



FOCUS on Results

Guidance & Technical Assistance from the Office of Special Education and Early Intervention Services



Office of Special Education and Early Intervention Services

July 2003

Accountability

Assessment

Curriculum & Instruction

Dispute Resolution

Early Childhood

IEPs & IFSPs

Personnel

State & Federal Policy

Transitions

Other

Informal Problem-Solving Can Resolve Disputes Early

by Carolyn Brown

Disagreements in the school setting are often difficult to resolve because emotions of the parties involved run high. Because children are so important, what happens to them is very important to parents. Parents may feel threatened and off-balance when their child is in a situation in which he or she is not doing well.

The majority of differences between schools and parents can be resolved in the informal ways disagreements are usually resolved—by talking to a person who has some power to help or by discussing the problem and coming to an agreement about a course of action.

While the formal methods of problem-solving always remain open and must be used on occasion, they often take significant time. In some cases, formal dispute resolution further damages the relationship between the parents and the school. That's why informal problem-solving is such an important tool for all members of the education community.

In order to solve problems informally, parents must be able to communicate effectively with school personnel. The following is a suggested plan of action for parents or adult students when seeking an informal resolution to the problem:

1. **Identify the problem.** This step is the key to problem resolution. It is important to be very clear and exact when defining a problem. The narrower the definition, the more likely it is that a resolution will be reached.

2. **Determine what kind of problem it is.** Is it a human interaction problem, an education problem, or a special education problem? This step is key to finding the information needed to resolve the problem and the person or people who can help.

3. **Gather information about the issue.** Determine where you can get the information needed to successfully address the problem. If it is a special education problem, determine which laws (if any) provide the mechanisms that will help resolve the problem. Remember that services are provided in schools based on evaluations. If the parent thinks the student needs any service, start by requesting that the school evaluate the student's strengths and needs. The school has a right and obligation by law to provide evaluations or to contract for them. Related services are not provided because of an agreement; they are provided because of evidence that shows and experts who believe the student must have the services to benefit from the education. Be sure to save copies of evaluations. Increases or changes in services are easier to obtain if the school's own evaluations document that there has been no progress.

4. **Identify possible solutions.** Try to think of several reasonable solutions to any given problem. Many of the problems that occur do not require

FOCUS on Results Is Available Online

Now you can save time and help Michigan save money by reading *FOCUS on Results*—and all Center for Educational Networking publications—in electronic format.

If you have access to the Web and would like to receive e-mail updates when new issues of *FOCUS on Results* are available, send a request to info@cenmi.org, or visit www.cenmi.org and click on “Services” then “Subscribe to e-publications.”

Subscribe to e-*FOCUS on Results*, and you will also receive periodic quick tips and updates on breaking education news.

Meanwhile, don't forget to check www.cenmi.org often to learn about news and events of interest to the special education community.

Adapted with permission from *Special Education: An Advocate's Manual* (2002 edition) by Carolyn Brown, advocate, Michigan Protection & Advocacy Service, Inc. (MPAS). For more information, contact MPAS at (800) 288-5923, 4095 Legacy Parkway, Suite 500, Lansing, MI 48933; www.mpas.org; Fax (517) 487-0827.



GATA 03-02

expensive or extraordinary expertise to resolve. When reviewing the possible solutions, remember to identify differences of opinion, listen, and ask questions until all points of view are understood. Try not to get upset or use “authority” to resolve issues.

5. **Devise a measure.** Determine when the parents and the school will agree that the problem is actually solved. To do this, think about the problem in terms of how to get to one of the solutions proposed. Describe the expected result.
6. **Identify a person who can help solve a problem.** Go to the person most likely to be able to help, but use the lowest intervention level possible. The person “at the top” does not always have all of the information. An issue may be resolved in a day if the problem can be discussed with the teacher or special education director and if reasonable solutions are proposed. Remember to deal with the special education staff as often as possible. They are knowledgeable about services and the law.
7. **Follow up.** Set a meeting date to review progress. Keep track of how an agreed-upon solution gets implemented. Follow-up is often harder than imagined.

Some issues cannot be resolved without a formal process. While necessary on occasion, formal special education dispute resolution processes should be last resorts for several reasons:

- They immediately place parents and school districts in adversarial positions.
- They are costly in terms of time and money for both parties.
- They take time to reach a resolution, which may further postpone appropriate programming for the student.
- They fail to contribute to the cooperative long-term relationships that help students with disabilities learn.

At any point, a parent may wish to contact an advocacy agency, a disability-related support group, or other parents for information or strategies to use in resolving problems.



Eastern Service Area (ESA) Supports Informal Problem Solving through Professional Development

by Roberta Perconti

In the Eastern Service Area (ESA) special education department, we value the use of the problem solving process. A number of factors generate conflict in the field of special education, including legal parameters, individual student's need, elevated emotions, and higher accountability.

Consequently, special education staffs continually face situations that demand sophisticated levels of conflict resolution and problem solving skills. Although central office and high-level administrators are trained in these areas, many teachers lack formal training in collaboration, problem solving, and conflict resolution. Yet, these skills are essential for early detection and intervention as conflict arises.

These skills also pave the way to effective communication with parents, staff, and students. Since teachers often spend more time communicating directly with parents, they could very effectively resolve potential conflict before it requires administrative intervention. When disagreements at school can be prevented or resolved early, all parties are winners.

