

Dispute Resolution

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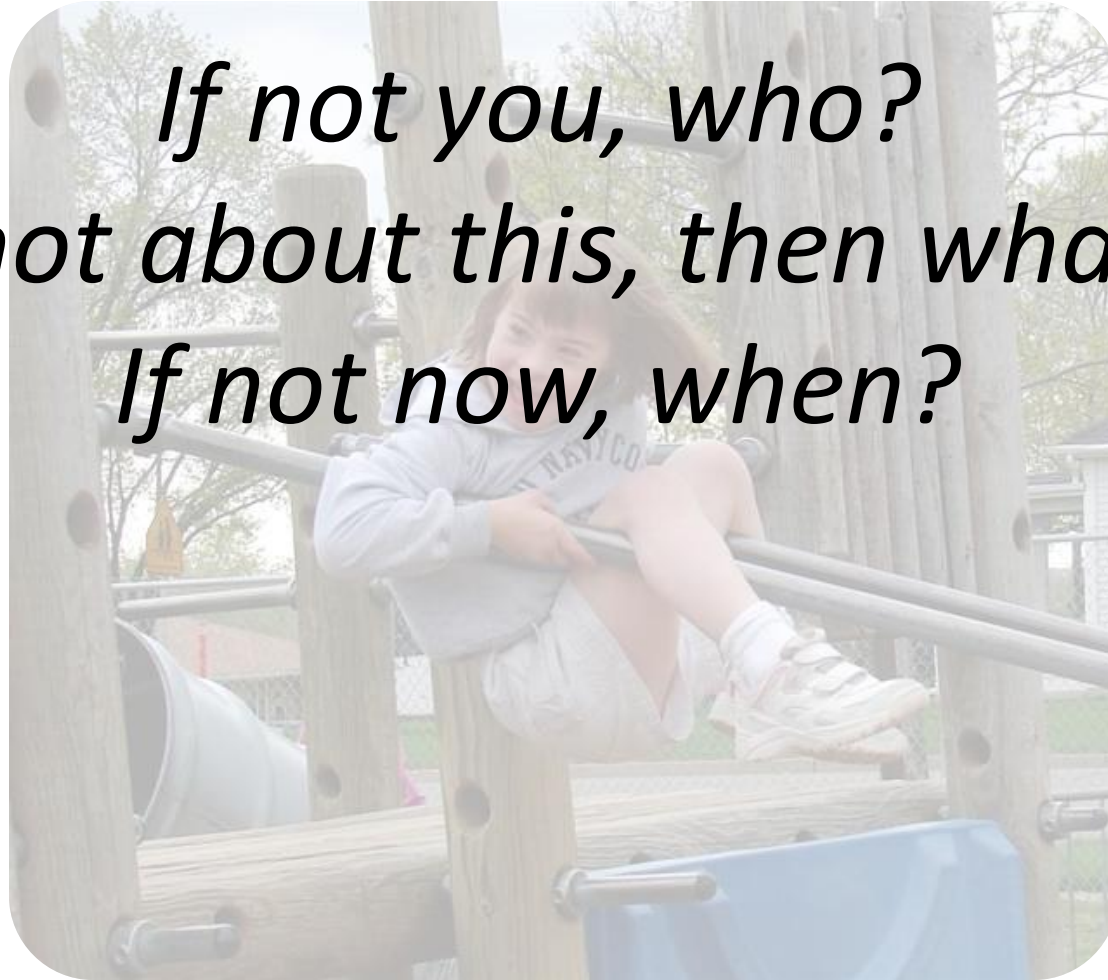


SPEAKING UP FOR YOUR CHILD

If not you, who?

If not about this, then what?

If not now, when?



DISPUTE RESOLUTION

- Resolving a conflict by using informal and formal communication techniques to work out a solution that is fair and meets the needs of the student under the rule of law.
- Dispute resolution processes are not free of tension or conflict. We use the tension to push ourselves to arrive at a solution.

