



**IDAHO**  
STATE DEPARTMENT OF EDUCATION

# Relationships Count: What Dispute Resolution Teaches Us About Communication

Ed Litteneker



*Supporting Schools and Students to Achieve*

SHERRI YBARRA, ED.S., SUPERINTENDENT OF PUBLIC INSTRUCTION

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# Purpose of Presentation



- Special Education Dispute Resolution offers opportunities to improve communication.
- Improving our communication requires insight into how, when, where and what we communicate.
- Is effective communication a skill that can be taught?

# Foundations of Special Education Dispute Resolution



- Conflict provides opportunities.
- Perceptions of neutrality, fairness, and transparency are the currency of the office.
- Everyone deserves to be heard and understood.
- Aim to resolve at the lowest level appropriate.
- Good outcomes are child-centered and legally defensible.

# Frame of Reference



- 2017-2018 School Year the SDE Dispute Resolution Office accepted 235 cases for dispute resolution.
  - Facilitation
  - Mediation
  - Complaint investigation
  - Due Process Hearings

# How much do you communicate?



# Are you an effective communicator?



“ The single biggest problem with communication is the illusion that it has taken place”

– **George Bernard Shaw**

# Why do we communicate?



- To connect to others
- To convey information
- To seek information
- To influence others
- To control others and the situation
- To maintain our self-concept
- **To get our needs met**

# More than words



# How do you communicate?



Body language alone—including facial expressions, gestures, eye contact, and tone of voice—accounts for more than 90 percent of the message we send to others. Our words account for only 7 percent of the message.

Ralph Waldo Emerson said, “Your actions speak so loud I cannot hear what you are saying.”

# Communication Roadblocks



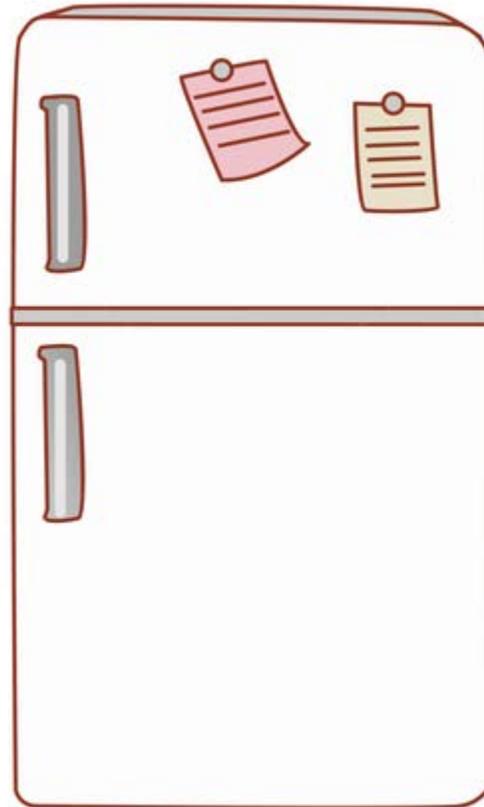
- Emotional interference or defensiveness.
  - What are we hearing?
- Hearing only facts and not feelings.
  - Listening to respond or understand?
- Hearing what is expected instead of what is said.
  - Confirming what we know.
- Not seeking clarification.
  - Not actively listening.

# More Roadblocks



- Stereotyping.
  - Yep, that is what I expected them to say.
- The Halo effect-not a good thing
  - letting a loosely associated factor influence one's perception- now who is his sister again?
- Resistance to change or automatic dismissal
  - “We’ve never done it that way before.”

