CREATING AGREEMENT in
Special Education-Pennsylvania

Presented by

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Office for Dispute
Resolution

Creating Agreement in Special
Education-Pennsylvania

Original Training Jointly Developed By:

The Center For
Appropriate Dispute
Resolution In Special
Education (CADRE)

The IDEA Partnership
Project (at NASDSE)

With funding from the US Department of Education,
Office of Special Education Programs (OSEP)

Creating Agreement in Special Education

Creating Agreement in Special Education-Pennsylvania

- This training is a hybrid inspired by the original CA training with components of ODR's Dispute Resolution Skills Training. ODR continually updates training content with graduate level work in conflict analysis and engagement. (Antioch University)

Creating Agreement in Special Education-Pennsylvania

Who are we?

- Introvert
- Thinker

- Extrovert
- Feeler

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Why this training?

- To build capacity within school and family partnerships for resolving conflicts about the child's education.
- To examine the impact of conflict from the perspectives of power, identity and emotion.
- To introduce a model for effective engagement.

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More reasons for this training…

- Parents know **their** child/children; educators know child development and may have experiences with a wide range of children. Reasonable minds can differ.

- Evidence based approaches to instruction can be very technical and counter intuitive. This enhances the need for exemplary communication between schools and families.

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And just a few more…

- Remaining reasonable and caring can be a challenge as teams meet, listen, discuss, and evaluate perspectives and data while balancing the weight of meaningful student outcomes.

- Knowing how to teach a child with complex needs is not always a straight path; partnerships must exist between home and school.

What is Conflict?

- Frustration
- Confusion
- Anger
- Competing priorities
- Worry
- Stress
- Win/lose outcomes
- Self-doubt
- Shame

Who was taught conflict resolution skills as a child?

AUDIENCE POLL

Reflect upon…

- What have you retained from your childhood regarding "conflict resolution"?

- Effective?

- Needs improvement?

Beliefs About Conflict

- "The way you view conflict has a tremendous impact on the way you respond and react to the conflicts in your life.

- Learning better, shinier, or newer conflict resolution skills won't make the kind of difference you think it will, unless you also reconsider what you believe about conflict in general."

Lenski (2014)

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Beliefs About Conflict

- If you view conflict as a fight, you ask yourself, *How can I win it?*

- If you view conflict as a problem, you ask, *How can I fix it?*

- If you view conflict as a catastrophe, you ask, *How can I avoid it?*

Lenski (2014)

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Beliefs About Conflict

- If you view conflict as a lesson, you ask, *What can I learn from it?*

- If you view conflict as an opportunity, you ask, *How can I take advantage of it?*

- If you view conflict as a puzzle, you ask, *How can I solve it?*   Lenski (2014)
- http://lenski.com/blog/learning-conflict-resolution-skills-wont-help/

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Assumptions embedded in original *Creating Agreement* training

- Conflict is a healthy reflection of a diverse and changing society

- Different cultures have differing perspectives on conflict and how it's most appropriately approached

- Most parent/school relationships are or can be positive and mutually respectful

- Skills can be acquired to help facilitate productive relationships

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Talking About Conflict

Resources

Value

Psychological
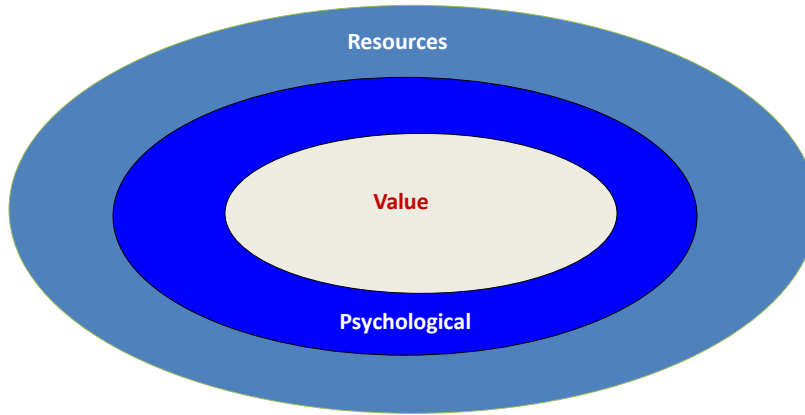
The smaller the circle, the more difficult the conversation.

