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NEGOTIATING STRATEGIES: AN EFFECTIVE WAY FOR PARENTS OF CHILDREN WITH DISABILITIES TO COMMUNICATE FOR SERVICES

Dorothea Cartwright

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NEGOTIATING STRATEGIES: AN EFFECTIVE WAY FOR PARENTS OF
CHILDREN WITH DISABILITIES TO COMMUNICATE FOR SERVICES

A Project
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in
Communication Studies

by
Dorothea Marie Cartwright
December 2018

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Approved by:

Jo Anna Grant, Committee Chair, Communication Studies

Fred Jandt, Committee Member

Donna Gotch, Committee Member

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ABSTRACT

The purpose of this project was to examine and explore negotiating strategies for parents with children with disabilities. The research showed there were insufficient materials for teaching negotiating strategies to parents to assist them in obtaining critical or basic services for their special needs children. Many families lack financial resources, have English-language barriers, and have educational challenges when facing school administrators that possess these vital resources. These circumstances mean that parents may feel intimidated and disempowered when meeting with school officials. By providing a simple and easy-to-use guide of Negotiating Strategies, parents can be empowered and encouraged to use their skills for negotiation, conflict management, power, networking and mediation during an Individualized Education Plan (IEP) meeting. The guide will increase awareness and understanding for parents when participating with school administrators, allowing them to capitalize on their rights for seeking appropriate and needed services for their children with disabilities.

Keywords: negotiating, negotiation, autism, special needs, children, disabilities, education, empowerment, advocating, services

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To Dr. Jandt, a special thank you for introducing me to the field of negotiation and conflict resolution. Your courses helped me to first develop the idea of this project.

Lastly, I would like to give a HUGE thank you to my family and awesome friends who have encouraged me during this challenging journey.

DEDICATION

To Yvette M. Jackson, my “forever” baby, who has taught me to love unconditionally.

A Very Special Child

A meeting was held quite far from Earth
“It’s time again for another birth,”
“This special child will need much love,
Their progress may seem very slow;
Accomplishments may not show,
And will require much extra care
From all the folks they meet,
They may not laugh or run or play;
Their thoughts may seem quite far away,
In many ways they won’t adapt,
They will be known as ‘handicapped’”.
So, let’s be careful where they’re sent,
We want their life to be content.
Please find the parents who
Will do this special job.
They will not realize right away,
The leading role they’re asked to play,
But, with the child comes stronger faith and love.
And soon they’ll know the privilege given
In caring for this special gift
Their precious child so meek and mild
Is a “Very Special Child”.

Adapted from Edna Massimilla

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CHAPTER ONE

INTRODUCTION

The first time I heard the word “autism” was from the woman who ran the daycare facility my child attended. This was the third facility she had been placed once I returned to work after maternity leave. I didn’t know what to think at that time, since I had never heard of “autism”. I sat there frozen, not sure what any of this meant, trying to understand that my child has a developmental disability. Then my mind was flooded with questions: “What do I do next, what help does she need, and how do I get her the help she requires?”

After hearing the news of my child’s disability, I was, like most parents, confused and uncertain as I tried to understand this developmental disability.

This chapter addresses the purpose of this project, to bring attention to the need for parents of children with disabilities to learn and use negotiation skills and techniques. This information is to assist parents in successfully securing necessary resources and services for their children that the school districts may try not to fund unless adamantly requested. Also discussed in this chapter is the benefit of the project for providing negotiation/mediation skills that parents can put into practice to help them secure these resources and services.

Knowing basic negotiating information and skills can help to empower parents to secure much needed services for their disabled child or children. Sharing negotiating information with other parents can be valuable in making

sure that as many individuals are afforded opportunities to better the lives of these special needs children.

In addition, helping parents know and understand the terminology used in meetings can empower parents to speak up and seek necessary services and programs when denied. This is a major obstacle facing many families, especially where English may not be the primary language spoken in the household. Knowing, using, and understanding words and terms could increase the knowledge base of the parent-advocate tremendously. For example, being an active contributing member for your child during Individual Education Plan (IEP) meetings enables the parent-advocate to better assist their child in understanding and obtaining critical services. IEP meetings are the perfect setting to learn and share common terminology (Columna, Lieberman, Lytle, & Arndt, 2014).

