

MEETING UNIQUE SPECIAL EDUCATION MEDIATION CHALLENGES

1. BE STRATEGIC AND PROACTIVE:

- Overcoming the participants skepticism about your knowledge requires making an immediate positive impression with your opening **and** framing of the issues.
- Overcoming the participants' expectations of your role and the process requires being especially strategic and efficient, always conscious of the time expectations and constantly checking participants' frustration levels.
- You may want to strategically focus the participant's traditional opening statement by efficiently summarizing the primary issues from intake.
- You should continually acknowledge the need to be efficient and productive **and the importance of making this process work to ensure the future success of the student.**
- You may need to work actively early on to diplomatically maintain control of the process, including considering going to caucus more quickly.
- Speaking privately with the participants in advance or in an early caucus may be very useful, as long as you explain your process clearly. Participants often assume that you are "reality testing" the other participant while in caucus!
- You should pick your battles with attorneys and advocates very strategically and find ways to give them some "victories."
- **Other positive reframes** include everyone being heard, being creative, being collaborative, building mutual trust and being flexible.

2. QUESTIONS ARE YOUR BEST FRIEND

#1: Mostly Use Interrogatives:

Who, What, When, Where or How:

- **Who** do you think might be best suited to be the contact person on this issue?
- **What** makes this especially important to you and Jose?
- **What** would you like the others to know that might help them better understand how you feel about this?
- **When** would you like to see this change take place?
- **Where** do you think this support would be the most effective?
- Please tell us **how** you reached that conclusion?
- **How** do you think we could we most effectively satisfy everyone's interests?

#2: Use Empathetic Questions:

- "Help me understand ...",
- "I think I understand what you are saying but help me fill in some details that I'm not sure about."
- "I can see that you are very frustrated by their response. What would you say is the most important thing they could offer to make this work out better for Sammie?"

#3: If #1 and #2 Don't Get to Resolution, Use Reality Testing Questions:

- "Do you have a sense of how soon and what the OSE/ALJ might decide based upon these facts?"
- "If they did decide in favor of _____, what impact might that outcome have upon Suzie's education compared to the outcome being currently discussed?"
- "What do you think of the reasons they have offered for not taking the steps you would like to see?"
- "Can you offer some ideas that you think might help overcome any of the concerns they have raised?"
- "Although I understand that you are not in favor of the proposed solution they have offered, do you think their proposal has any advantages to build off of for Henry?"

3. INTERVENTION STRATEGIES

- Start out with a **positive reflection**, such as: “It sounds like you feel very strongly about Billy’s education plan.”
- **Identify the impact** of the problem: “When you both talk at the same time, it makes it difficult to follow.”
- **Reframe the statement** in the form of a positive interest if possible: “I hear you saying that you are concerned about Billy building resilience so that he is equipped to face the challenges to come.”
- Try to **get at the interests** beneath their strong positions by asking a question(s), such as: “Can you help us understand why you feel this concern is especially important for Billy’s education?”
- Try to **empower the participants** to move forward: “Is there anything that we haven’t yet discussed that might help move us forward towards a solution?”
- **Deflect the issue to yourself**: e.g., when acronyms, jargon or technical explanations might go over the parent(s)’ head: “Just to make sure that we all are understanding here. Does OHI stand for “Other Health Impairments?” or “I have trouble following these important issues when two of you talk at the same time.”
- Consider moving a topic to a “**parking lot**.”
- Move the **focus to positive goals**, such as the importance of hearing every valuable voice and/or improving the student’s success.
- Mention the **meeting guidelines/ground rules**.
- Re-focus on the particular **topic/agenda item**: “It sounds like we are discussing item 4. are we satisfied with item 3, or should we go back and finish it first?”
- Consider a **caucus**.

4. IMPASSE STRATEGIES

- **Remain positive.** People often feed off other's emotions. Help them focus on what they have accomplished so far in the conversation, summarizing areas of agreement and affirm the value of continuing to explore options.
- **Summarize the discussion** and ask questions about the underlying facts to try to **identify the specific roadblocks.**
- **Acknowledge feelings of frustration.** You might say, —"Yes, I can see that you're frustrated and it sounds like you don't understand how John came to believe that?"
- Try **role-reversal:** ask each person to assume the other's role and indicate what they would do in their shoes.
- Ask their **best, worst, and most likely alternatives** to a negotiated agreement and ask them to describe what life will look like if they remain unresolved and to compare the future if they reach resolution.
- Suggest a **trial period** – a temporary agreement – and then an efficient follow up for a review of how it's working.
- **Offer a model** of something you've seen other parties in this situation do.
- Ask if they want a **break** so that people absorb the conversation, can seek guidance, and even come back for another session.