Conflict is a story

• Conflict resolution is a NEW story. What new story will you create?

http://lenski.com/
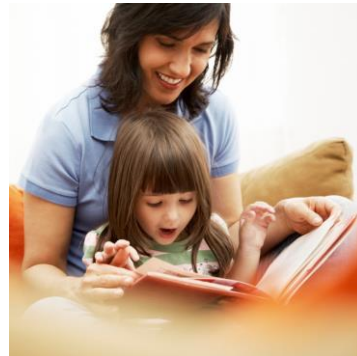
Jaywalking across the conflict cycle

THE CONFLICT CYCLE

Conflict Cycle

Beliefs and Attitudes

Outcome/
Consequence

Conflict Occurs

Perceptions
& Thinking

Behavior/
Response

Used with Permission of Good Shepherd
Mediation Program, Philadelphia, PA

Adapted from *Conflict Resolution*, ©1987 The
Community Board Program, Inc.

"Let's talk!"

Emotions/ Feelings

Identified
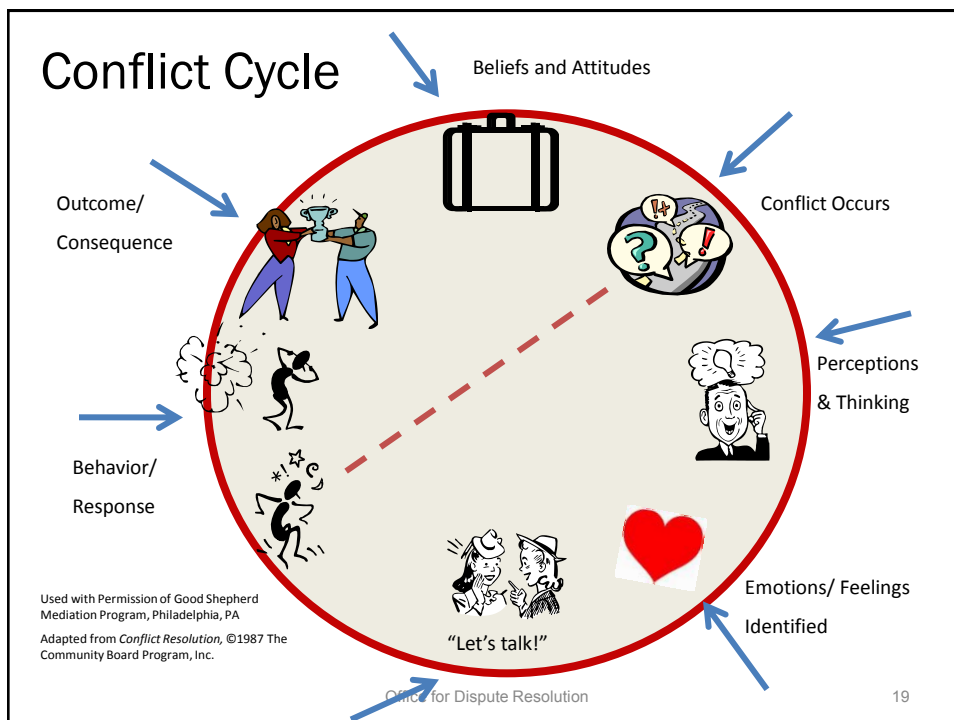
Deconstructing Conflict

Deconstructing Conflict

Know yourself

Socrates

"BUT FIRST, KNOW THYSELF."

"There are three things extremely hard: steel, a diamond, and to know one's self."
> — Benjamin Franklin

Examining Our Beliefs

Our beliefs are our operating assumptions, expectations and constructs, the steering system or rules we have constructed on who we are, how we are to play our roles, and how the world does or should work.

"Big Assumptions"

- Coined by Drs. Kegan and Lahey of Harvard Graduate School of Education
- Those beliefs which we have, without question or examination, assumed to be absolute truths

Reflect upon…

- Are there certain types of people who generate a strong response within you?

- What kinds of behaviors rub you the wrong way?

- Look for the strong response.

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Reflect upon…

Why are you bothered by these kinds of behaviors?

- Understand the origin of your strong emotional response.

- Understand how your response may be playing a role in the current conflict.

- Move past it….!