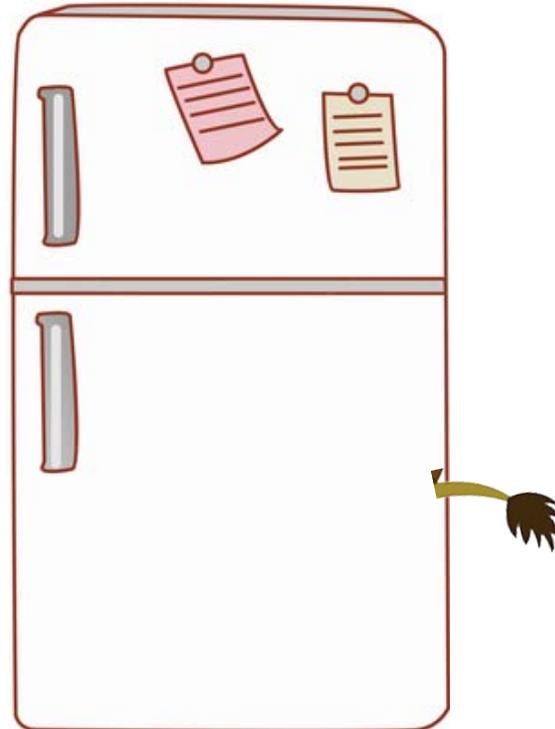
# How do you put a giraffe into a refrigerator?



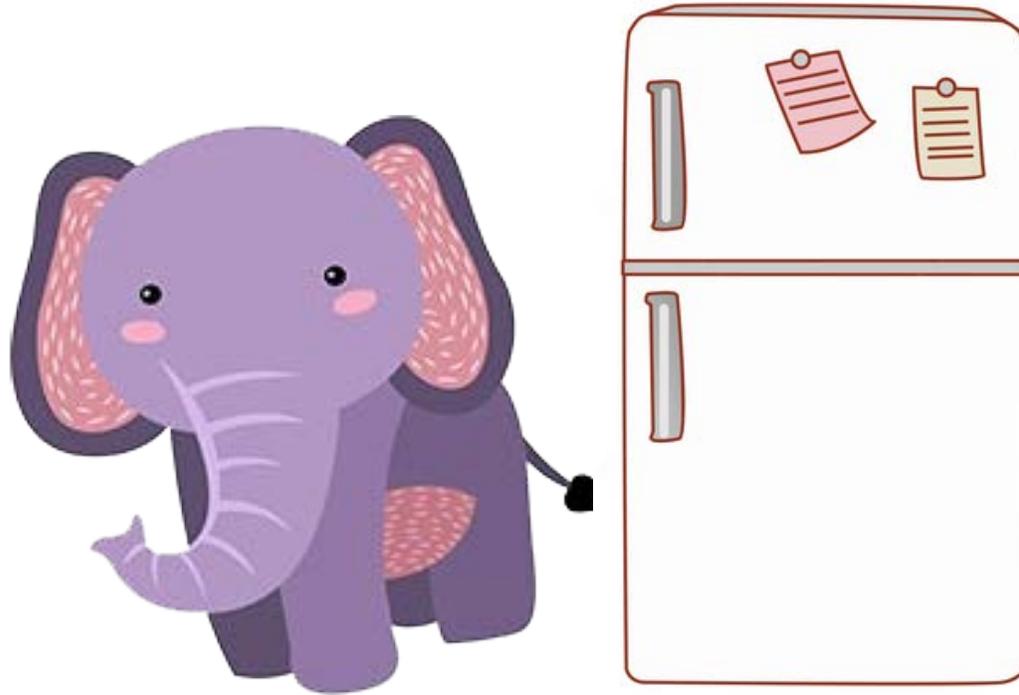
# Test #1



- Open the refrigerator, put in the giraffe, and close the door. This question tests whether you tend to do simple things in an overly complicated way.



# How do you put an elephant into a refrigerator?



# Test #2



- Did you say, open the refrigerator, put in the elephant, and close the refrigerator? Wrong answer.
- Correct Answer: Open the refrigerator, take out the giraffe, put in the elephant and close the door.
- This tests your ability to think through the repercussions of your previous actions.

