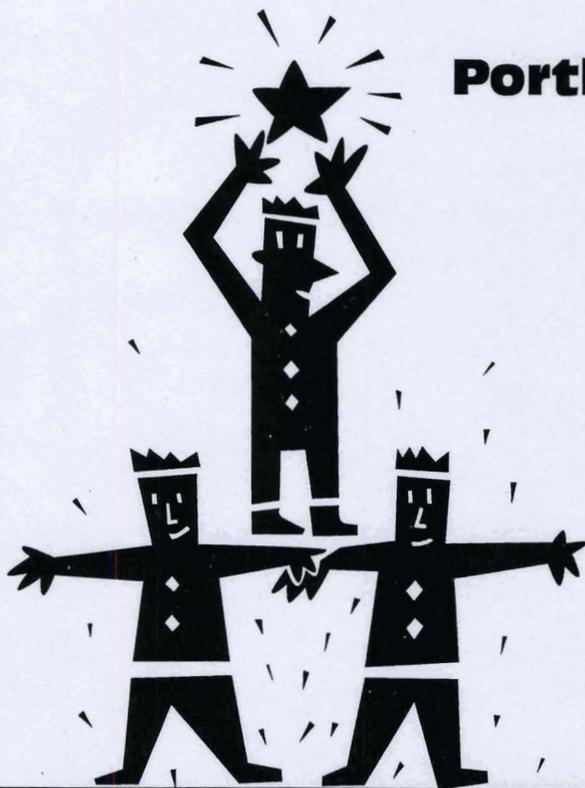


Guidelines for Conflict Management in Special Education

Portland Public Schools



September 2000

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1 Overview



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A team was formed at the beginning of the project to design and implement the grant project. It included district staff and parents representing various stakeholder groups. The design team created this document with the assistance of Karen Hannan, consultant/mediator, who guided the work of the entire project. This document would not have been possible without her expertise, knowledge and commitment to this project.

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Leslea Gilman,
Project Coordinator

Background

Individuals with Disabilities Education Act (IDEA) identifies school staff *and* parents as the team responsible for the identification, planning and implementation of special education services for children. This is a shift from the traditional concept of parents as “customers.” Such planning for services requires meetings for a variety of purposes (evaluation planning, program development, placement, etc.). This process is most effective when teams work collaboratively to meet the educational needs of students. Each participant brings different skills and perspectives to the planning for special education services. Each team member plays an important role in the success of this process.

These conflict management guidelines were developed to help team members recognize circumstances that enhance conflict management and meeting effectiveness and those that create barriers to successful decision making. It is recommended that teams use the guidelines as a “best practices” model for ideas to prevent or reduce the likelihood of conflict escalating into disputes. They can be used to help teams evaluate their own interactions as well as offering ideas for improving team functioning.

Throughout the guidelines, “team” refers to the entire special education team which will always include a parent or surrogate parent representing the student. “School team” refers to the team minus the parent.

The guidelines are meant to be used as a resource. The reader does not need to read the guidelines from beginning to end, but rather, may wish to simply look up the topic that seems relevant at the moment. The guidelines begin with an introduction to conflict (including those elements that lead to the escalation of conflict into disputes). They describe the different stages of typical special education team communications—that is, communication prior to meetings, during meetings, and after meetings. There is also an appendix with specific tools for meeting planning and uncovering interests (a skill at the heart of effective dispute resolution).

→

2 conflict



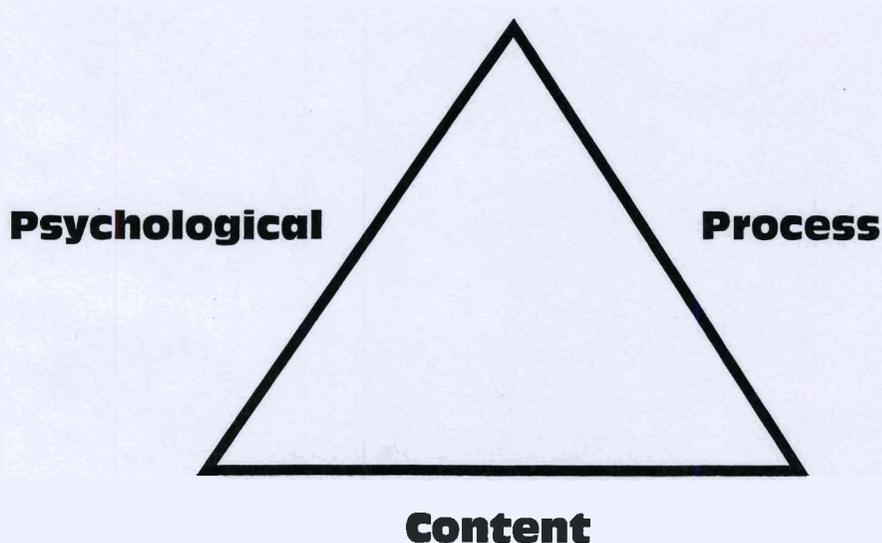
Understanding conflict

Conflict is the natural tension that arises from differences. What does this mean? It means that conflict is normal—when different perspectives are present, we experience a “tension” that we call conflict. This can be an internal self-to-self process such as when we are exposed to new ideas that contrast with currently held views. It can also be an external self-to-other process.

