



Effective Communication Skills Used in Special Education Mediation to Resolve Parent Conflict

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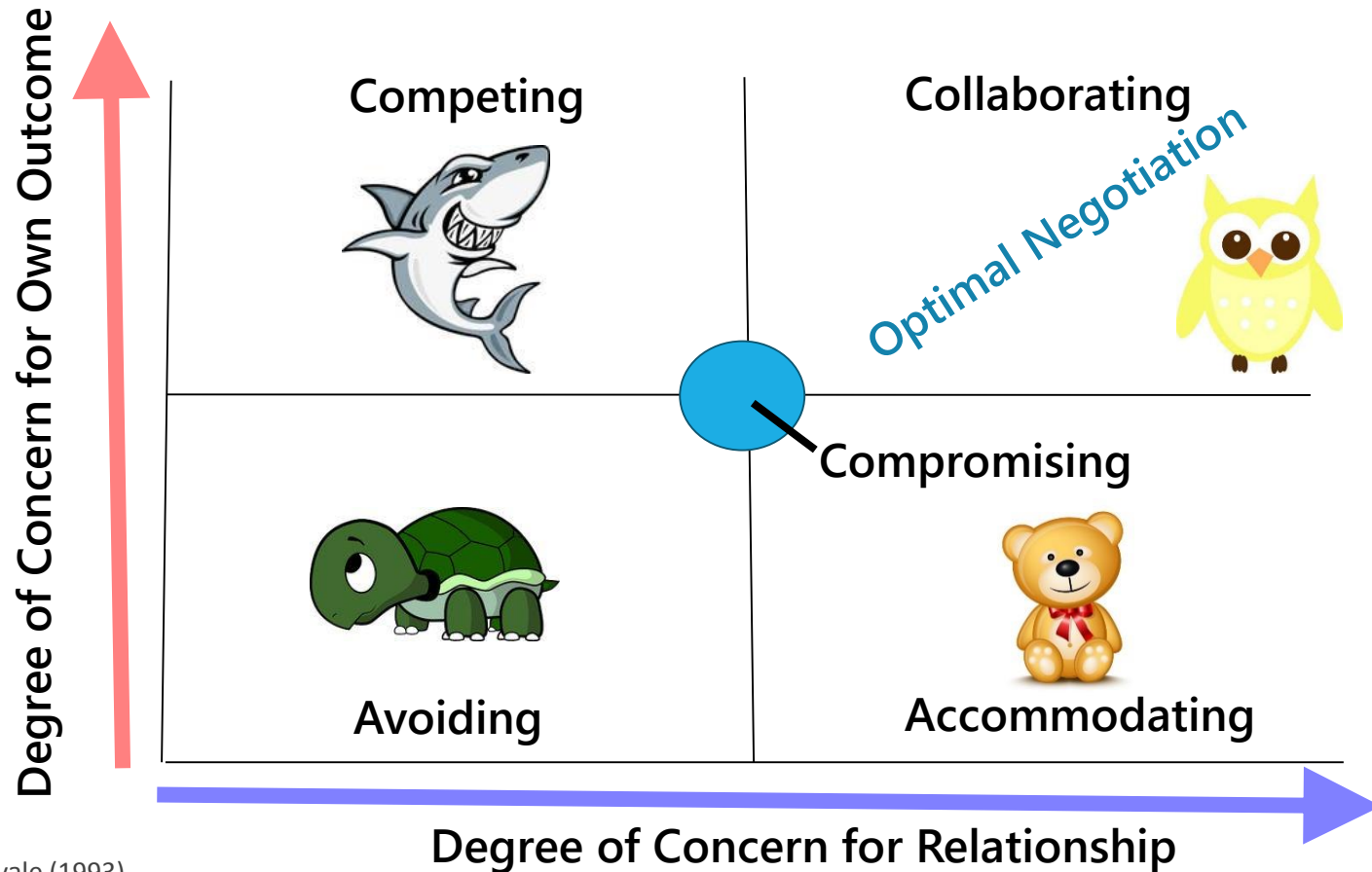
Tools to Help Manage Conflict

- ✓ **Know your conflict style**
- ✓ **Understand positions and interests**
- ✓ **Active listening**
- ✓ **Recognize when help is needed**



Responding to Conflict

The Dual Concern Model*



*Based on the work of Pruitt and Carnevale (1993)