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Deconstructing Conflict
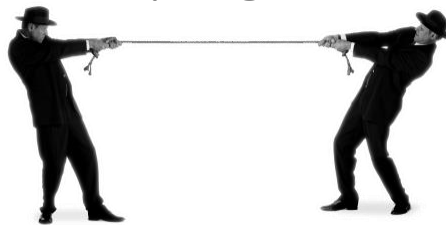
Understand why conflict occurs

Causes of Conflict

Competing Needs

Human Needs

- "[H]uman needs are a powerful source of explanation of human behavior and social interaction.

- All individuals have needs that they strive to satisfy, either by using the system[,] 'acting on the fringes[,]' or acting as a reformist or revolutionary."
  (Coate & Rosati, 1988)

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Maslow's Hierarchy of Needs

Our needs include both physical and non-physical elements needed for human growth & development, as well as those things humans are innately driven to attain.
(Marker, 2003)

Peak Experiences
Self-Actualization
Psychological Needs
Safety Needs (comfort)
Basic Needs (survival)

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Human Needs Theory

- Offers a new twist on conflict theory

- Conflict is not resolved constructively unless parties' basic human needs are dealt with to the satisfaction of each party.
(Deutsch, 2006)

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Human Needs Theory

- Safety/security
- Belongingness/love
- Self-esteem
- Personal fulfillment
- Identity
- Cultural security
- Freedom
- Distributive justice
- Participation
(Marker, 2003)

Peak Experiences
Self-Actualization
Psychological Needs
Safety Needs (comfort)
Basic Needs (survival)

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Human Needs Theory

"[N]eeds are sought simultaneously in an intense and relentless manner."
(Marker, 2003)

Causes of Conflict

Perceptions

Perceptions & Conflict

Conflicts are not only rooted in different desired outcome--i.e., our individual needs-- but also on differences in perceptions.

Perceptions & Conflict

"While perceptions might not be the ultimate truth, they are what people use to make decisions."
(Morrison, White, & Velsor, 1992, p. 24)

"Facts don't matter!"
(Smith)

Perceptions & Conflict

Joe Friday got it wrong:

Just the facts, mam. Just the facts.

"Just the perceptions, ma'am. Just the perceptions."

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FINISHED FILES ARE THE RESULT OF YEARS OF SCIENTIFIC STUDY COMBINED WITH THE EXPERIENCE OF MANY YEARS.

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Causes of Conflict
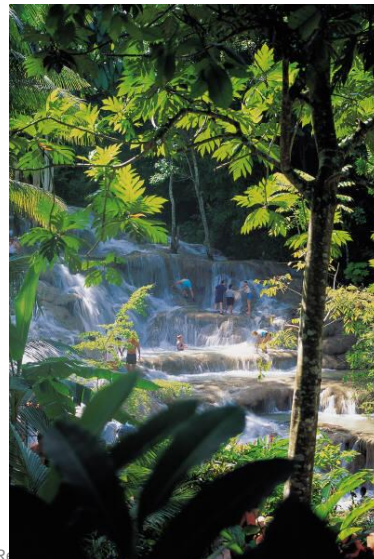
Cultural
Differences/Misunderstandings

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Culture & Conflict

"Cultures are like underground rivers that run through our lives and relationships, giving us messages that shape our perceptions, attributions, judgments, and ideas of self and other."

(LeBaron, 2003)

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Deconstructing Conflict

Be able to analyze a conflict

Components of Conflict

Power

Exercise

POWER

Power imbalances, actual or perceived, are inherent in all conflict.

Common Perspectives on Power

- Power is fundamentally competitive and coercive
- Person with power strengthens his/her position by using power against another
- Power is a scare commodity
- Power is a place
- Power flows in one direction, usually top down

(Coleman, 2006)

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Why no Consensus on Power?

[The lack of a definitive concept of power is because] ". . . our individual understanding of power is filtered through our personal experiences (such as the relative power that we enjoy in our lives) and our basic assumptions about human nature and the nature of relations between people".

(Coleman, 2006, p. 121)

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Power

- Participants may not be equipped to participate effectively due to perceptions of power differentials.
- Cultural differences may contribute.

- Q: How can you address power differentials to more effectively manage conflict?

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Reflect upon…

- Critically reflect on your beliefs about power
- What is the source for those beliefs?
- Challenge your assumptions of power
- Understand the "dynamic complexity" of power
- How do you react when you have power… or don't?