Problem Statement

Being an African American single parent and my child's only advocate means reaching positive agreements that satisfy my child's best interests. Learning and understanding how to communicate during IEP meetings and knowing how to negotiate to obtain necessary services that would enrich her own learning and allow her to reach her full potential is my objective.

As the parent-advocate for my child, I knew I could do more to help secure additional services just by being able to negotiate and/or even mediate a positive resolution during IEP meetings with school administrators. These services would

afford my child opportunities to become a more productive individual in today's society.

The United States Census Bureau (2011) reported there were approximately 2.8 million (5.2 percent) school-aged children with disabilities between the ages of 5 and 17 in 2010. Many of the types of disabilities recorded required special approaches to providing education or other accommodations. Kidsdata.org (2018) reported special education enrollment for San Bernardino County was over 49,000 with San Bernardino City Unified School District (SBCUSD) alone having 5,835 for the year 2015. Kidsdata.org (2018) is a program of the Lucile Packard Foundation for Children's Health, promoting the health and well-being of children in California.

Despite these increasing numbers, parents are unable to secure necessary services for their children due to their lack of knowledge and negotiation strategies. They may have been turned down or discouraged when asking for services from school administrators, whose bottom line is keeping cost down. For example, drawing on my personal experiences in obtaining services for my child that I feel could benefit her, I have been told directly "no" or more often "you do not qualify for these services because....". It is important for advocates to remember that administrators think in terms of cost, but that you know your child's needs best, so persistence and negotiation are key to success.

Purpose of the Project

The purpose of this project is to: (a) bring attention to the needs for parents of children with disabilities to have negotiation skills; (b) empower parents and child advocates with this information on negotiation strategy skills; and (c) challenge school districts to provide resources and services required by Individuals with Disabilities Education Improvement Act 2004 (IDEA) (Individuals with Disabilities Education Act, n.d.). There is insufficient research and little guidance in this area where services are being denied, which could enhance the quality of life for these children.

Many parent-advocates will run into the issue of administrators refusing to answer questions regarding their decisions on denial of services. Providing information on negotiation strategies and terminology for parents to use during IEP meetings may help to open dialogue with school administrators, which could assist in the decision for a child to receive life-transforming services. Since little research and tools exist in this area to empower parent-advocates, this project should serve as an aid to help parents recognize the power they do hold, and demonstrate that they do not need to relinquish that power to those who are considered “the experts”. As parents, who must also advocate, there may be a struggle with remembering that they are the parent and they do know what is best for their child. It is easy to get lost in the advocating process and to feel helpless; therefore, the strategies provided in this project will inspire parent-advocates to continue pushing for the necessary services that will improve their

child's life and to feel confident when negotiating with those who appear to be in powerful positions as decision makers.

Despite hearing "no" repeatedly, a child's advocate must remember most of the time administrators are acting in a way that is best for the school, and not necessarily the child. That is why it is important for advocates, whether a parent/guardian or a family friend, to make sure they understand the terminology that will be spoken during a meeting. In addition to terminology, an advocate must also know how much power lies within knowledge, and some of the best knowledge comes with being that child's parent or guardian. The next chapter will venture into academic perspectives on advocating for a child with special needs.

CHAPTER TWO

ACADEMIC PERSPECTIVES

This chapter provides an overview of research exploring theories and studies along with information related to the following: disabilities statistics and background, student rights in education, communication theory, conflict, and parent-school conflict. Chapters to follow will extend into information on power, negotiation, parent-school negotiations, mediation and parent's rights.

A simple and easy to use guide of negotiating strategies can empower parents to use these skills during an Individualized Education Plan (IEP) meeting. These meetings are held annually, unless circumstances require additional meetings, such as when no agreements are made during that time. Negotiation and mediation skills are typically used at that time until both parties agree upon goals necessary to assist the child.