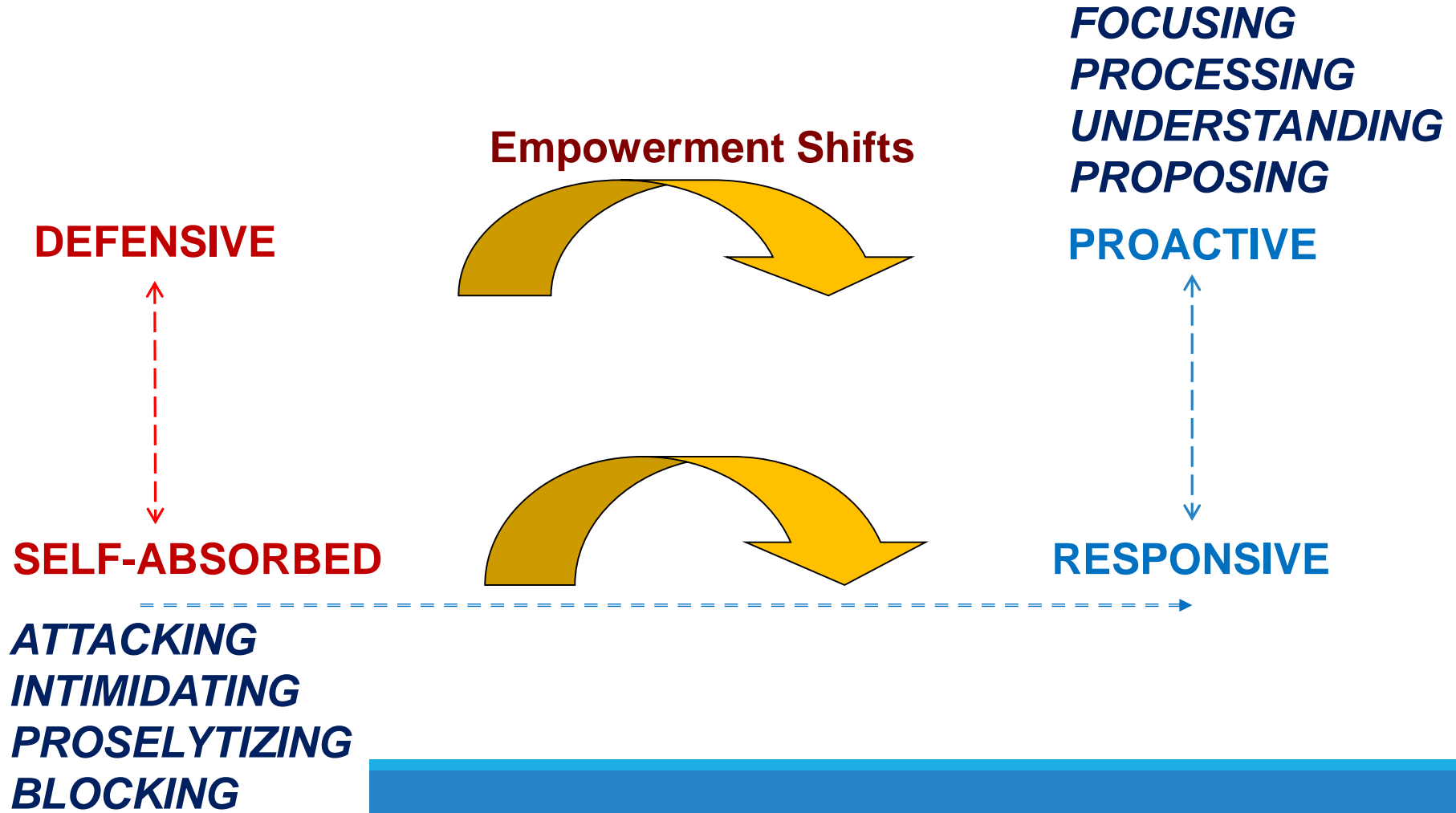


Moving from Positions to Interests

Positional Bargaining	Interest-Based Negotiation
➤ Act as Adversaries	➤ Act as Joint Problem-Solvers
➤ Set 'Victory' as the Goal	➤ Set 'Wise Decision' as the Goal
➤ Demand Concessions	➤ Discover Common Ground
➤ Fixate on Positions	➤ Focus on Interests
➤ Use Deception and Trickery	➤ Be Transparent and Fair
➤ Apply Pressure – Do not Yield	➤ Use Reason – Yield to Principle
➤ Success = Position Imposed	➤ Success = Mutual Interests Satisfied
➤ I Win, You Lose	➤ We Win