A helpful way to think about self-to-other conflict is to recognize that people have needs in three primary areas:

- content or substantive needs (the “what” of conflict),
- process or procedural needs (the “how” of conflict), and
- psychological or people-related needs (the “who” of conflict).

We can think of these needs as three sides of a triangle:



- When our needs are not met in one or more of these areas, and particularly when there is a perception that someone is blocking access to solutions that would meet our needs, conflict develops and can escalate quickly. Thus, when we are working at unraveling a dispute and moving toward resolving issues, it is useful to ensure that we have addressed the needs (if any) in each area.
- Often, the process and psychological needs of another person will be hidden from us. However, if expectations in these areas have been violated in some way and have become a part of the conflict, it will be important to find ways to address them. In our dominant culture, we tend to focus on content needs. Failure to recognize and address people's needs in the other two areas can lead to impasse or resolution without repairs to the relationship between the disputants. At the same time, it is important to avoid becoming entangled in other's psychological needs or take on the role of counselor or psychologist.
 - **Content** needs are the "what" of conflict. Each person has something he or she wants to achieve. Early in the discussions, this takes the form of positions (apparent solutions): "My daughter will need a full-time one-to-one aide," or "This student's IEP can be met without additional assistive technology." Underneath these positions are interests or needs (e.g., "I want my child to make progress academically," or "We do not want to set a precedent of automatically granting additional resources."). Sometimes, people take on mutually exclusive positions. Other times, biased or inaccurate information, or different interpretations of information can lead to conflict and conflict escalation.
 - **Process** needs are the "how" of conflict. Issues of "fairness" often have to do with violated process expectations. Conflict may escalate in response to how decisions are made, at what point we receive information, the sense of having information withheld, and meetings where necessary decision-makers are not present. When meetings are poorly run, rules are rigidly enforced, people are inadequately prepared, or information is shared in a disorganized way, conflicts are difficult to resolve and often escalate.
 - **Psychological** needs are the "who" of conflict. We all have basic needs for respect and recognition. We want to feel listened to and valued. We may need to feel in control or have needs for autonomy. When conflict is present, people blame others, make assumptions about other's motivations, or use behaviors (patronizing, condescending, or other distancing ways of being) that further inflame the initial differences. Some people may have inadequate communication skills (i.e., use of "you" statements, moralizing, threatening, shaming, shouting, name calling) that create additional tensions by attacking some of these basic psychological needs.

About conflict within teams

For the purposes of the guidelines, we are using the following definition of conflict:

.....
**“Conflict is the natural tension that
.....
arises from different perspectives.”
.....**

Conflict is a natural consequence of bringing together diverse perspectives. Individuals may experience this tension internally or see it demonstrated externally in the exchange of ideas. A functional special education team *should* have differences in their thinking so that the likelihood of more creative solutions for students is increased. Successful problem solving requires that team members articulate their underlying interests in order to find solutions that can integrate the different perspectives.

When team members respond ineffectively to conflict, it can lead to anger, hurt feelings, and resentment. As these feelings increase, conflict escalates into disputes, viewpoints become polarized, and verbal personal attacks may occur. Parents may feel uncomfortable bringing up issues or lose confidence that their concerns will be addressed. School staff may become afraid to assert their perspectives, yet be unwilling to follow through on decisions made within meetings. Relationships are impaired and the potential for good outcomes decreases. If the dispute continues to build, team members may find themselves on separate “sides” in a due process hearing.

Alternatively, when team members respond effectively to the presence of conflict, it can lead to improved understanding, stronger relationships, and more effective problem solving. While there will often be tension as issues are worked through, a commitment within the team to successful conflict management can prevent conflict from escalating to the level of a dispute. Through successful conflict management, the team is then able to discern better solutions for meeting students’ needs.

Conflict indicators

Conflict indicators can be discerned prior to meetings as well as during or after meetings. In proactive planning to manage potential conflict escalation, it is important to be aware of the number of conflict indicators present and the level of intensity or severity of the indicator. For example, if an individual feels the need to bring an attorney to a meeting, it is a more significant indicator that conflict has escalated than if pre-meeting phone conversations suggest differences in perspectives among team members

The presence of indicators can be viewed as a reminder to team members that more than usual effort may be required to avoid further escalation of conflict and ensure effective problem solving when the team meets.

Pre-meeting indicators (more indicators = more evidence of potential conflict escalation):

- history of conflicts between the family of the child and school/special education staff;
- history of conflicts that have required supervisory support for school team members;
- history of conflicts that have ended with the parent or any other team member “talked into” accepting an outcome or decision;
- history of disputes that have escalated beyond the area supervisor;
- pre-meeting phone conversations have suggested differences in perspectives among team members;
- pre-meeting phone conversations have revealed major differences in perspective among team members;
- phone conversations have been tension-filled, family members refuse to speak on the telephone with school personnel, or school personnel avoid phone conversations with family members;
- any team member expresses anxiety about an upcoming meeting;
- team members express anxiety about interpersonal relations on the team;
- unresolved conflict (even if unrelated to current meeting) is present between team members;
- team members are uncomfortable with conflict;
- parent indicates they will be bringing an advocate;
- parent indicates they will be bringing an attorney;

- cultural differences that may have an impact exist among team members;
- difficult information will be shared during the meeting (i.e., eligibility, changes in handicapping conditions, discussions about behavior management, etc.);
- triangulation efforts occur (efforts to get pre-meeting commitments or concessions from one or more team members without all members knowing of such communications).