Background

Students with learning disabilities, which include speech or language impairments, comprise most students in special education in California. They account for nearly two-thirds of all special education students. The percentage of students enrolled in special education for Autism grew at a particularly fast rate in recent years, increasing from 2.2% to 12.6% between 2002 and 2015 (Kidsdata, 2015). The percentage of students with autism in special education increased in all counties with available data in that same period, according to Kidsdata.org

(2015). At the community level the estimates of children with major disabilities vary widely. More than 700,000 K–12 public school students in California—about 12% of all students—received special education services in 2017-18 (California Department of Education (2018).

The Administration on Developmental Disabilities provides the commonly recognized definition of development disability as a physical or mental impairment that begins before age two that inhibits a person's capacity to do at least three of the following: (1) Take care of themselves (dress, bathe, and eat), (2) speak and understand clearly, (3) learn, (4) walk/move around, (5) make decisions, (6) live independently, or (7) earn and manage an income (Shannon & Tappan, 2011). Examples of developmental disabilities (which will be referred to here as disabilities) are Attention Deficit Disorder (ADD), Autism Spectrum Disorders (ASD), fetal alcohol syndrome, learning disabilities, intellectual disability, cerebral palsy, Down's Syndrome, and speech and language disorders (Shannon & Tappan, 2011).

In 1998, Michael Oliver wrote about disability being understood as a social and political issue rather than a medical one. With a medical understanding, the goal was to cure impairments or restore “normal” bodily functioning. From a social and political understanding, the goal was to challenge discrimination which was ultimately disabling (Oliver, 1998). This understanding is where the social model of disability, or social oppression theory, emerged as a radically different viewpoint (Oliver, 1998) from medical disability. This new perspective, as well as

scientifically based medical research based on these social theories of disability, began to be used to improve the quality of lives of disabled people.

According to Rachel Adams (2013), disability studies have been around long enough to have an institutional history of its own. The emergence of disability studies coincided with the direction of other identity-based fields discussed by the historian Paul Longmore in 2003. Included in the first phase was the civil rights struggle which led to the landmark 1990 Americans with Disabilities Act (ADA). This achievement led to the search for collective identity and creation of a disability culture (Adams, 2013). Longmore marked the emergence of disability studies as an academic field developed as the second phase of the identity-based fields (Adams 2013). Tension and conflicts with other identity-based fields of study began to surface during the emergence of a third, overlapping phase of disability studies. New work in the field provided clear evidence of other identity-based interrelated areas (or categories) like race, ethnicity, and gender, which more often informed recent academic and activist conceptions of disability (Adams, 2013). This overlap led to scholars investigating the challenges and opportunities of intersectionality as disability scholarship. The emerging field examined the increasingly complex ways it differed from other fields devoted to the study of identity, such as gender or race (Adams, 2013).

In addition to exploring the intersections of disability with other identities and areas of scholarship, the work of disability scholars and activists helped to determine how best to define and theorize disability inclusively. Adams (2013)

reiterated the difficulties being amplified by the affinities among people with intellectual disabilities and those with chronic illness, mental illness, and/or physical disabilities. Large strides have been made toward accommodating individuals with physical disabilities, but these efforts have not been as successful at including those with mental illness or intellectual disabilities (Adams, 2013). Tension exists in the academic area of disability studies between scholars who claim disabilities as exclusively physical or sensory (blindness or deafness), and those that include cognitive disabilities as well (Adams, 2013). Both Watson (2012) and Adams (2013) noted major imbalances of research that resulted from scholars who are also themselves parents of children with intellectual disabilities. These parents may have allowed bias to guide their work. Nick Watson (2012) stated that “disabled children have different needs and it is difficult to develop a ‘one-size-fits-all’ model, research agenda or policies to meet these needs” (p. 195). There is a considerable body of research to suggest that disabled children and their families are subjected to persistent discrimination and disadvantage and that the disadvantage experienced by disabled children and their families is persistent (Watson, 2012).