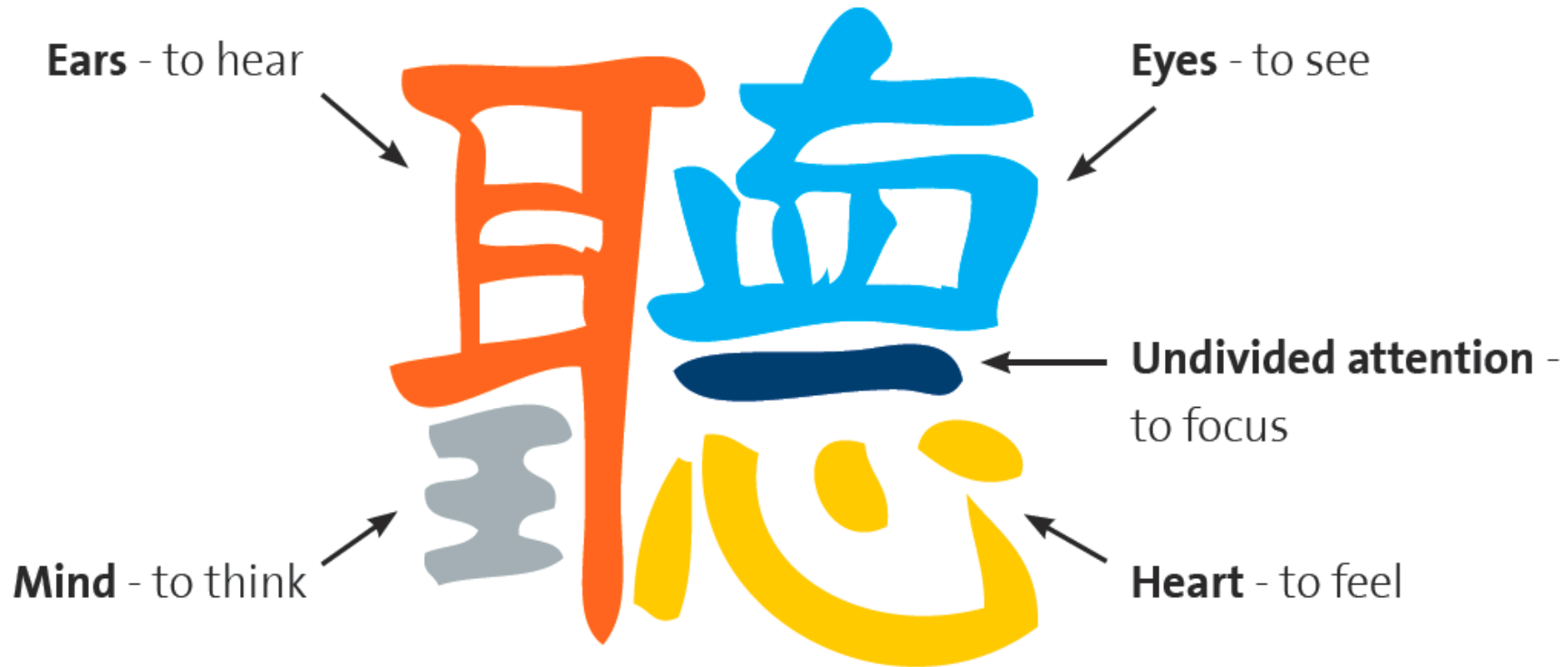


Position to Interest Transformation



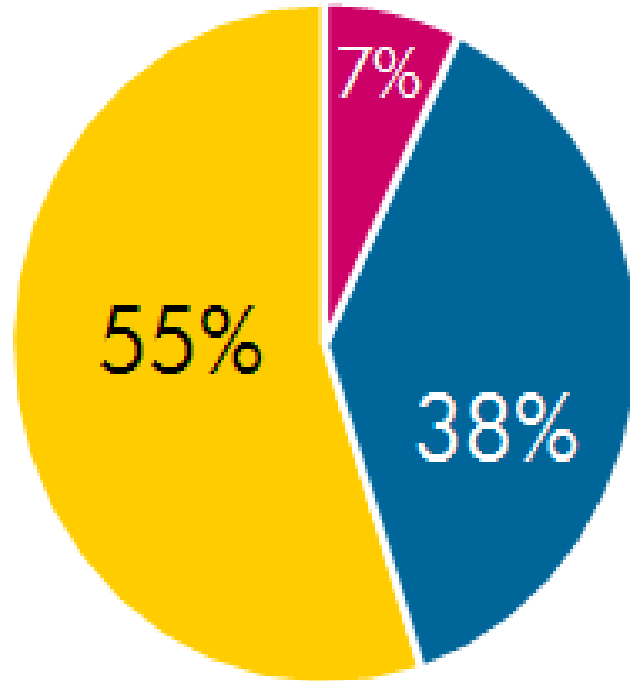


Listening Skills





Mehrabian's Rule



Elements of Personal Communication

- 7% spoken words
- 38% voice, tone
- 55% body language

Only 7% of your message is delivered by words!