During meeting/face-to-face conflict escalation indicators:

- any team member brings a recording device to a meeting;
- increase in own internal feelings of defensiveness or anxiety;
- expertise of a team member is questioned by other team members;
- integrity of a team member is questioned by another team member;
- other personal attacks occur (particularly if this happens without enforcement of working agreements);
- increased defensiveness or anxiety in others, which may be observed through the following nonverbal, paraverbal, or verbal forms:
 - ✓ nonverbal body language indicators (note that a *change* in nonverbal language is often the first indicator that discomfort is increasing)
 - changes in eye contact
 - rigidity of body posture
 - turning away from speaker
 - closed limbs (usually crossing of arms or legs)
 - facial movements (tightening of lips, narrowing of eyes, eyebrow shifts, flaring nostrils)
 - shallowness of breathing
 - eye rolling
 - hand fidgeting, perhaps furious writing or doodling
 - stroking of face
 - increase in physical stillness
 - ✓ paraverbal cues (intonation, rate of speech, etc.)
 - rise in pitch
 - increase (or sometimes a decrease) in rate of speech
 - decrease in fluency (either in how words are said, or in the coherency of the message being transmitted)

- sighs or other sounds of exasperation or discomfort
- decrease in ability to speak and modulate breathing—may appear short of breath
- speech may seem more “clipped”
shorter time between speakers
- ✓ oral language
 - increase in “you” statements (particularly “you people”)
 - adversarial word choices
 - repetition of statements
 - lack of response to input from others
 - generally decreased participation

Note: Some of these behaviors are culturally based and may vary between cultures.

Post-meeting indicators (Note that these indicate conflict that may be temporarily suppressed and which has a higher likelihood of resurfacing in a more antagonistic form in the future.):

- letters of discontent or open feedback about dissatisfaction;
- discussions of discomfort with the meeting or meeting outcome between team members, but not among the entire team;
- questions repeatedly occur (after the meeting) about how a program is being implemented;
- complaints about the meeting outcomes or process are brought to individuals who did not attend the meeting (e.g., supervisors, other parents, etc.);
- decrease in effective communication between home and school or among school team members;
- follow-through on agreements is poor;
- avoidance behaviors occur—unreturned phone calls, missed meetings, etc.;
- own internal registering of discomfort with a meeting outcome; and
- family or district files a complaint or due process hearing request.

Communication and conflict

Good communication is at the heart of conflict management and dispute prevention. Essentially, this requires attention to two things:

- ▶ how a message is produced; and
- ▶ how a message is received.

Much of our interpretation of different messages is based on body language and intonation patterns that accompany the spoken words. In fact, a significant portion of our messages are carried by vocal factors such as pitch, volume, and rhythm and body movements (mostly facial expressions, but also eye contact, position of arms/legs and trunk, rigidity of body posture, etc.).

Differences between cultures in body language can cause additional confusion. While there tend to be more similarities between cultures than differences around body language, it is important to realize that variations do exist. Well-known differences include the use of or lack of eye contact, physical proximity between speakers, and the use of or lack of gestures while speaking.

A simple communication model follows:

Speaker has an idea or intention to communicate → Speaker's message is expressed → Listener receives and interprets the message.

Breakdowns in communication primarily occur when:

- ▶ a message is expressed inadequately or somehow does not reflect the desired intent of the speaker ("That's not what I meant to say!"); or
- ▶ the listener's reception or interpretation of the message is disrupted, incorrect or distorted in some way.

The longer the breakdown occurs (the more exchanges that happen without correct expression or interpretation), the greater the opportunity for conflict escalation. When this is accompanied by actual differences in perspectives or the sense that the other person is preventing us from meeting our own needs, we begin to make assumptions or interpretations about the other person's intentions. This, in turn, helps escalate conflict to higher, more intense levels.

Because there is so much opportunity for confusion, each of us must take responsibility for clarifying our own interpretations with the speaker. A good formula for this is:

1. Identify the nonverbal or verbal message you have observed.
2. Suggest at least two different interpretations for the messages.
3. Ask for guidance about how to interpret the behavior correctly. *see*

3 Managing conflict prior to meetings



Preventive strategies

Preventive strategies that keep conflict from escalating focus on the use of effective communication and careful planning and design of a meeting *prior* to the meeting.

Meeting planning tips*

- Communicate with participants before a meeting to:
 - ✓ gather ideas for agenda items and clarify the meeting purpose (all members should be clear about the purpose prior to arrival—checking a box on a form is often not enough for clear communication);
 - ✓ surface any concerns or conflicts about the topics on the agenda, roles, or meeting process;
 - ✓ build relationships and trust, and lay the groundwork for a productive meeting environment;
 - ✓ address questions, as needed, prior to the meeting; and
 - ✓ ensure the appropriate people are invited (decision-makers, people affected by potential decisions, or facilitator—if needed).

- Design an agenda so that you:
 - ✓ state clear goals for the meeting and individual agenda items;
 - ✓ plan processes for moving through agenda items (e.g., brainstorming, how to structure information sharing, etc.);
 - ✓ establish realistic time frames for the meeting *and* agenda items, including an ending time for the meeting; and
 - ✓ include breaks for longer meetings, particularly eligibility meetings and IEP meetings, which are often held back-to-back.