Disability is a highly complex variable which is multi-dimensional and cuts across the range of political, social and cultural experiences (Watson, 2012). Watson (2012) discussed a social model of disability that provides a valuable political tool, but only offers a relatively small window through which to examine the lives of disabled children. Emerson and Hatton (2007) pointed to the impact

of social class on the experience of disability in childhood. Their research suggests that the increased rates of mental health problems found in children and adolescents with a learning disability are the result of poverty and living in areas of high social deprivation.

Barnes and Mercer (2010) challenged the social model by arguing that the model never claimed completeness and it was never intended to be a social theory of disability. They further argued that the social model is a “pragmatic attempt to identify and address issues that can be changed through collective action rather than medical or other professional treatments” (Barnes & Mercer, 2010, Chapter 4, Bringing Impairment Back In, para. 2).

The sociological approach for the study of disability was refined by Michael Oliver (1990) and Colin Barnes (1991) with disabled academics. Their focus was on the societal and environmental barriers that serve to exclude and disable people, rather than on their impairment (Watson, 2012). Oliver (1998) argued that disability arises because of the way society is organized and that social relations are predominant in constructing the experiences of disabled people. A social model approach focuses on the social and environmental barriers disabled people face and the way cultural processes and policy frameworks either promote or deny inclusion (Oliver, 1998). This model also takes away the claim of the disabled person being the problem, when it is society that has the problem (Oliver, 1998).

Student Rights in Education

My child is placed in a Southern California School District, where special education refers to a range of educational and social services provided by the public-school system and other educational institutions to individuals with disabilities.

Parent-advocates need to understand what “Special Education” is and why their child is placed in the special education system. Special Education has been designed to ensure students with disabilities are in an environment educating them effectively (Special Education Dictionary, 2013). Parent-advocates have argued for years that students with disabilities should be allowed the same access to public schools as non-disabled students. Laws are now focusing more on the role of parents, the development of individualized education program (IEP) teams, and the provision of specialized services. Parent-advocates need to be equipped and ready for these IEP meetings, which are essential in assuring they understand the terminology and the materials distributed by school administrators. This project makes such information readily accessible in the form of a brochure, which can help parent-advocates effectively interact with administrators during these sessions.

Despite the advances a special education system has given children with disabilities, many problems remain: (a) over-and-under-identification of certain subgroups of students, (b) delays in identifying and serving students, and (c) bureaucratic, regulatory, and financial barriers that complicate the program for

everyone involved (Aron & Loprest, 2012). More importantly, special education students are delayed compared to their non-disabled peers in educational achievements. They are often held to lower expectations, and are often not held to the full academic curriculum (Aron & Loprest, 2012). Education is important for all children, but for those with disabilities or special needs it can mean the difference between a socially fulfilling, intellectually stimulating, and economically productive life and a future with few of these qualities (Aron & Loprest, 2012).

Communication

Communication was a huge struggle from the beginning with my daughter, but also with school administrators when asking for the services she needed. Since she was non-verbal for the first six-to-seven years, this created some conflict between us until we developed our own language to communicate. Pointing at things she wanted was her way of communicating with me, since she could not verbally express herself. With me being a first-time mother at a late age, it was something I did not find different or odd, whereas other parents may be concerned by this behavior.

Central to this project is the communication process, where parents may find communication with their child a challenge—as well as communication with the special education system to ensure their child’s needs are being met. We all have the right to express what we want and how we feel, but it is not always easy to do with some children not able to speak or speak clearly enough for us to understand. Providing parents with information on what communication is, how to

communicate, and how to become effective listeners could decrease problems and help build a better working relationship with the school.

Defining Communication

Thill & Bovée (2012) defined communication as the process of conveying information and meaning between the sender and the recipient using one or more written, oral or visual electronic channels. The basic trait of communication is sharing—providing data and information (Thill & Bovée, 2012). Communication also represents influencing the other person or oneself, where what is important is the content of communication and its effects in achieving life goals, as well as the transmission of messages (Losee, 1999).