(Modified from Coleman, 2006)

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Components of Conflict

Identity

Identity

Conflicts over identity occur when a person or group feels that his or her sense of self--*who one is*--is threatened, or denied legitimacy or respect.

(Conflict Research Consortium, University of Colorado)

Identity

Our sense of self is so fundamental not only to our self-esteem but also to how we see ourselves in relation to the world, that a threat to our identity usually prompts a strong response.

(Conflict Research Consortium, University of Colorado)

Reflect upon…

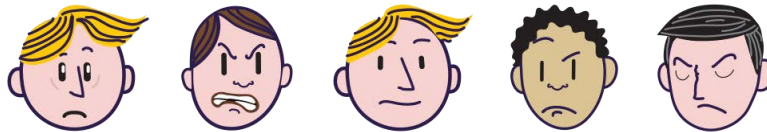How do you see yourself in relation to the world, and what would threaten that identity?

Roles	Identities
1.	1.
2.	2.
3.	3.
4.	4.

Components of Conflict

Emotions

Emotions

- Threatened or unmet needs…
- Can generate strong emotions…and associated behaviors
- Which may/will impact the conflict

(Redekop, 2002)

Ignoring Emotions

You may be able to resolve the problem *in theory,* but the conflict may continue.

Managing Your Emotions

- Part of effectively managing your OWN emotions is to first understand them.
- "When it comes to understanding our own emotions, where most of us is lost."
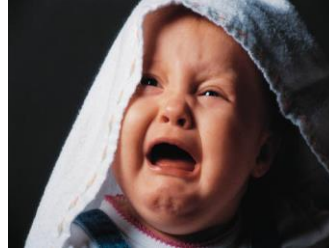
(Stone, Patton, & Heen, 2000)

Emotions

Three different conversation take place *at the same time*:

1. The "What Happened?" Conversation

2. The Feelings Conversation

3. The Identity Conversation

(Stone, Patton & Heen, 2000, pp. 7-8)

Let's Talk about ANGER

- Loss
- Hurt
- Fear
- Helplessness
- Disappointment
- Frustration
- Guilt
- Grief
- Embarrassment
- Lack of Validation
- Shame
- Self doubt

ANGER

© Center for Alternatives in Community Justice

Anger as a Secondary Emotion

- "Anger is often called a secondary emotion because we tend to resort to anger in order to protect ourselves from or cover up other vulnerable feelings. A primary feeling is what is felt immediately before we feel anger.

- We almost always feel something else first before we get angry..."

Anger as a Secondary Emotion

"We might first feel afraid, attacked, offended, disrespected, forced, trapped, or pressured. If any of these feelings are intense enough, we think of the emotion as anger."

(National CRETE Collaborative Project-Conflict Resolution Education in Teacher Education)

Emotions

- Ignoring feelings doesn't make them go away; they tend to leak into the conversation
(Stone, Patton & Heen, 2000)
- Word choice
- Pauses
- Emphasis
- Facial expressions
- Body language

- "…there is usually a strong link between what is happening within people and what they do".
(Redekop, 2002)

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Example

"I understand your need to do other work during this training. I am fine with that."

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So......

- You know yourself.
- You understand why conflict occurs.
- You can analyze a conflict.

- Next steps......

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TRANSFORMING CONFLICT

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Transforming Conflict
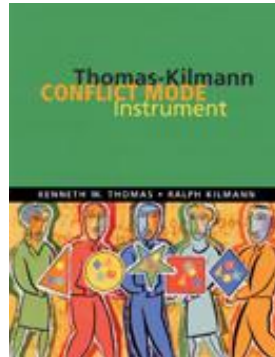
Understand your conflict
management style

CONFLICT MANAGEMENT STYLES

Thomas-Kilmann Conflict Styles

In the 1970s, Kenneth Thomas and Ralph Kilmann identified five main conflict management styles.

Conflict Management Styles

- All have value when used appropriately
- We use some/all of them every day
- Like personality preferences, we have certain *preferences* with regard to the use of conflict management styles (our "default")

Conflict Management Styles

- There are no absolutes when it comes to the selection of the appropriate style to use.
- Choice of conflict styles is highly individualized and dependent on the particular situation.
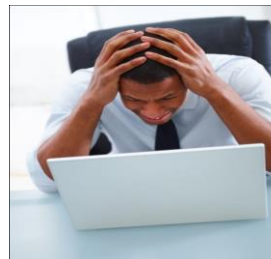
Conflict Management Styles

EVERY conflict management style has concerns associated with over or under utilization.