*See Appendix A: Meeting Checklist and Appendix B: Agenda Planning Questions

- Attend to meeting environment and logistics to:
 - ✓ ensure adequate seating (think through *where* people should sit—family members tend to prefer to sit together; school personnel with most familiarity or positive relationship with a parent or student may want to sit nearest them. Seating should discourage side conversations between school team members. All participants should be able to see the flip chart and each other, etc.);
 - ✓ provide materials, reports, chart packs/markers (with enough copies needed for each participant—share forms with family members);
 - ✓ address the needs of both auditory and visual learners;
 - ✓ offer refreshments (optional); and
 - ✓ provide information before the meeting (i.e., notice, agenda, written information participants will need to understand prior to meeting in order to accomplish the meeting goals, etc.).

Communication tips

- Communicate with all team members as needed to build relationship and trust. This will help ensure that school staff and family members are on the “same page” about what to expect. This communication should accomplish the following:
 - ✓ clarity and agreement about the purpose of the upcoming meeting;
 - ✓ identification of any questions that can be answered before the meeting;
 - ✓ recognition of any specific concerns or issues that should be addressed in the meeting;
 - ✓ tentative agreement about the agenda; and
 - ✓ an understanding of what the parent or other participants may need to feel “safe” and able to participate fully in the meeting (ideas for working agreements/meeting guidelines).
- Provide adequate notice of the meeting. Consider including a short note along with notice forms to add a personal tone (e.g., “Looking forward to seeing you next Thursday,” or “Let me know if I can answer any questions before the meeting.”).
- Include directions and a contact number for people to call.
- Remind people to bring materials so they can be prepared.

- Provide written information prior to meetings so meeting participants can be prepared rather than spending meeting time reading together. This can be very time-consuming and is not a good use of a group. A more useful strategy would be to use the group's time together in clarification and discussion of the information. If this is not possible, it will be necessary to provide adequate time in the agenda for reading, thinking and clarification of the information *before* asking for problem solving or decision making. Remember that many people need to have time to process information internally before responding to it.
- Speak with family members prior to meetings about test results to minimize the time impact on meetings that discussions of tests may have and to allow parents to reflect on the information before making decisions.
- Remind people to bring materials so they can be prepared.

4 Managing conflict in meetings



Working agreements (a.k.a. ground rules)

Working agreements allow a group to function and help create a safe environment for problem solving. It may be helpful for the meeting facilitator to bring a draft of a few ideas—it is always a good idea to gather additional suggestions from team members. By coming to agreement about ground rules, the team begins its work with initial success and sets a tone for respectful behavior.

Each team is different and may need different agreements. For example, a team that has worked together for a period of time may need permission to disagree more than they need reminders to “listen to understand.” It is the responsibility of all team members to remind each other of the working agreements, if needed. Possible working agreements include:

- Listen to understand, not to rebut;
- Be specific—use examples;
- Test your own assumptions—avoid making inferences about other’s motives;
- Share all relevant information;
- Agree on what specific terms or important words mean;
- Invite questions and comments after stating your point of view;
- Keep the discussion focused;
- Disagree openly with any member in the group—disagreements are not personal;
- Refuse to take cheap shots at others—no name calling, put downs, inappropriate body language, questioning of integrity or knowledge (or whatever else the group needs to list);
- Refrain from interrupting;
- Ask if something is not clear—take responsibility for clarifications.

Effective listening

Listening in a skillful way requires much more than simply hearing what is being said. When we use reflective or “active listening,” we act in effective and dynamic ways to accomplish several tasks.

Effective listening (especially during conflict) can:

- ▶ affirm for the speaker that s/he is being understood (or if there is a need to add more information or modify the message;
- ▶ clarify misunderstandings or differences in historical perspectives;
- ▶ identify and validate feelings that the listener has had or is having; and
- ▶ help the speaker leave behind the negative emotions that keep him/her from being able to move forward in resolving conflict.

When we focus our listening, we are more efficient *and* more effective as listeners. Rather than taking more time, focused listening actually reduces the time needed to gather the message being delivered. Instead of being sidetracked or unclear about where the conversation is going, effective listening helps us organize a conversation and hone in on the critical areas.

As a conflict management tool, effective listening is a critical skill for recognizing when conflict is escalating as well as a useful technique for understanding what will be needed for resolution.

Effective listening means thinking actively and focusing our listening in three major areas:

Focusing on feelings

When we focus on someone’s feelings, we identify and respond to the emotional part of that message being communicated. This can be uncomfortable for both the speaker and the listener, because feelings are often hard to read and poorly expressed. However, feelings are a *real* part of people’s experiences and are important to understand. If we miss the speaker’s personal reaction to the events s/he is describing, we miss critical information about the conflict. This can reduce our chances of reaching resolution.

To focus on a speaker’s feelings, listeners can:

1. check in with themselves—ask, “How would I feel?” and offer their perception about emotions the speaker may be feeling;
2. ask, “What is the **overall** content of the message?” or, “Are there any indicators about feelings here?”

3. observe: is the speaker actually using “feeling” words?
4. consider, “What does the body language or the paraverbals (i.e., intonation, pitch, stressed words, etc.) tell me?”