# Animal Conference



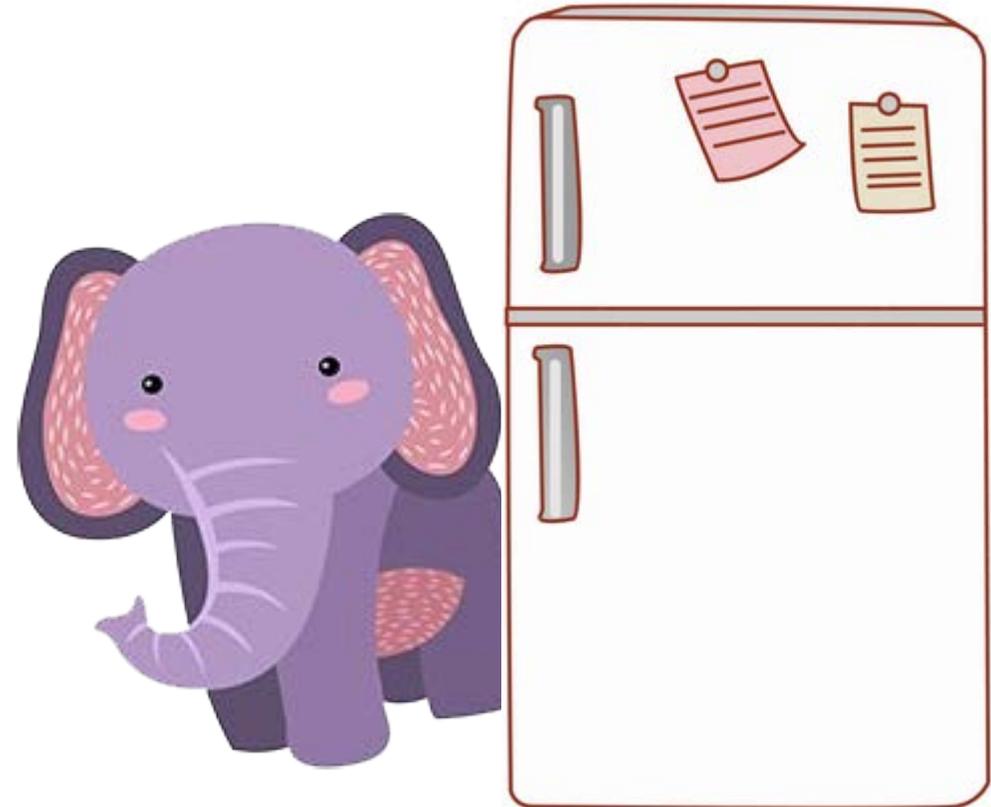
The Lion King is hosting an animal conference:  
All the animals attend....Except one.  
Which animal does not attend?



# Test #3



Correct Answer: The Elephant. The elephant is in the refrigerator. You just put him in there. This tests your memory.



# One More Time



Okay, even if you did not answer the first three questions correctly, you still have one more chance to show your true abilities.



# Navigating the Waters



There is a river you must cross but it is used by crocodiles, and you do not have a boat. How do you manage it?



# What is possible?



- Listening with a purpose
- Understanding the effect of power and influence
- Figuring out what is really going on



# Can effective communication be taught?



- Can you listen without responding?
  - “The biggest communication problem is we do not listen to understand. We listen to reply”. **Steven Covey paraphrasing Shaw**
  - Did you try to understand or simply prepare your response?
  - Will you ask a question to insure that you understand before responding?

# What is active listening?



- Attending to the whole message
  - What is said, not said, your feelings
- An active inquiry to confirm your understanding of what is being said.
  - Hearing more than words
  - Thoughts, beliefs, feelings
    - Yours and the speaker's
    - “Marge, it takes two to lie. One to lie and one to listen.”  
— Homer Simpson

# But what is your experience?



“This is the problem with dealing with someone who is actually a good listener. They don’t jump in on your sentences, saving you from actually finishing them, or talk over you, allowing what you do manage to get out, to be lost or altered in transit. Instead, they wait, so you have to keep going.”

— Sarah Dessen, [Just Listen](#)

# Asking a Question



- Can you ask a question based on what you thought that you heard?
  - Is your question calculated to demonstrate that the 'conversation' had value?
  - How you frame the question is perception.
  - How you reframe the statement takes the sting out of what you are asking.

# Examples of questions



- What do you need for this to be different?
- What needs to be different for you not to be [angry] [concerned][upset]
  - Ready to respond to the “*I’m not angry!*”
  - You really have to appear to be interested not trying to end the conversation.
  - What is it that you would like me to understand?