Skill Set

- The most effective people have developed the capacity to fully use *each* of these approaches; *and*
- Intentionally selects the approach that they will use based on an analysis of the conflict; *and*….

- Are able to switch out of one mode to another if the approach they are using is unsuccessful or the nature of the conflict changes.

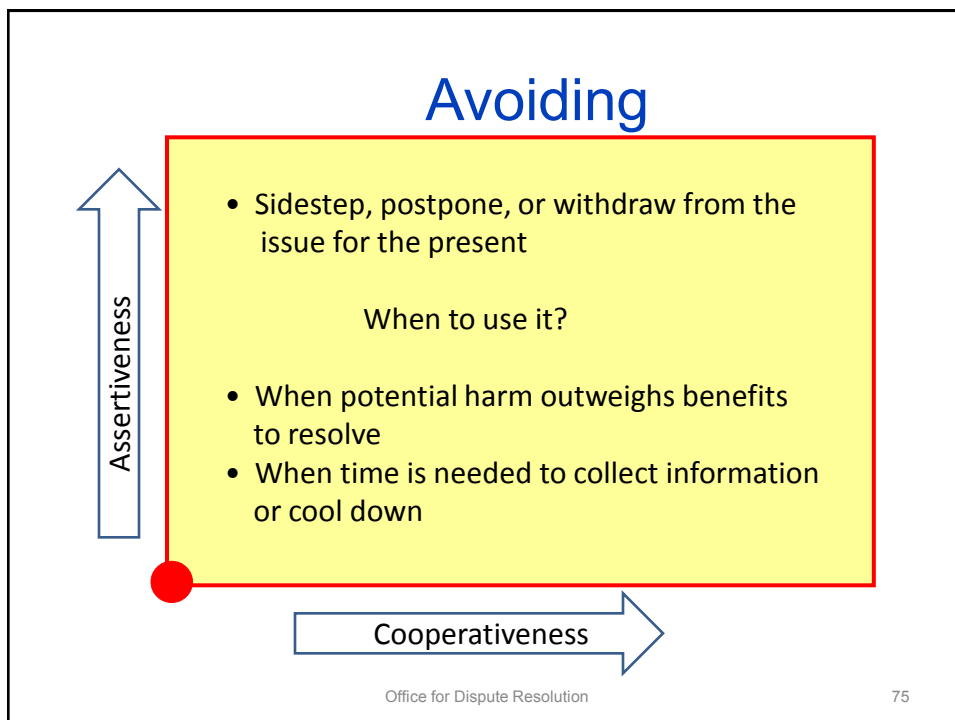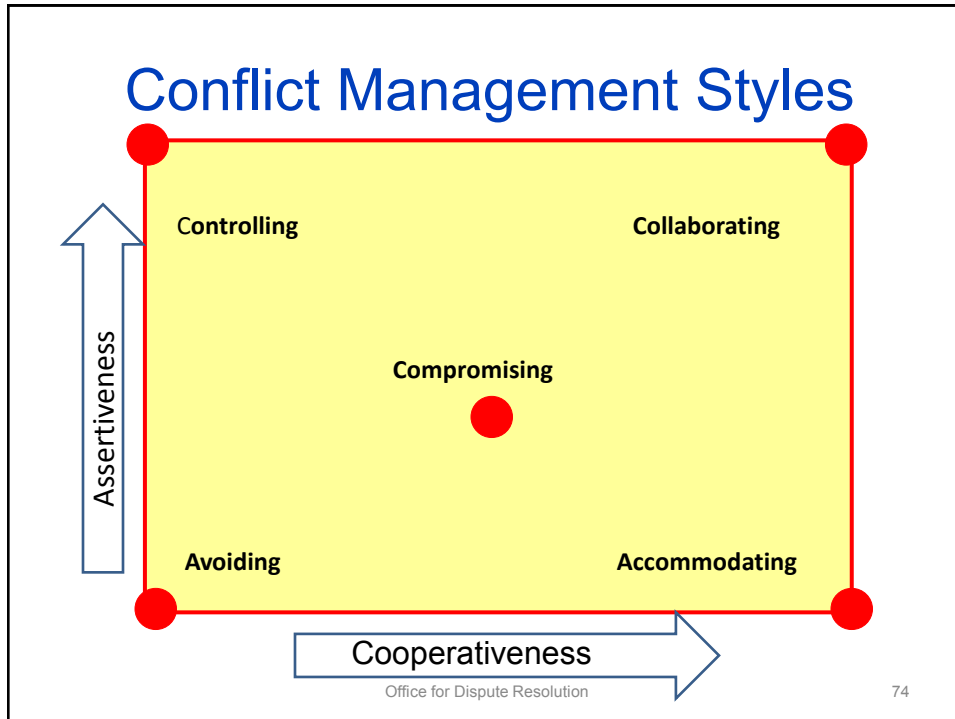Office for Dispute Resolution   72

