Creating Agreement
Collaborative Problem Solving in Early Intervention and Special Education

CADRE/IDEA Partnership

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Jointly Developed By:

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

The IDEA Partnership Project (at NASDSE)

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

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CADRE/IDEA Partnerships
Dispute Resolution Workgroup Vision

Educational outcomes will be improved when families, schools and service providers are working together effectively.

Provision of training and educational opportunities to a diverse group of stakeholders enhances the capacity to engage in collaborative problem solving and shared learning that is responsive to individual students' needs.

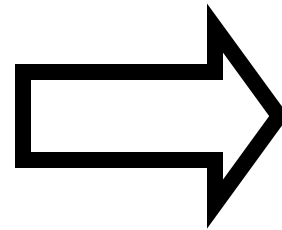# CONFLICT

What does the word "conflict" bring to mind?

Conflict

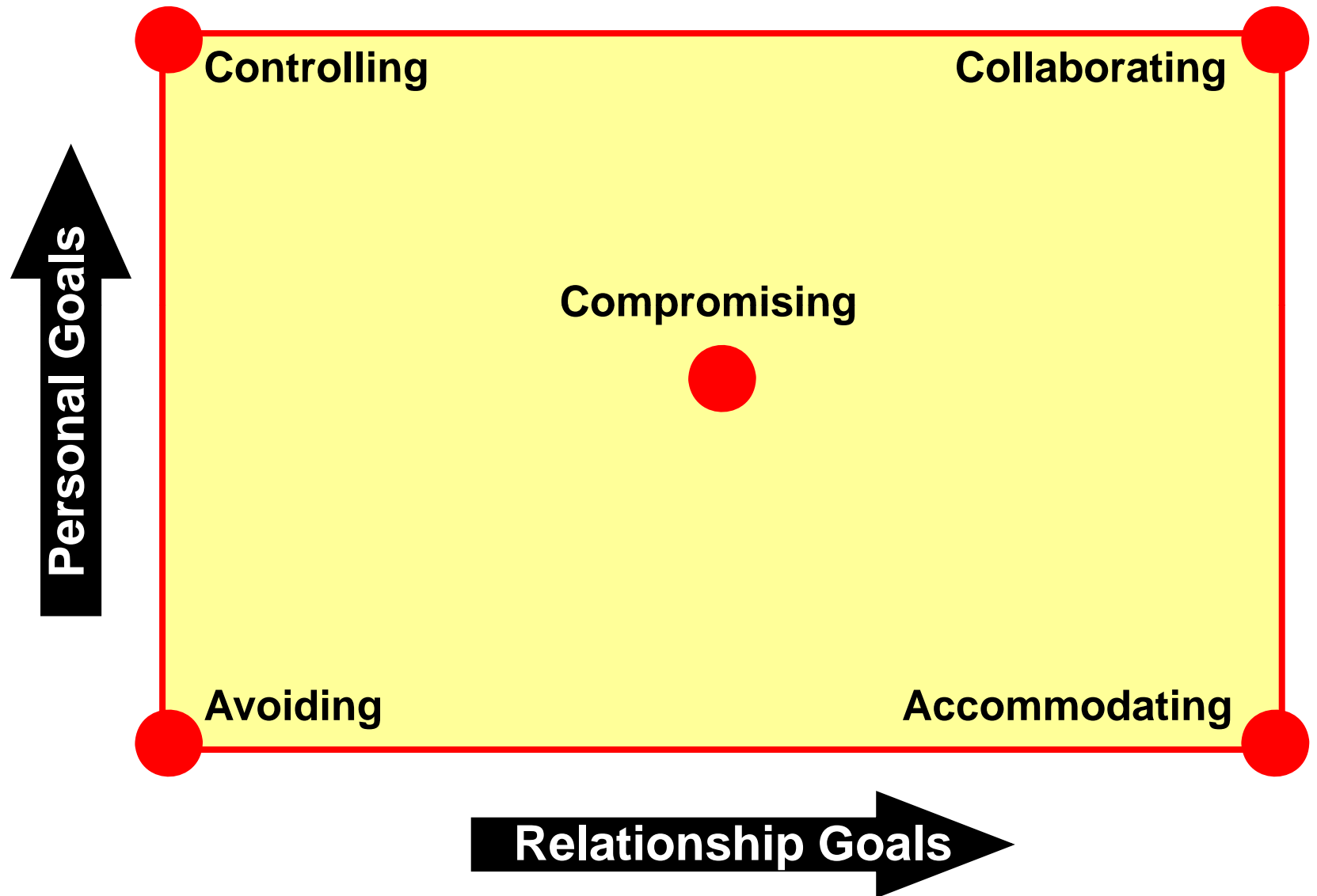Expressed struggle
Two or more people
Interdependent
Strong emotion
Perceived blockage

