



Texas Parent to Parent Statewide Conference
San Antonio, June 21-22, 2019

Collaborating When it Feels Adversarial

WHY DOES SPECIAL EDUCATION FEEL ADVERSARIAL?

- Roots of the US legal system
- Statutory origins of IDEA
- Why a rights-based model rarely works for special education

THE NATURE OF CONFLICT

- Variety of causes
- Natural, inevitable, recurrent – yes. But is it bad?

STRATEGIES FOR NAVIGATING SCHOOL-BASED CONFLICT: LESSONS FROM OTHER DISCIPLINES

- Neuroscience
 - Recognizing conflict style as a stress response
 - Fight-or-flight and polyvagal theory
- Hostage negotiations
 - The story of an orange
 - Interests and positions
- Anatomy of a negotiation
 - Know your BATNA (and theirs)
 - Identify all interests (yours and theirs)
 - Together, generate a *judgment-free* menu of ideas
 - Joint problem; one team

LEAVING WITH A DEAL: PRACTICAL AND TACTICAL REALITIES



The Center for Appropriate Dispute Resolution in Special Education

Supporting the prevention and resolution of disputes through partnership and collaboration

<https://www.cadeworks.org/>

CADRE Continuum of Dispute Resolution Processes & Practices

Stages of Conflict	Stage I				Stage II			Stage III			Stage IV				Stage V	
Levels of Intervention	Prevention				Disagreement			Conflict			Procedural Safeguards				Legal Review	
Assistance/ Intervention Options	Family Engagement				Participant & Stakeholder Training			Stakeholder Council			Collaborative Rule Making				Parent to Parent Assistance	
	Case Manager				Telephone Intermediary			Facilitation			Mediation Models				Ombudsperson	
	Third Party Opinion/Consultation				Resolution Meeting			Mediation Under IDEA			Written State Complaints				Due Process Hearing	
	Hearing Appeal (Two-Tier Systems)				Litigation			Legislation								
Dimensions that help clarify placement of the options along the Continuum	Third-Party Assistance				Decision Making by Parties			Interest-Based			Third-Party Intervention				Decision Making by Third-Party	
	Informal & Flexible										Rights-Based				Formal & Fixed	

Types of Conflict*

Types of conflict can shift, i.e., can start as one type and become another.

Description	In a school setting:
<p>Low-impact conflict Most frequent: e.g. where to eat, who does dishes, who gets first shower. Lacks significant consequences; might be trivial to some, important in the moment, important to the people directly involved. Can become more serious if mishandled: can mask other, more serious, conflicts. Sometime people ignore this level of conflict because resolution doesn't seem worth the energy.</p>	
<p>Latent conflict Conditions of conflict are present, but there hasn't been an actual event or issue. Varying degree to which issues are primed to erupt, or to which they affect behavior, decisions and relationships. Sometimes shows up as generalized tension in a relationship or circumstances. Conditions are ripe, but no incident (yet).</p>	
<p>Transient conflict Time-limited conflict. Can be serious, but without long-term implications if the right solution is found. i.e., important, but can go away completely with a different decision or solution.</p>	
<p>Representational conflict Surface conflict that is representative of deeper issues. Cannot be completely or accurately understood outside the context of the deeper conflict. The presented conflict is actually a manifestation of a core conflict. Likely to recur unless the underlying issue is identified and addressed, e.g. who takes out the trash is presented conflict, but core conflict is about power in the relationship.</p>	
<p>Stubborn conflict Stubborn, difficult to resolve, resistant to solution. May be time-limited, if handled appropriately. Often complex/involving intense emotions. Resolvable, but may require third-party intervention.</p>	
<p>Enduring conflict An aspect of the dispute is embedded in structures, systems, values or identity that will not be resolved through short-term, resolution-oriented conflict interventions. Long-lasting, might not be resolvable, may need to be managed. Issues won't go away because they are structured in opposition to each other.</p>	

Adapted from Staying with Conflict, Bernard Mayer

Sources of Conflict

Have you seen these in action?

Put a check by each type you have experienced in your personal or professional life.

- Different problem-solving styles
- Unmet psychological needs
- Misperceptions
- Limited resources
- Miscommunication
- Different values
- Different learning and processing styles