Students do better at home and school when all parties collaborate. In fact, research indicates there is a direct correlation between student achievement and parental involvement (Ho, Sui-Chu Ester, 1999). That's why we believe effective communication and problem solving between staff and parents are key components to meeting the holistic needs of students.

Staff Development Improves Communication and Conflict Resolution Skills

In November 2002, the ESA leadership team brought in facilitators/trainers skilled in the area of dispute resolution, because the team recognized the need for staff development in these areas. The research-based program included steps similar to the seven problem solving steps adapted from *Special Education:*

An Advocate's Manual, by Carolyn Brown (2002).

The two-part inservice was made available to the ESA special education staff as well as staff from Kalamazoo county. The facilitators addressed a variety of skills and issues:

- Effective listening techniques
- Personal conflict styles
- Elements of effective communication
- Effective questioning skills
- Practice in paraphrasing
- Use of neutral language/reframing
- Basic conflict resolution steps
- Mediation

As a result, our staff said the training increased their use of successful informal problem solving and conflict resolution at earlier stages in the parent/staff communication process. Staff also reported more confidence in their skills to communicate effectively with others regarding sensitive or difficult issues pertaining to students with special needs. Finally, these new skills encouraged stronger parent-school relationships, which increased parent satisfaction in all areas regarding their students' education.

Although it is impossible to prevent all disagreements from reaching the need for formal mediation, it is a realistic goal to reduce the need significantly. The ESA leadership team stands on its belief that most conflicts can be resolved at an early stage by the use of informal problem solving. We will continue to bring quality staff development in problem solving techniques to the staff in order to address conflict at its earliest stages and avoid the need for formal dispute resolution.

References: Ho, Sui-Chu Ester (1999). Parental involvement in children's education: The contributions of cultural and social capital. *Chinese University Education Journal* 26,27, (2,1), 233-61.

Resources

Consortium for Appropriate Dispute Resolution in Special Education (CADRE)
Direction Service, Inc.
P.O. Box 51360
Eugene, OR 97405-0906

(541) 686-5060
(800) 695-0285 V/TTY
(541) 686-5063 fax

cadre@directionservice.org
www.directionservice.org/
cadre

Eastern Service Area
is part of the Kalamazoo
Regional Educational
Service Agency.

Contact Roberta Perconti
(269) 388-9815
PercontiR@
comstockps.org

To Order *Special Education: An Advocate's Manual* by Carolyn Brown, contact the Michigan Protection & Advocacy Service, Inc.
4095 Legacy Parkway
Suite 500
Lansing, MI 48933

(800) 388-9466
(517) 487-0827 fax
www.mpas.org

Roberta Perconti is the Director of Special Education, Eastern Service Area of KRESA. Contact her at 301 N. 26th St., Kalamazoo, MI 49048; (269) 388-9815; e-mail: PercontiR@comstockps.org.



State Board of Education

Kathleen N. Straus, President
Carolyn Curtin, Secretary
Herbert S. Moyer, Treasurer
Marianne Yared McGuire,
NASBE Delegate
John C. Austin, Board Member
Elizabeth W. Bauer,
Board Member
Eileen L. Weiser,
Board Member

Ex-Officio

Jennifer Granholm, Governor
Thomas D. Watkins, Jr.,
Superintendent of
Public Instruction

FOCUS on Results was produced and distributed through an IDEA Mandated Activities Grant, titled Education Information Network, awarded by the Michigan Department of Education (MDE) to the Eaton Intermediate School District (ISD).

The opinions expressed herein do not necessarily reflect the position or policy of the Michigan State Board of Education or of Eaton ISD, and no endorsement is inferred. This document is in the public domain and may be copied for further distribution when proper credit is given.

For more information, contact the Center for Educational Networking (CEN) at (800) 593-9146, (517) 541-1318 or by e-mail at info@cenmi.org. Download copies of *FOCUS on Results* at www.cenmi.org/Products.asp.

Statement of Compliance with Federal Law

The Michigan Department of Education complies with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education.

This document was printed 23,500 times at a per piece cost of .04 cents



GATA 03-02

WEB LINKS

Dispute Resolution Web Sites

Consortium for Appropriate Dispute Resolution in Special Education (CADRE)

www.directionservice.org/cadre

Michigan Special Education Mediation Program (MSEMP)

Michigan Supreme Court, State Court Administrative Office,
Office of Dispute Resolution

www.courts.michigan.gov/scao/dispute

mediate.com

www.mediate.com

American Bar Association Network

www.abanet.org/dispute/home.html

Association for Conflict Resolution

www.acresolution.org

National Special Education Web Sites with Dispute Resolution Pages

National Association of State Directors of Special Education (NASDSE)

www.nasdse.org

National Information Center for Children and Youth with Disabilities (NICHCY)

www.nichcy.org

Technical Assistance Alliance for Parent Centers (The Alliance)

www.taalliance.org

U.S. Department of Education, Office of Special Education Programs (OSEP)

www.ed.gov/offices/OSERS/OSEP/

Michigan Special Education Web Sites

Citizens Alliance to Uphold Special Education (CAUSE) Michigan's designated parent training and information center

www.causeonline.org/

Center for Educational Networking (CEN)

www.cenmi.org

Michigan Department of Education

(Click on Administrators, then Special Education)

www.michigan.gov/mde/