For example, my daughter eventually would use different types of sounds she developed, and I was able to interpret these utterances as her attempt at communication (along with her pointing) as she got older. This form of communication, known as nonverbal, demonstrates the typical communication process whereas the sender (daughter) is encoding messages that channel to the recipient (mother) to decode the message by giving it meaning and relating it to the sender (daughter). Parent-advocates' recognition of their child's unique methods of communication is important since the child relies on the parent's decoding to interpret their wants and needs.

When dealing with school officials or those who appear to be labeled as the "experts," it is critical to remember that they are not privy to the

communication connection the parent shares with their child. While these experts can make suggestions based upon generalizations about other children with similar disabilities, they do not know each individual child like a parent does. That is why they should work with parents (not for parents) on finding the best fit for care, education, and so on, of each child.

Roger Fisher, William Ury, and Bruce Patton (2012), discussed three significant problems in communication (p.32) that are especially applicable in situations where an advocate is needed. First, the advocate may not be willing to talk with the other party, so communication has broken down to the point that each side is unwilling to attempt further communication. In these cases, a third party may have to intervene to bridge this gap. The second issue in communication occurs when one or both sides are not entirely listening to the other party. Each side may be too busy negotiating for what they want or what they will not give up to listen. This lack of listening means there is no communication taking place. The third issue in communication is misunderstanding, which happens all too often. This situation is where active listening should be applied. Active listening (fully concentrating on what is being said) along with observation of non-verbal signals and asking questions can help in understanding communication of all parties involved.

The process of negotiation and advocating can be frustrating and tiresome, and it is easy for both sides to become emotionally involved, which may lead to rash decisions, miscommunication, and a complete breakdown of

the communication process. For example, during an IEP meeting, both sides might be nervous with anticipation. Parents may be unsure of what changes will be made, while the school administration may feel they are providing the best service they are authorized to give the child. At the meeting, parent-advocates should actively listen and acknowledge what is being said by allowing those present to complete their thoughts. Parents should then pause to provide themselves time to process what is being said or offered. Listening seems an obvious solution. However, it is difficult to listen well, especially under stress, and when emotions are intensified.

Active listening improves not only what is heard, but also what is said (Fischer, Ury, & Patton, 2012, p. 34). Additional active listening techniques may be applied to build trust and establish rapport such as greeting each person. Also, using nonverbal cues such as nodding, making eye contact and leaning forward helps all parties see the parent-advocate is attentive to what is being said, which will aid in improving the communication climate. All parties involved need to understand how to effectively communicate with each other during an Individualized Education Plan session. Each side should attempt to become better listeners for mutually agreeable outcomes.

Conflict

Many families at the school where my daughter attends are predominantly low-income and do not speak English as a primary language in the home, which potentially creates communication conflict during IEP meetings.

Conflict begins when two or more people who interact perceive differences between or threats to their needs, resources, or values that may cause them to behave in response to the interaction and their perception of it. The situation may escalate or de-escalate as a result of the given response (Lake & Billingsley, 2000). While conflict is part of the human condition and is inevitable, it is not always the problem; in fact, it is the way individuals try to resolve the conflict that can be problematic (Lake & Billingsley, 2000).

Researchers indicate that K–12 educators, both general and special education programs, face challenges communicating with parents from diverse backgrounds. This trouble is due to cultural and linguistic differences. Some education programs may find difficulties accommodating parents who do not speak English well (Greenfield, Maynard, & Childs, 2000; Gonzalez-Mena, 2006; Lynch & Hanson, 2004; Slogar, 2014). Michael Lawson's (2003) analyses revealed that teachers and parents have different perceptions. These different perceptions emerge from diverse epistemologies, differential power bases, and some competing purposes. Both parties take a firm stance and believe mutually beneficial partnerships between them are essential to children's learning, healthy development, and success in school (Lawson, 2003). Keeping this in mind, especially when attending meetings, might help to reduce potentially negative emotions generated by hearing alternative perspectives on the perceived appropriate course of action for the child's development.