→ Needs
Values

The Five Conflict Handling Modes

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Personal Goals ↑

Controlling

Collaborating

Compromising

Avoiding

Accommodating

Relationship Goals →

Source: Thomas Killmann

Avoiding

Personal Goals

- What is it:
    - Unassertive and uncooperative
    - Sidestep, postpone, or withdraw from the issue for the present time
- When to use it?
    - When potential harm outweighs benefits to resolve
    - When time is needed to collect information or cool down

Relationship Goals

Accommodating

Personal Goals ↑

- □ What is it?
  - □ Sacrifice your own personal goals to satisfy the concerns of the other(s)
  - □ Yield to another point of view
- □ When to use it?
  - □ When relationships are most important
  - □ Reach a quick, temporary solution

Relationship Goals →

Controlling

Personal Goals

- What is it?
  - Pursue own ends without agreement of others
  - Achieving one's personal goals paramount
- When to use it?
  - When unpopular actions must be implemented
  - When your family or organization's welfare is at stake

Relationship Goals

Compromising

Personal Goals

Relationship Goals

- What is it?
  - Find expedient, mutually acceptable alternative
  - Both parties give up something
- When to use it?
  - When two parties of equal power are strongly committed to mutually exclusive goals
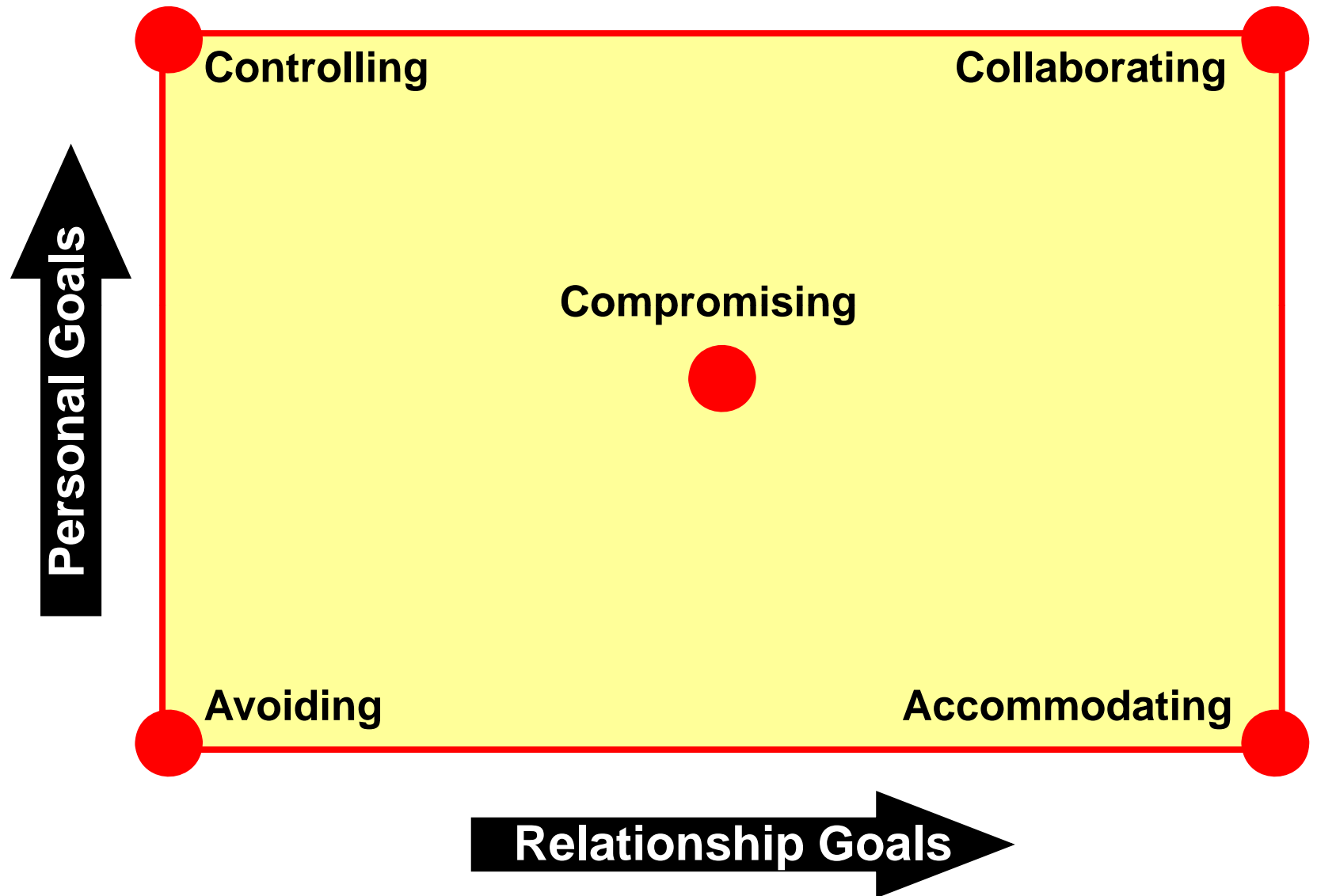 - To achieve temporary solutions to complex issues

Collaborating