CONFLICT AS OPPORTUNITY

- **CONFLICT** - Conflict is normal, natural and, in some situations, ongoing. How we respond to conflict creates change and new possibilities.
- **PERCEPTIONS** - People see problems differently based on their perceptions. Learn about the other person's perception and use this information in thoughtful ways.

DISPUTE RESOLUTION IS DIFFICULT

- **EMOTION** – The parent has strong feelings about what is and isn't happening and sticks with a plan to stay calm.
- **SURPRISES** – The parent didn't expect the school to use a certain approach and were taken by surprise. They took a moment to ask for the basis of a decision under IDEA.



AND A SKILL I CAN LEARN

- **TEAM BUILDING** – The parent is working with a new team and when a crisis occurs trust is available because of team-building.
- **COMMUNICATION** – The parent stays calm, states clear goals, shows appreciation and asks for the yes.



PRIMARY CONFLICT

1. An important service is not being provided
2. An important service is being discontinued
3. An important service needs to be modified
4. An important service may not be accepted
5. A primary need of a student is not being met



SECONDARY CONFLICTS

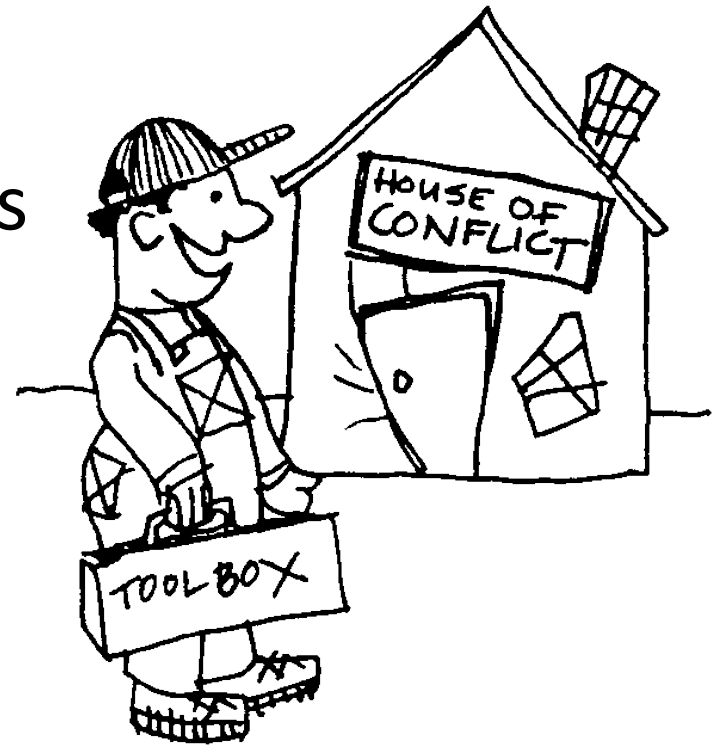
- A partner's role is disputed
- A partner's style is being resisted
- A partner's information is being discounted
- A systemic issue is contributing to a conflict
- The team doesn't have enough information
- The team is using counter-productive strategies
- The partners can't find common ground
- Cultural perspective isn't being honored

SYSTEMIC ISSUES

- Limited training or information
- Limited time or energy
- No policies to address an issue
- Limited awareness of rights
- Limited awareness of ideas or options
- Pressure to resolve issues a certain way

CONTINUUM

- Capacity Building & Prevention
- Early Dispute Assistance
- Conflict Resolution Options
- Procedural Safeguards
- Legal Review



ENERGY

- TIME
- DIFFICULTY LEVEL
- COMFORT LEVEL
- RISK OR FEAR
- FORMALITY
- CONFRONTATION



CAPACITY BUILDING & PREVENTION

- Engagement
- Training
- Advisory Councils or Work Groups
- Collaborative Rulemaking



PREVENTION

- Mentioning
- Clarifying
- Requesting
- Determining
- Bringing resources
- Building ownership
- Brainstorming
- Troubleshooting
- Confronting
- Reframing



