_\_\_ Spec ed admin (title) \_\_\_\_\_

\_\_\_\_\_ Reg ed admin (title) \_\_\_\_\_

\_\_\_\_\_ Spec ed teacher

\_\_\_\_\_ Reg ed teacher

\_\_\_\_\_ Other (give title) \_\_\_\_\_

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**ISSUES** (Mark all that were identified. By whom?)

Identification: S = Student P = Parent A = Administrator T = Teacher O = Other

- \_\_\_\_\_ Eligibility
- \_\_\_\_\_ Identification
- \_\_\_\_\_ Permission to evaluate
- \_\_\_\_\_ Independent education evaluation (IEE)
- \_\_\_\_\_ Type of special education program
- \_\_\_\_\_ Type of related service
- \_\_\_\_\_ Amount of special education program
- \_\_\_\_\_ Amount of related service
- \_\_\_\_\_ Least restrictive environment
- \_\_\_\_\_ Private placement
- \_\_\_\_\_ Transportation
- \_\_\_\_\_ Change of educational level
- \_\_\_\_\_ Extended school year
- \_\_\_\_\_ Vocational education
- \_\_\_\_\_ Cost of program/service
- \_\_\_\_\_ Graduation
- \_\_\_\_\_ Medical
- \_\_\_\_\_ Behavior management
- \_\_\_\_\_ Suspension &/or expulsion
- \_\_\_\_\_ Method of instruction
- \_\_\_\_\_ Availability of personnel
- \_\_\_\_\_ Goals & objectives
- \_\_\_\_\_ Communication problem

\_\_\_\_\_ Different perceptions of student's needs

\_\_\_\_\_ Personality clash

\_\_\_\_\_ Conflict over other issues

\_\_\_\_\_ Previous conflict over same issues

\_\_\_\_\_ Personnel problems

\_\_\_\_\_ Other (specify)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### **Debriefing Protocol**

What were the issues as perceived by the parent(s)?

\_\_\_\_\_

\_\_\_\_\_

What were the issues as perceived by the school?

\_\_\_\_\_

\_\_\_\_\_

What were the issues as perceived by other(s)?

\_\_\_\_\_

\_\_\_\_\_

What factors led to the dispute?

\_\_\_\_\_

\_\_\_\_\_

What factors contributed to reaching/not reaching an agreement?

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How likely do you think it is that the agreements will be carried out?

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Is the agreement reached one that will solve the problem? For how long?

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What did you do that was effective?

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What would you do differently?

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**Conciliator perception of factors that led to dispute** (the most significant factors).

\_\_\_\_\_ Different perceptions of student's needs

\_\_\_\_\_ Different opinions about appropriate services

\_\_\_\_\_ Miscommunication

\_\_\_\_\_ Insufficient communication

\_\_\_\_\_ Distrust based on conflict over this issue

\_\_\_\_\_ Distrust based on conflicts over

**CASE CLOSING SUMMARY**

**Student Name** \_\_\_\_\_ **Case #** \_\_\_\_\_

**Case Developer** \_\_\_\_\_ **Date Closed** \_\_\_\_\_

**Time Spent**

With parent(s) \_\_\_\_\_

With district \_\_\_\_\_

With other(s) (specify) \_\_\_\_\_

In logistics \_\_\_\_\_

(scheduling, setting up room, etc.)

In conciliation \_\_\_\_\_ # of sessions \_\_\_\_\_

**Resolution/Termination**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ People reached resolution on their own.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Staff assisted with resolution \_\_\_\_\_ by phone \_\_\_\_\_ after meeting

Total # of contacts \_\_\_\_\_ by phone \_\_\_\_\_ in person

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Conciliation resolution \_\_\_\_\_ agreement \_\_\_\_\_ partial \_\_\_\_\_ no agreement

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Withdraw hearing request

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Postponed hearing

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Withdraw conciliation request

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ Requested hearing

### **EXIT INTERVIEW**

Using responses on the written Participant Satisfaction Questionnaire as a guide for areas to explore, the case developer will interview each participant individually and ask for perceptions on the following.

1. Describe what happened in the conciliation.
2. How did the outcome compare with your expectations?

3. How satisfied are you with the outcome?
4. How likely do you think it is that the agreements reached will be carried out?
5. Is the agreement that was reached one that you think will solve the problem? For how long?
6. Was there anything in the process that made you uncomfortable?
7. Was there anything about the process that you especially liked?
8. How was this process different from other interactions you have had with this particular individual [school personnel/parent]?
9. Did you feel that any cultural differences were adequately addressed in the team composition? In the process? If there was a lack of cultural sensitivity, how did this affect the process? The outcome?
10. Would you participate in this type of process again?
11. One-word description of the other party.