Focusing on themes or content

In addition to addressing feelings, it is important to be certain the content of the message is being received accurately. To focus on the theme or content of a message, we briefly rephrase (in our own words) what seems to be the main points of the message being expressed. In this way, we help ensure that we are hearing accurately and also help the speaker recognize which parts of a message may not be understood.

Reflecting meaning

An easy-to-remember formula for active listening is **EARS**:

Empathize
Ask
Rephrase or **R**eframe
Summarize

Empathize

Acknowledge and validate the speaker’s experience, point of view, feelings, and reactions to events.

- Work to send this message: “The concerns and feelings you have are real for you, and they are important.”
- Give a voice to the speaker’s concerns: “I’m wondering if you believe that this cannot be resolved because the issue has gone on for so long.”
- Help the speaker communicate, and affirm that his/her perspective matters: “Is there something you want me to understand that you think I don’t understand yet?” or, “Have you ever found yourself in a situation similar to the one we are in now?”

Ask

Use questions that help the speaker tell his/her story—on the other hand, be careful not to overuse this technique! Effective listening does not require many questions.

- Use open-ended questions that help the speaker say more rather than using questions which ask for a “yes” or “no” answer.
- Avoid questions that reflect judgments or which seek to confirm a conclusion you have already reached. Such questions often start with “Don’t you think . . .?”
- For maximum benefit, use questions starting with “what,” “how,” “help me understand,” or, “tell me more . . .”

Rephrase Reframe

When rephrasing, use your own words to emphasize what the speaker said. Use reframing techniques to help organize information the speaker is providing.

- Rephrase portions of sentences to help the speaker know that s/he is being heard *and* to confirm your own understanding.
- Reframe by grouping common ideas into patterns or, at other times, break down overarching ideas into smaller, more manageable parts.

Summarize

In a concise fashion, paraphrase the content *and* feelings that the speaker has stated to add meaning and coherency to the message.

- Use neutral wording and organize the most important pieces together into an integrated message.
- Include phrases that indicate your summary is *your* effort to understand the speaker (e.g. “So let me see if I’m understanding . . .” or, “Is there anything else? Have I left anything out?”).
- Point out areas of commonality. Summarize any concerns or needs that you share—note these in a summary statement (e.g., “It sounds like it’s important to both of us that . . .”).

Interests and positions: **Uncovering what is really important**

When we are in conflict, we often state our positions or present solutions to the problem. In order to move toward collaborative problem solving with its focus on mutual satisfaction, it is important to know how to discover the interests that lie behind expressed positions. When we bargain on the basis of our positions, there is a higher degree of blaming and demands, and win-lose or compromise (lose-lose) decisions are the result. Interest-based problem solving, on the other hand, provides us with a focus to work together in a way that meets our most important needs.

Interests are the real, underlying needs that we want to address. Although they are not always clear, they are the true goals that must be achieved for a win-win solution. Often, we need help expressing what our interests actually are.

Positions are the specific solutions (sometimes demands) that we propose to get our interests met.

Examples:

Position (what I say I want): “I don’t want you to laugh when I’m talking.”

Interest (what I really need): “I want to be treated with respect.”

Position (what I say I want): “I oppose the new work rules.”

Interest (what I really need): “I want to be involved in decision making about our workplace.”

Discovering interests*

One way to help people discover underlying interests is to ask open-ended questions about proposed solutions. Some examples of helpful questions:

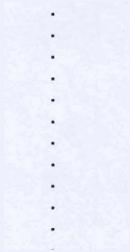
- Can you help me understand what that solution would accomplish?
- What changes would that suggestion make in your life?
- What would that mean to you?

As we begin talking about our underlying interests, we can move away from our

*See Appendix C: *Questions That Help Identify Interests*

- firmly held positions and explore other options to meet our needs. There are often
- many more options that can satisfy interests than those that will address our positions. This shift, then, helps us discover solutions for mutual gain.

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Facilitation tips and behaviors

- Be clear about your role—remain focused on **process**, not content.
- Get agreement from the group on working agreements for the meeting at the beginning of the meeting. (“What kind of agreements shall we make that will help us participate fully and also make sure we are able to accomplish the meeting goals?”) If possible, gather ideas prior to the meeting from the participants.
- Review the meeting agenda and get group consent at the beginning of the meeting. When planning agendas, think about appropriate processes to achieve tasks.
- Validate the group for its work; be supportive of the group’s efforts. Be specific.
- Educate the group about process—make it clear how they can be called upon and how decisions will be made. Decision making should be discussed at the beginning of the meeting as part of the ground rules discussion.
- Assist the recorder (if a different person is recording) to record ideas correctly. Summarize periodically and get clarification when a speaker is wandering.
- Refuse to get entangled in the content. Instead, use reflective listening responses to help participants feel heard. This is a good way to intervene in debates, too.
- Allow periods of silence for thinking.
- Use flip charts to help structure the discussion, particularly when people are being repetitive or disorganized in their statements. (“Is that the same as this item?” or, “Have I captured your point adequately?”)
- Use the meeting goals and time frames to help keep people on track, and point out interactions that are preventing the group from achieving the goals. (“I’m concerned that this kind of interaction is keeping us from being able to find a good solution to the problem we had identified earlier,” or “I’m aware of the time, and thinking we all need to work harder to focus our discussion on the topics at hand,” or “It sounds like you have methodology questions which really have more to do with day-to-day or activity-based instructional strategies. Since this is an IEP meeting to map out the larger goals and objectives, maybe there should be a follow-up meeting between you and the teacher to discuss methodology.”)
- Enforce the working agreements. (“I know it’s difficult not to interrupt when we disagree. We do have an agreement not to interrupt. What would be helpful to follow that guideline at this point?”)