EARLY DISPUTE ASSISTANCE

- Prepare for the IEP Meetings with support
- Arrange for an IEP clinic in your area
- Practicing what to say with a partner
- Asking for a meeting to resolve a conflict
- Clarifying rights and issues with Pathfinder
- Collaborating with allies within the system
- Bringing support to the meeting

CONFLICT RESOLUTION OPTIONS

- Facilitated IEP
- Written Complaint
- Mediation
 - Ombudsman
 - Third party consultation
- Resolution Meeting
- Due Process Hearing



LEGAL REVIEW

- Dispute Resolution Hearing
- Litigation
- Legislation



“Actually, I’m a litigator.”

CHAIN OF COMMUNICATION

- Teacher
- Special Education Teacher or Related Services
- Principal
- Assistant Superintendent
- Superintendent
- Department of Public Instruction
- Mediator or Facilitator
- Hearing Officer

PARTNERSHIPS

- Readiness to be helpful
- Openness in communication
- A trusting and friendly attitude
- Sensitivity to common interests
- De-emphasis of opposed interests
- Enhance mutual power (we can do this) rather than power differences (you have to do this)



WIN-WIN SOLUTIONS

- Positive interdependencies exist when individuals believe their goal attainment relies on others' achieving their own goals. This is a *win-win relationship*.
- Negative interdependencies occur when individuals believe their success relies on others' *not attaining their own* goals. This is a *win-lose dynamic or a them-us picture*.

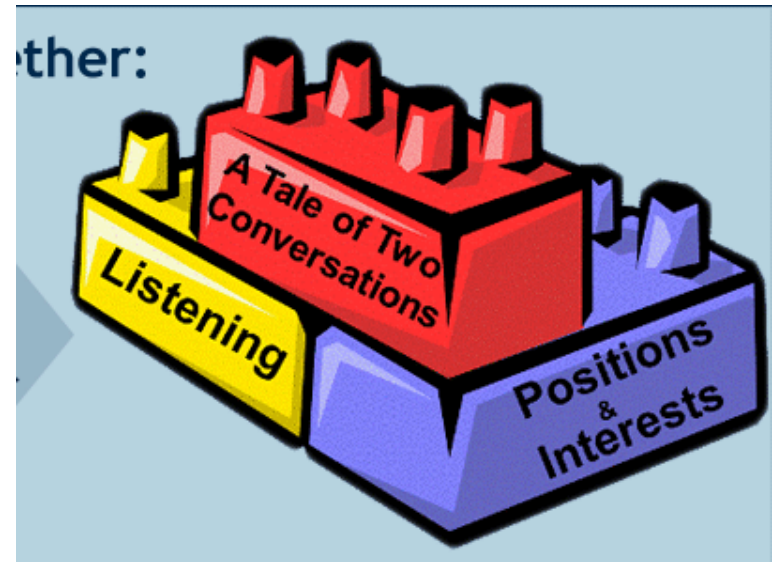
ANGER

- Anger is often seen or felt before we understand what caused it. Think of anger as a secondary emotion and seek to understand the underlying cause.
- Among common reasons are fear, frustration, embarrassment, disrespect, helplessness, a need to be heard or reassured, a desire for justice, lack of validation, loss, confusion, grief.

POSITIONS

Positions and Interests

- Positions are what people want or SAY they want.
- Interests are the needs, desires, concerns or fears that motivate them to take a position.
- Learn about the other person's underlying interests.



TRUTH OR MYTH

- Always bring another person to the IEP
- Pathfinders will advocate for you
- You can record the IEP meeting
- You can visit your child's classroom
- You can ask for a break
- You can learn to think on your feet
- What you are feeling will be hidden from others

RESOURCES

- CADRE - National Center on Dispute Resolution in Education

<http://www.directionservice.org/cadre/index.cfm>

- OSEP & Dispute Resolution

<http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C22%2C>

- ND Department of Public Instruction

www.dpi.state.nd.us/speced/resource/conflict

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