Constantly Ask Yourself:

"Am I currently using the most appropriate conflict management style?"

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Conflict Management Styles

Controlling

Collaborating

Compromising

Avoiding

Accommodating

Assertiveness

Cooperativeness

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Avoiding

- Sidestep, postpone, or withdraw from the issue for the present

  When to use it?

- When potential harm outweighs benefits to resolve
- When time is needed to collect information or cool down

Assertiveness

Cooperativeness

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Controlling

- Pursue own ends without agreement of others
- Achieving one's personal goals paramount

When to use it?

- When unpopular actions must be implemented
- When your family's or organization's welfare is at stake
- Mandates (law)

Assertiveness

Cooperativeness

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Accommodating

- Sacrifice your own personal goals to satisfy the concerns of the others
- Yield to another point of view

When to use it?

- When relationships are most important
- Reach a quick, temporary solution

Assertiveness

Cooperativeness

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Compromise

- Quick, mutually-acceptable alternatives
- Both parties give up something

When to use it?

- When two parties of equal power are strongly committed to mutually-exclusive goals
- To achieve temporary solutions to complex issues

Assertiveness

Cooperativeness

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Collaborating

- Identifying concerns of each person and finding alternatives that meet both sets of needs
- Finding a solution that fully satisfies needs and concerns of both people

When to use it?

- When relationships and issues are both important
- To gain commitment and acceptance for a high-quality decision

Assertiveness

Cooperativeness

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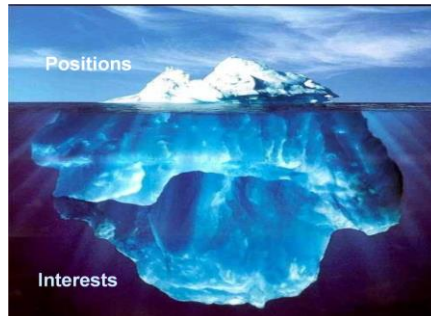# Transforming Conflict

Understand positions and interests

Positions & Interests

Position:

Specific solution proposed to resolve problem – the "What"

Interest:

Underlying real need/ desire that gives position its life (beliefs, values, expectations, fears, priorities, hopes, concerns) – the "Why"

Positions & Interests

We are programmed to be problem solvers, yet sticking with the position, and never getting to the interest, may result in…

Finding the Interests

- "Why is that solution important to you?"
- "Why are you suggesting _____?"
- "What if that did/didn't happen?"
- "How will you be affected by…?"
- "Imagine that you got _____; what would be taken care of?"

Positions & Interests

- *De-positioning,* and the beginning of transformation of conflict, requires:

  - Curiosity
  - Effective communication
  - Listening skills

- Curiosity only killed the cat…

Transforming Conflict

Be curious

Curiosity

"Certainty may be ego-soothing, but it closes us off to information, closes us down to other ways of understanding what's happening, and contributes to the kind of negotiation tug-of-war that keeps things good and stuck."

How to be curious in conflict. Even when you don't feel like it.

(*Lenski 2012*)

Transforming Conflict

Learn the skill of re-framing

Reframing…

- Is restating the issue that the other person is concerned about in such a way that it makes it a **problem for both of you to solve**;

- May be formulated into a question like "How can **we** best…?"; and

- Is useful when listing issues to be resolved or to identify a positive intention within a statement.
(Mayer, 2000)

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Reframing

- How is the way we're framing this problem limiting the solutions available to us?

- What are other interesting ways we can frame the problem we're trying to resolve?