Process tips

Before the meeting, facilitators and team members may want to think about what meeting processes to use that will help the group accomplish its goals.

Process is different from content. The topics or tasks to be accomplished during the meeting are the content, and there are many different ways to address subject matter. Process, on the other hand, refers to *how* the content is handled or *how* the tasks are accomplished to meet the goals for the meeting. Process relates to how group members work together on the content. It addresses the way decisions get made and could be considered as the steps the group takes to deal with the content. It often has a great influence on how participants evaluate the “success” or the value of a meeting.

The next section on interest-based problem solving offers a comprehensive decision making process. There are other, simpler processes that may be used to ensuring a successful meeting. Some of these are as straightforward as using open-ended questions to encourage a speaker or shifting eye contact toward other participants in order to encourage a speaker to talk to the other team members. Regardless, it is important to think ahead about which processes will be most useful and which should be avoided.

Some helpful process behaviors include:

- structuring discussions using the following format: (1) information is presented, (2) clarification questions are asked, and (3) reactions to the information are shared;
- using flip charts to structure speakers and discussions and highlight certain ideas;
- brainstorming as a strategy for idea generation;
- stacking—creating a speaking order by naming and assigning a number to each person (e.g., “Mike, you’re first, Katie you’re second, Lisa you’re third.”);
- tracking—identifying the different conversations that are occurring, which is useful when various related but different themes are being discussed (e.g., “Let me step back a second and be sure I’m clear about the different topics that are being discussed. It sounds like one conversation is about services that will be needed, another is about goals, and a third one is about methods. Is that right?”);
- summarizing differences and similarities being expressed;
- encouraging those who haven’t spoken (e.g., “I’m aware that not everyone has had a chance to comment yet—let’s hear from some of those who haven’t spoken.”); or
- using structured go-arounds (i.e., having each person respond in sequence).

Interest-based problem solving

Interest-based problem solving is a strategy for solving problems when there is conflict and the group has a goal of reaching consensus on its decisions. It establishes clear “steps” to take in uncovering creative solutions that will work. This model is based on the premise that solutions that last are dependent on the team members adequately understanding and addressing each other’s underlying motivations or interests (also called needs) rather than moving quickly from problem identification to solutions.

Step 1 Identify the problem that needs solving or the question the group is answering. Problem identification and framing can be tricky. The focus must be on framing the problem in a neutral way. All should agree with the problem statement or question; it is also important not to get “hung up” on wordsmithing the problem statement.

Signals for moving to the next step: Once the group members agree that the problem statement or question *adequately* includes their concern, they are ready for Step 2. This means that their concerns would be addressed if the problem (as framed by the statement) were solved.

Step 2 Share information. The focus is on gathering enough information so that all perspectives on the framed problem are understood. This stage involves statements of positions, possible solutions, perspectives shared regarding the history of the conflict(s) and the possible causes of the problem.

A problem may have several issues within it; these are separated from each other and clarified. Areas of agreement and disagreement are identified.

Signals for moving to next step: Once each person *understands* the situation from the other’s perspectives (not necessarily agreeing) enough to identify the different issues involved in the problem, and the group agrees the issues identified are sufficient, they are ready for Step 3.

Step 3 Surface interests. The focus is on understanding and clarifying the interests that underlie positions and solutions being offered. Individuals may have a mix of interests; each person needs to be able to prioritize his/her own interests.

Signals for moving to next step: Before the group moves to Step 4, all group members should understand the other members' interests enough to understand what must be included in a solution in order for it to be acceptable to all. (This is not the same as agreeing with each other's interests.) People may or may not share their own internal prioritizing. When lack of clarity about one's own interests occurs, this may be a difficult step to complete.

Step 4 Redefine the problem (optional and often not necessary). If needed, the problem is redefined. Sometimes, as interests are shared, it becomes clear that there are one or more separate problems or issues that need addressing. A problem statement should not have an apparent solution. Rather, it should be neutral enough to allow expansive and creative solutions to emerge.

Signals for moving to next step: As in Step 1, when group members agree with the revised problem statement, they are ready for Step 5.

Step 5 Generate options. Potential options to resolve the problem are brainstormed. The focus is to get multiple ideas for consideration with no rejections or restrictions imposed.

Signals for moving to next step: Once a wide-ranging and comprehensive set of ideas has been brainstormed, the group moves to Step 6. It can be difficult for a group to discipline itself enough to brainstorm and not evaluate the generated options as it goes through this step. However, allowing evaluation, disagreement or discussion severely limits the potential for generating a wide range of options.

Step 6 Develop solution(s). Options are evaluated in light of the interests identified in Step 2 (which become the criteria to determine the best options). Solutions are chosen that meet the most or highest prioritized interests. Solutions are specific, concrete, and clear to all involved. Action plans are developed from the solutions.