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Personal Goals

Relationship Goals

- What is it?
  - Identifying concerns of each person and finding alternatives that meet both sets of needs
  - Finding a solution that fully satisfies needs and concerns of both people
- When to use it?
  - When relationships & issues are both important
  - To gain commitment and acceptance for a high-quality decision

The Five Conflict Handling Modes

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Source: Thomas Killmann

Costs of Conflict

Financial costs

Educational costs: takes energy away from instruction, can interfere with needed consistency

Human costs: stress, burnout, marital discord

Relationships: hurts relationships among people who have to work together

Societal costs: parents, families, schools divided; bad press for special education; missed opportunities

Power Imbalances

Inherent in conflict:

- Actual and perceived power may differ
- Participants may not be equipped/supported to participate effectively may not be able to participate effectively
- Cultural differences may contribute

Addressing Power Imbalances

- Well-facilitated processes and trained participants
- All voices encouraged, supported, and welcomed
- Relationships well-built help overcome imbalance

What else can help reduce power imbalances?

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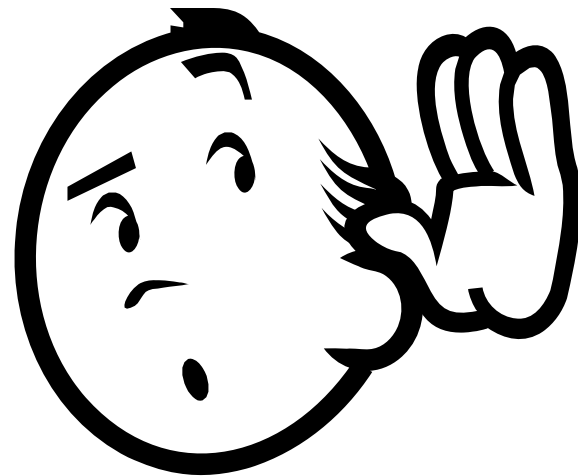
"Seek first to understand, then to be understood."