# Power and Influence



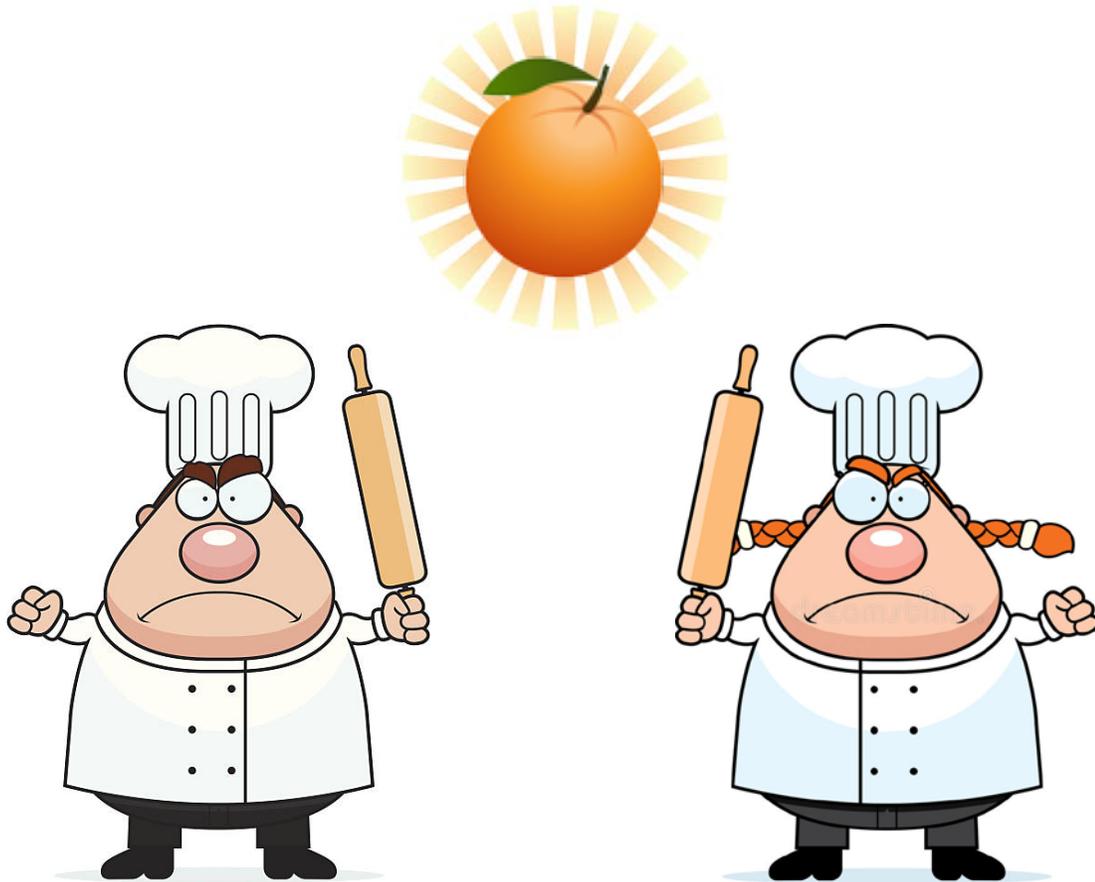
- Are your communications simply directive?
  - ‘This is the way we are going to do it.’ **OR**
  - ‘I’d like to discuss how we are going to do this.’
    - Can you help me understand how we got here?
    - Are there various suggestions about how we address this?
    - What happens if nothing is different about how we do this?

# What is really going on?



<b>Positions</b>	<b>Interests</b>
What they say they want	Why they want it
Positions are surface statements of where a person or organization stands, and rarely provide insight into underlying motivations, values or incentives.	Interests are a party's underlying reasons, values or motivations. Interests explain why someone takes a certain position.
Position Example: Parent demands a one on one paraprofessional.	Interest Example: Student has an orthopedic impediment and an inner ear deficiency that causes her to fall easily and without warning.

# Positions and Interests



There were two prominent [and competitive] chefs preparing their special dish for the President. There was only one orange left in the kitchen. Each said 'I need that orange'

That the Chefs want the orange is their position, why they want the orange is their interest.

**How to you get them to express  
'what they really want'?**

# Acknowledgements



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# Specific Questions



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