The end of this step is clear—each individual agrees that the solution selected will meet his/her primary interests even if not all of his/her interests are met. Each individual may agree to support the decision for different reasons. Each individual should be clear that s/he will not stand in the way of actions being taken. (Note, this is not the same thing as saying each individual supports the decision at the same level—just that they can live with it.)

Prerequisites for use of this model:

- the group agrees about the desirability of reaching a consensus decision;
- the group has defined for themselves what consensus means. There is clarity about what impasse means; and
- there is an understanding in the group about what the fall-back position will be if a consensus decision can not be reached. The group must understand which final responsibilities the law gives to whom as well as what options are then open to the other group members. (For example, it is the school district's responsibility to determine placement if there is an impasse. In turn, families may protest such a decision through the complaint process, mediation or a due process hearing.)

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Meeting closing tips

As a meeting comes to an end, there are a number of behaviors team members may exhibit that require attention. Some people may leave early, thereby disrupt the others and make it difficult to be certain all team members understand the “next step” responsibilities. Others linger, sometimes bringing up last-minute discussion items that make it difficult to close the meeting. A few suggestions to help prevent conflict escalation at the end of and between meetings:

- Be clear about the meeting beginning and ending times in the meeting notice and in opening comments at the meeting.
- Get a commitment from team members at the beginning of the meeting that they will remain until the meeting end time.
- If there is a likelihood of contentious discussions and someone can not stay for the end of the meeting, it may be wise to end the meeting at the time the team member must leave and reschedule (this should be decided upon at the beginning of the meeting). This is particularly suggested for meetings with more than one person leaving early.
- On the agenda, include a “next steps” item. Discussion on this topic is about **Who** will do **What** by **When**. Get commitments from team members about these even if the “when” is only a tentative deadline (in which case this should be made explicit).
- Confirm the communication lines. If someone has questions about services (or any other topic) after the meeting, specify who is the contact person who will answer these questions. How can they be reached? It may be that different people will be designated to answer different questions. Note: many parents express concern about this particular point.
- Evaluate the meeting process. Give yourselves about 10 minutes on the agenda for this item.
 - ✓ Be honest with each other about how the meeting felt. You can either use a “go-around” process or let everyone suggest ideas as they occur.
 - ✓ Use a flip chart.
 - ✓ Begin with a focus on the positives—what did we do well in our interactions with each other during this meeting? What was helpful in meeting our goals? What felt particularly good about how we worked together during the meeting?
 - ✓ Next, identify things about the process that should be changed in the future—what would we want to do differently next time? What would have been helpful to do that was omitted? ✎