Conflict easily arises during the process of designing and implementing an appropriate program for a student with a disability because different opinions between parents, school officials, and other professionals get in the way (Lake & Billingsley, 2000). Conflict results between these groups when there is little knowledge regarding legalities and what is in the best interest of the special needs child.

Lake and Billingsley (2000) discussed the differences spoken between the parent's view of their child and the school's view where two conclusions surfaced that might explain how they could view a child differently. The first conclusion by the parents was that they perceived the school did not view a child as an individual with unique strengths and abilities (Lake & Billingsley, 2000). In the second conclusion, the school personnel would describe a child from a deficit-model perspective, which the parents received unfavorably (Lake & Billingsley, 2000).

These differing perspectives may make it difficult to create and agree to a plan, especially when parents may possibly feel offended by the generalized perception of their child. With limited literature on conflict and responses to conflict, specifically in special education (Lake & Billingsley, 2000), it is easy to see how important further exploration and documentation is to assist those with special needs children who must be the advocate for educational and developmental needs.

However, some researchers, like Catherine Tinsley (2001), believe conflict behavior is the same whether in the workplace or in a parent-school conflict. Tinsley (2001) argues that parents need to know how to handle conflict in a positive and productive manner to obtain much-needed services for their children. As there are multiple ways to manage conflict, some methods may be less effective in this situation than others. Methods such as avoidance and accommodation may impede the process and make advocating more difficult. The method of compromise, where both parties must give up a perceived need, is typically viewed as a lose-lose situation since all requests are not being met. An example of compromise would be that the school agrees to do X if the parent agrees that the child will not receive service Y. Ideally, collaboration is best in this situation and is necessary between schools and parent-advocates (Lake & Billingsley, 2000). Collaboration means that all parties involved come together to seek solutions that are agreeable for all without any party having to acquiesce to the other's request.

With parent participation and procedural due process, the principles of the Individual with Disabilities Education Act (IDEA) define the parameters of an "appropriate education program" for children with disabilities. Except, "appropriate" does not address the individual needs of each disabled child, so IDEA expanded parental involvement in multiple aspects of the process and provided avenues to resolve conflicts between parents and school officials (Lake & Billingsley, 2000). The Individuals with Disabilities Education Act (IDEA),

subsequent revisions, and concurrent regulations place significant requirements on the public school (Morgan, Whorton, & Zink, 1995). Schools are required to provide (1) a free and appropriate public education, (2) an education in the least restrictive environment, and (3) an individualized education plan (Morgan, Whorton, & Zink, 1995; Turnbull, 2005).

When each of these components are addressed for the individual child, parents sometimes disagree with the recommendations of the school administrators. The IDEA provides both parents and schools the ability to invoke a formal process of procedures to resolve the dispute, which may result in further due process procedures that could include litigation. However, time, financial and emotional costs on the parents could be significant during due process hearings and litigation (Ekstrand & Edmister, 1984).

Along with the financial burden to the family during due process procedures and litigation, relationships of all involved may be strained. The relationship strains often result in less communication, and the situation then becomes hostile. With the two groups not willing to give or listen, the situation becomes polarized with emphasis on right versus wrong and win versus lose (Primm, 1990). Taking legal action is something many families cannot afford.

However, not being able to afford legal action provides families with an opportunity to retool and refocus their attention to what is best for the children. Information on these processes are provided by the school district and the IDEA government website. Ultimately, parent–advocates should work to collaborate

with administrators during an IEP meeting; however, knowing that other avenues do exist may provide a sense of power for parent–advocates to make requests for their child for services not typically offered initially. Just how parents can communicate from a basis of power will be discussed in the next chapter.

CHAPTER THREE

POWER

Like many parents I relied on the school to provide my child with an appropriate and free education, thus relinquishing my power. I trusted that they knew what my child needed developmentally and that they would properly assess her skills and needs and adjust her program accordingly. I know as a parent I felt frustration with school personnel trying to fit my child into a one-size-fits-all program that did not address her as an individual. I realized that I needed to be intricately involved to take back my power as her advocate. Knowing conflict styles and understanding effective communication skills allows a person to have the advantage over someone without this knowledge. I now understand that providing parents with this information can enable them to take back their power to help them properly direct their energy during IEP meetings.