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

Characteristics of Good Listening

Think of a time when someone listened to you.

What did he/she do that made you feel he/she was listening?

What was his/her attitude toward you?

Listening

Following the thoughts and feelings of others to understand what they are saying from their perspective, frame of reference, or point of view.

EARS   EYES

UNDIVIDED
ATTENTION

HEART

The Chinese characters that make
up the verb "to listen" tell us
something about this skill.

Listening and Problem Solving

Sometimes speakers just need to be heard

Sometimes listening clears up confusion

Sometimes listening identifies a need for problem solving

Reflective Listening

The HEART of listening is:

EMPATHY, CARING & RESPECT

Main rule:

KEEP THE FOCUS ON THE OTHER

Basic skill clusters for reflective listening

Attending

Following

Responding

Reflective Listening Skills

Attending Skills

  Posture

  Contact (distance, eyes, touch)

  Gestures

  Interested Silence

Engagement Skills

  Acknowledgement Responses

  Open-Ended Questions

Responding Skills

  Reflecting Content

  Reflecting Feeling

  Reflecting Meaning (Content linked with feeling)

Certain Responses …

Derail the conversation

Take the focus off the other

Block the other from finding a solution

Lower the other's self-esteem

Distance your self from the other

Diminish the other's motivation

High Risk Responses

Sending Solutions

Ordering

Threatening

Moralizing

Advising

Logically Arguing

Questioning

Evaluating

Judging

Praising

Name-Calling

Diagnosing

Withdrawing

Reassuring

Diverting

Takes the focus off the other person

Listening is a disciplined skill

You can't do two things at once if one of them is listening.

Positions & Interests

Positions & Interests

Position
Your position reflects **WHAT** you want.

Interest
Your underlying interest(s) reflect(s) **WHY** you chose that position.

Identify Interests:
Yours & Theirs

Position… WHAT?   Interest…   WHY?

Sample Positions:

"I want you to place my daughter in the neighboring School District's LD program."

"I want my son removed from this special education classroom."

"Your son can not have the same aide from last year."

"I want the school district to purchase a laptop for my son."

"Your daughter will only have Speech & Language services once a week."

Searching for the Interests

Always ask the "Why" question as you search for the interest behind the position…

" I want to understand the reason(s) for your request(s). Can you tell me why you have chosen this particular solution?"

"Why is this particular solution so important to you…?"

Explain your interests

The purpose of negotiation is to serve your interests.

Communicate and explain your interests.

Make your interests come alive.

Acknowledge the other party's interests.

Share your interests and reasoning first and proposals later.

Adapted from Roger Fisher and William Ury (1981), ***Getting to Yes, Negotiation Agreement without Giving In***
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Summary: Interest-based Negotiation

Aims not to change the other person, but to change negotiation behavior

Shifts from "your position versus mine" to "you and I versus the problem"

Involves a mutual exploration of interests to yield more creative options.

Uses objective criteria

Adapted from Highnam, K. (2001). Interest-based negotiation, *CSSEA 2001 Fall Conference and AGM*. Surry B.C, Canada. CSSEA; Fisher and Ury, *Getting to Yes*.

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Fundamental Value:

The student should be present and participate as much as possible in any meeting regarding their services.

"Nothing about me without me."

Creating Agreement:
The Mediation Process

Setting the Stage: Environment, Expectations, Process

Establish rapport and trust

Uninterrupted Time for each participant

Identify, clarify, summarize issues

Discuss issues and listen for common ground

Generate possible solutions

Consider possible solutions

Build agreements along the way

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For more information, contact

CADRE, the National Center on Dispute Resolution in Special Education
www.directionservice.org/cadre

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The IDEA Partnership
www.ideapartnership.org