5 Post-meeting considerations

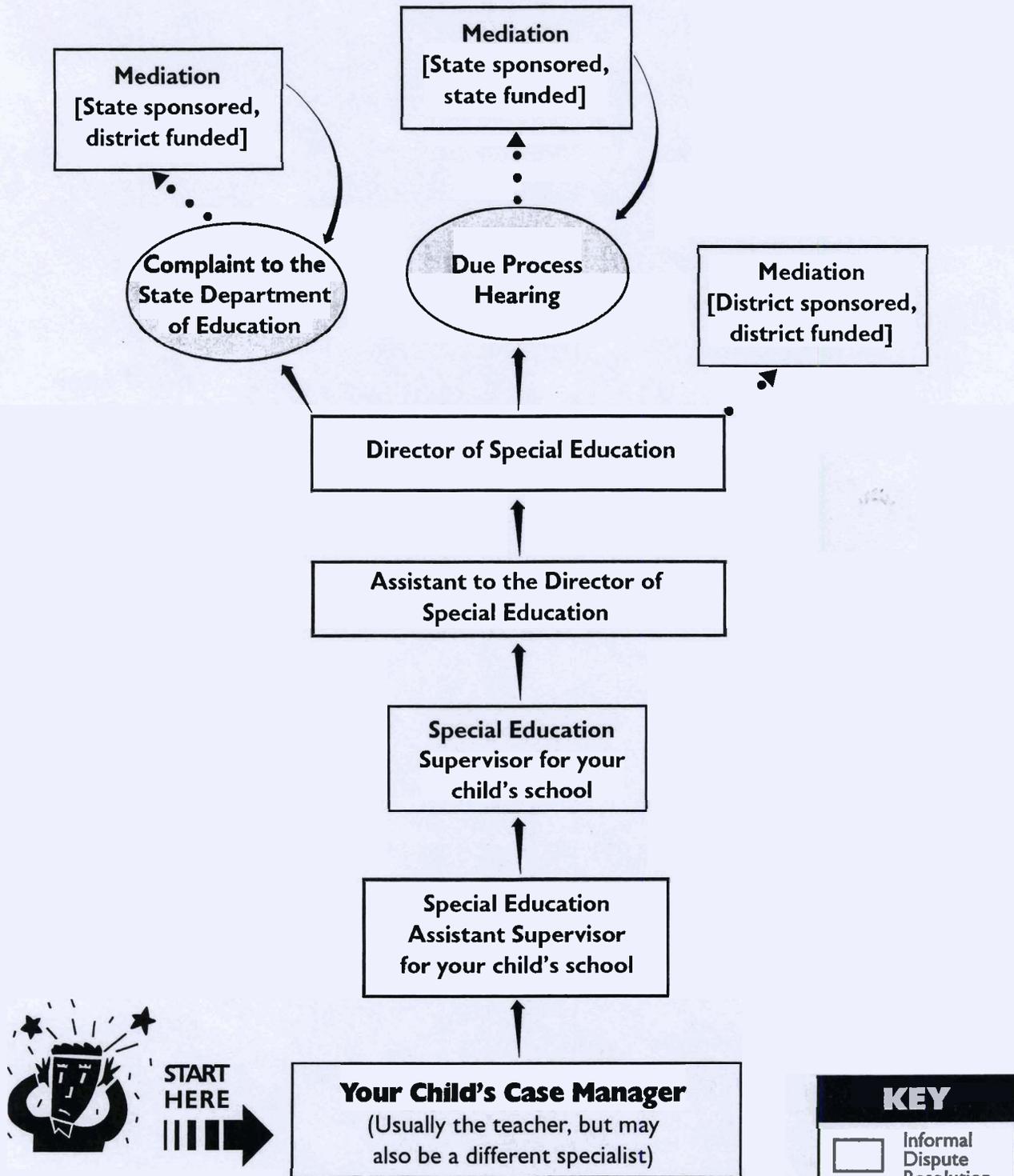


Communication tips

Communication after the meeting can be as important as communication prior to or during the meeting. A few reminders:

- ▶ Debrief with one or more team members. This is particularly important if your team did not have time to evaluate its meeting process. Be sure to ask more “difficult” team members for their feedback, as this is where the potential for greatest learning may take place.
- ▶ If you have a sense there is unresolved conflict, initiate a dialogue with the team members involved and make an effort to get the concerns addressed.
- ▶ A meeting summary can be extremely helpful, particularly when there have been strong differences of opinion. If you took on the responsibility for completing a meeting summary, do this as soon as possible. Consider these meeting summary pointers:
 - ✓ do not be concerned about including everything that was said;
 - ✓ do provide enough information about discussions so that team members remember how and why certain decisions were made;
 - ✓ do include a list of who was present (and their role or job title);
 - ✓ do highlight decisions in some way (i.e., through formatting changes);
 - ✓ do include a “next steps” section which clearly states who will do what by when;
 - ✓ if another meeting has been scheduled, include the date, time, location, and meeting purpose in a “next meeting” section; and
 - ✓ ask for feedback if someone disagrees with or has a concern about the **accuracy** of anything contained in the meeting summary.
- ▶ If another session has been scheduled, begin planning for that, including pre-meeting phone calls as needed.
- ▶ Did you volunteer to do anything else or send information? Do it!

Portland Public Schools Steps for Dispute Resolution



KEY	
	Informal Dispute Resolution
	Formal Dispute Resolution
	Conflict Unresolved
	Optional

- ▶ At any step parents have the right to file a complaint, initiate a due process hearing, or bring an advocate to meetings.
- ▶ For the current names of staff in these positions, contact the Special Education Department at 503-916-5840, ext. 360.
- ▶ It is helpful to state your concern in writing. This will help you state your child's needs clearly and guide the conversation.

Appendices



Meeting Checklist

- Provide adequate notice of the **date, time, place,** and **purpose** of each meeting.
- Purpose of the meeting is clear and agreed to by team members.
 - Agenda with clear content, process, and times for each agenda item is developed.
 - Agenda items are solicited from team members (orally or in written form).
 - Agenda is reviewed and agreed to at the beginning of the meeting .
- Agenda has clear differentiation between information items and decision items.
- Meeting has clear beginning and ending times. Ending time is changed only with the consent of the entire team.
- Roles are clarified at the beginning of the meeting.
- Team members are prepared for the meeting.
- The room and seating arrangements support the meeting's purpose.
- Decision making procedures are clear for all team members.
 - The limits of the group's decision making authority are understood by all team members or clarified at the beginning of the meeting.
 - Decision items are considered in terms of the presence or absence of decision-makers with authority (i.e., group doesn't make decision they do not have the authority to make).
- Working agreements are clear and affirmed by all team members.
- All participants are involved and contribute fully.
- The real issues are raised and dealt with honestly. Different points of view are encouraged and valued.
- A clear record is kept which summarizes all decisions made.
- The meeting ends with a **process** evaluation.
- The group assigns accountability and establishes action items; everyone leaves with a clear understanding of **who** will do **what** by **when** to follow through on meeting agreements.
- Communication avenues (who to ask for which questions) are clarified.

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Agenda Planning Questions

1. What are the goals for this meeting?
2. Who needs to attend? (Include those who must approve a decision, those who need to present information, those who need to hear the information, and those legally required to be present.)
3. What decision making process will be used?
4. What information or resources are needed?
5. What ground rules might be helpful for the team to work well together?
6. How should the agenda flow and what are the time needs for each item?
 - What is the process for each agenda item? Brainstorm? Sharing in sequence? Information shared, then questions?
 - What steps are needed to achieve the outcomes or goals for the meeting items? Where are the priorities (i.e., legal ramifications, one decision must precede another, some issues have more emotional importance, etc.)?
7. Who will record the meeting and how?
8. What room arrangements and other physical logistics do I need to consider?
9. What equipment and tools will be needed/useful?
 - Flip chart and pens?
 - Written agenda (posted)?
 - Graphic representations of information being shared?
10. Potential concerns, pitfalls and fears? Do I have a plan to deal with these?
 - What are the critical questions and how should they be framed?

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