The concept of power can be used to resolve conflict by both parents and schools (Lake & Billingsley, 2000). Power effects communication within the conflict in every aspect of negotiation, mediation, and resolution.

Ideally, parents and administrators should tackle the challenge as a team and avoid having to take it to a legal level. Parties should work to collaborate on an educational plan that suits the child's needs and satisfies all parties involved. However, as mentioned previously, many parents fail to realize the power they hold as their child's advocate. It is easy to relinquish that power by trusting that

the “experts” know more or have more experience with developing appropriate plans. While the administrators and teachers may have a different level of knowledge, it is also important to remember that parents know their child best and are concerned about their individual needs, whereas many times administrators and teachers are looking at plans that are generalized for students with disability X, Y, or Z. Many times, plans do not consider the particulars of why a child requires A and B and even J or K. Administrators may also fail to consider that perspective without the parent advocating for those services. With human interaction being the key to power and conflict, how humans communicate affects power on all levels (Motallebzadeh & Kafi, 2015).

Parents of disabled children may believe that the providers (schools) have more power. This belief might cause them to be reluctant to confront providers, leaving them feeling discouraged with the results (Motallebzadeh & Kafi, 2015). It is crucial for parents to understand the power they hold and how it can work in their favor. “The reason you negotiate is to produce something better than the results you can obtain without negotiating” (Fischer, Ury, & Patton, 2012, p.111), and many parents will not negotiate simply because they feel powerless or inadequate to negotiate against “the experts.”

Good advice, provided by Fischer, Ury and Patton (2012), is for parents to know their “BATNA: best alternative to a negotiated agreement” or the “standard against which any proposed agreement should be measured” (p.112). Knowing their BATNA and understanding it, believe Fischer, Ury, and Patton (2012) can

protect negotiators from “accepting terms that are too unfavorable and from rejecting terms it would be in your interest to accept” (pp. 112-113).

Parents should do research before meeting with the administrators to make sure they are aware of what services are available for their child, and to discover what their child may be entitled to as a student within that district. The parents must consider alternatives that will work should the administration decline the requests and reject their suggestions for services the child needs. Knowing alternatives will strengthen their BATNA and make parents less likely to depend on the administrators to meet their needs, and, therefore less likely to accept a plan that really does not suit their child’s needs.

Alternatives give the advocate a sense of power, so they feel more confident to negotiate rather than accept the first offer given. To develop BATNA a parent should do three things: “(1) invent a list of actions [they] might conceivably take if no agreement is reached; (2) improve some of the more promising ideas and convert them into practical alternatives; (3) select, tentatively, the alternative that seems best” (Fischer, Ury, & Patton 2012, p. 114). Having a list of items that meet the child’s needs is important.

At that first meeting, listening is key. An agreement does not need to be met at the first meeting. Parent–advocates should take notes, go home, and create their BATNA before the next meeting, remembering to attempt to see things from the other party’s perspective. The more a parent-advocate can understand the administrators’ point of view, the more a parent–advocate can

strengthen their own BATNA and increase their power as the child's advocate. Stepping outside the role typically played as parent can bring new perspective and help reduce emotional decisions made in haste. Parents should remember that they do hold power regardless of how much the administrators push back; however, they should not allow this to become a pushing match as no one will win and the biggest loser will be the child.

So, what type of power does a parent hold in this situation? What type of power does the other party hold?

First, let's think about what power the other party may have. The parent-advocate is attempting to collaborate with a party that typically holds "role power," a power granted to people who are in specific roles in a hierarchy system—the education administrators in this case. Their titles or degrees usually grant them some sort of perceived power. Many people will not challenge that power, with several parents believing administrators know what is best since they are the "experts."