- How can we re-frame this problem as an opportunity?

Lenski (2014)

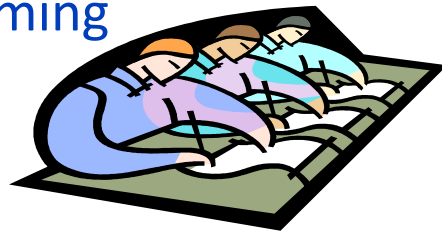Office for Dispute Resolution   89

Reframing

- "I am sick and tired of doing all of the house work around here!!!!!!"

- [one possible response]:

- "How can you say that??? I do the laundry, the yard work.. Take the garbage out every week…"

- [reframe to shared problem]:
- "So would you like to talk about an equitable distribution of work around the house?"

Reframing

- "I'm not getting any information from my supervisor about my projects."

- [one possible response]:

- "Well, I email you every day, stop in your office several times a week, schedule monthly meetings…"

- [reframe to shared problem]:
- "So you'd like to talk about effective communication between the two of us…"

Transforming Conflict

Listen---really listen

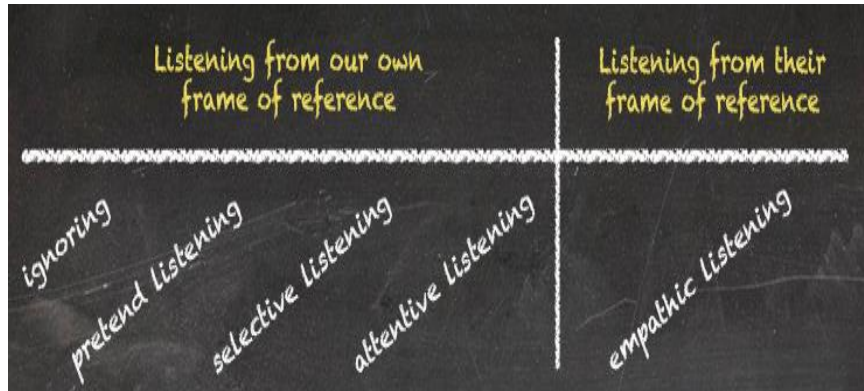Office for Dispute Resolution   92

Listening

"**Listening is probably the most cost-effective element of a conflict management system**"

▸ Mary Rowe, MIT Ombudsperson
(Windle & Warren, 2001)

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The Five Types of Listening

Lenski (2014)

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Transforming Conflict

Be an effective communicator

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Effective Communication

- Avoid blaming statements
- Attack the problem, not the person
- Avoid generalization such as "You always…" and "You never…"
- Use "I" statements: Tell how the situation is affecting you.
- Demonstrate understanding
- Ask open-ended questions
- Don't make assumptions

Content Used with Permission of Good Shepherd Mediation Program, Philadelphia, PA (modified)

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Barriers to Effective Communication

- Distractions

- Judging/Making Assumptions

- Time constraints

- Interrupting

- Second Guessing/Mind-Reading

- Filtering/Selective Listening

- Blaming

- Defensive posture

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Transforming Conflict

Consider a framework for
approaching difficult conversations

A Framework for Approaching Problem-Solving Conversations

Six-Step Framework

1. Set the stage for a productive discussion
2. Have a learning conversation
3. Clarify the issues
4. Generate options/brainstorm
5. Evaluate options
6. Agree upon a plan to move forward (including contingency plans)

A Cautionary Tale…

When participants are asked to utilize the six-step process in a role play scenario for the original Creating Agreement model, *without fail,* the majority of participants immediately skip to Step 4, to "solve the problem" rather than, at least, having a learning conversation with the other participant to make sure that they understand and agree on what the problem really is.

PUTTING IT ALL TOGETHER

Conflict as Opportunity

- An investment in relationship/rapport,

- Which results in shared successful outcomes,

- As we learn others' perspectives,

- Increase understanding,

- Develop creative thinking,

- Engage in innovative practices,

- Effect productive change, and….

- Build confidence for future effective engagement and collaboration.

What's next?

Conflict Coaching - A one-on-one process to help an individual:

- Define the conflict situation;
- Better understand the "P-I-E" (power, identity, emotion) issues for self and others;
- "See" the kind of relationship they want to have; and
- Develop communication and collaboration skills.

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