Eight Ways We Don't Listen

Mind Reading - Thinking “what is the person really thinking or feeling?” a.k.a. “Psychologizing”

Rehearsing - Projecting - “Here’s what I’ll say next.”

Filtering - HEARing selectively

Dreaming - Drifting off

Identifying - Referencing everything to your own experience

Derailing - Changes the subject quickly

Sparing - Belittle or discount

Placating - Agreeing with everything to be nice or to avoid conflict

Source: The Writing Lab, Purdue University Press





Questioning Techniques

OPEN QUESTION:

A question with a lengthy answer that usually involves someone's opinion.

CLOSED QUESTION:

A question with one answer, usually yes or no.



When to Recommend Mediation

- The problem is repeating or escalating
- The conflict is entrenched and/or complex
- Personal or business relationships are threatened
- Disagreement or problems are creating stress
- Your position prevents or limits your intervention
- An outside expert in conflict management will be perceived as neutral and fair
- You feel conflict management or group facilitation expertise is needed





Mediation Is...

Voluntary

Impartial

Safe

Confidential

Empowering



Role of the Mediator

A mediator is:

- Neutral
- Experienced
- Trained
- Knowledgeable
- Unbiased - no vested interest in the outcome

A mediator will:

- Facilitate the conversation
- Encourage explanations
- Help clarify jargon
- Explore creative solutions
- Assist in developing mutually satisfactory solutions
- Write an agreement, if reached





Mediator Qualifications

Basic Mediators

- ✓ Come from various professions and levels of education
- ✓ Complete a court-approved Basic Mediation training (30 hours)
- ✓ Complete an apprenticeship where they observe & co-mediate
- ✓ Receive on-going professional development

Special Education Mediators

- ✓ Are demonstrated competent community mediators and approved by CDRC Director
- ✓ Complete a NYSED-approved training (2 days)
- ✓ Complete a Special Education mediation apprenticeship
- ✓ Receive 6 hours professional development annually
- ✓ Are not employees of any education agency (are unbiased)



What issues can be mediated?

Special Education disputes can be complex and they usually consist of multiple issues:



IEP/Program • Evaluation

Reimbursement • Nickerson Fund (NYC only)

Placement • Classification

Communication • Translation Support

Procedures



Who attends the mediation?

- Parent
- Authorized decision maker from the school district
- Others deemed appropriate:
 - **Service Providers**
 - Friends/Family Members
 - Child
 - Attorneys/advocates (not primary speakers; there for legal support, moral support, & consultation)
 - Interpreters

Parties must agree on who else may be in the mediation room.



What happens at mediation?

- ✓ Parties meet with a qualified mediator
- ✓ Parties have the opportunity to explain their views
- ✓ Discussions take place
- ✓ The focus is on the best interest of the child
- ✓ Generally lasts 2-3 hours
- ✓ Collaboration is encouraged and target outcomes identified
- ✓ An agreement is usually reached – 88% agreement rate statewide

Long-term outcomes:

Effective communication, relationship growth, and increased trust.



How to Request Mediation

Parents: Write a letter to CSE or BOE with...

- ✓ Parent and student names
- ✓ Contact information
- ✓ Student date of birth
- ✓ Description of the problem
- ✓ Possible solutions

A sample request form can be found online at:

<http://www.p12.nysed.gov/specialed/publications/policy/mediationform.htm>

Or contact your local CDRC. Their information can be found here:

<http://nysdra.site-ym.com/?page=CDRCs>

Schools: Inform the parents & contact your CDRC



Review: Benefits of Mediation

- ✓ Timely
- ✓ There is **NO COST** to the parent or school district
- ✓ Improves communication & repairs relationships
- ✓ Confidential
- ✓ Addresses underlying issues
- ✓ Parties control the outcome
- ✓ Does not impede parents' right to pursue an impartial hearing



QUESTIONS

- WHAT WAS MOST HELPFUL TO YOU IN THIS PRESENTATION?
- WHAT ADDITIONAL INFORMATION WOULD YOU LIKE TO HAVE?
- WHAT TIPS DO YOU HAVE TO ENHANCE THE SPECIAL EDUCATION MEDIATION PROCESS IN THE FUTURE?