Next, let's examine some of the power parents hold. Knowing alternatives grants a parent "objective power," since they have a focus to meet specific objectives to satisfy their needs in case the parties cannot reach agreement. The parent has done research, knows what programs are best suited for their child, and the possible alternatives, should the administration decline the initial requests.

Another type of power parent–advocates hold, that they do not typically realize they have, is psychological power. When a parent enters an IEP meeting feeling confident, they are more likely to believe they have power and will negotiate differently than a parent–advocate who walks in lacking confidence. Being powerful and feeling powerful typically have essentially the same consequence for negotiations (Motallebzadeh & Kafi, 2015). Even if a parent is not sure of what the outcome may be, thinking about a time where the parent did feel powerful can essentially “trick” the brain into believing they hold power, resulting in more confidence and different negotiation styles.

It is good for a parent–advocate to keep in mind that the child being discussed is their child. They know their child’s needs better than an administrator, who is typically using a “one-size-fits-all” method. This technique, combined with BATNA (alternatives), should help increase confidence and power within to successfully negotiate mutually satisfying terms. “Developing your BATNA is perhaps the most effective course of action you can take with a seemingly more powerful negotiator” (Fischer, Ury, & Patton 2012, p. 118).

CHAPTER FOUR

NEGOTIATION THEORY

Attaining the best educational and necessary services for my child's strengths to maximize change for those deficient areas was not an easy task. Not knowing my parental rights during the process, I simply agreed with the placement, later becoming aware of how burdened the school district was with numerous requests for services for children with disabilities. Unsure of what I could do, I was afraid of challenging the authority of the school district, allowing them to place my child in a pre-school program designed for her diagnosis of autistic spectrum disorder (ASD) mild-to-moderate.

Parent–advocates attempting to secure medical and educational support for their children may find themselves negotiating with providers. Parent-advocates want the best services for their children, yet providers must deal with realistic limitations. Typically, neither party is a trained negotiator yet both sides are forced to negotiate with each other. Understanding negotiation means understanding the theory behind what it is and ways to negotiate effectively. In the previous chapter, on power, the concept of negotiation was briefly discussed; this chapter will dive deeper into negotiation and provide additional help to parents who find themselves in a negotiation situation with providers. This chapter will begin by defining negotiation and then exploring Negotiation Theory.

Negotiation is a process that is interactive between two or more parties attempting to find commonality on an issue or issues of mutual interest or dispute. The involved parties are seeking a mutually acceptable agreement that will be upheld by all parties concerned (Negotiation Experts, n.d.). Rouse and Rouse (2005) defined negotiation as “the process of social interaction and communication between people with the aim of reaching a lasting agreement based on some common interests, all to achieve the set targets and avoid conflicts” (p. 191). Negotiation can also be thought of as “the process of combining different viewpoints into a single, joint decision” (Bendahmane & McDonald, 1984, p. 51).

According to Nipun Agarwal (2014), Negotiation Theory is a research area with emphasis from three different areas: game theory, psychology, and negotiation analysis. Integrated Negotiation Theory, or INT, is the combination of game theory and psychology negotiation theory models (Agarwal, 2014). It opens Negotiation Theory for more research. The next section will discuss negotiation in more depth.

Negotiation

Being told “no” when attempting to secure services for a child directly affects how parent–advocates will act and react to the negotiating process. Negotiation skills are vital to parent–advocates. Such skills will help them be specific in their interests and open to suggestions from their school, which will benefit the child. Research suggests that using negotiation to resolve special

education disputes (Morgan, Whorton, & Zink, 1995), as well as specialized services, is what is needed to achieve the goals of both parties.

Most people separate negotiation styles into five different categories: Competition (typically aggressive), Collaboration (cooperation), Compromise, Accommodation (conceding), and Avoidance. Most negotiators have a preferred style; however, the question remains as to which style of negotiation is most appropriate. The answer depends on the situation, the party's skills, the services being requested, and many other factors. It is important to note that negotiators can change the style they use throughout the process of negotiation. Each style has a different end goal and a different approach to reaching that goal.

Robert Fisher, William Ury, and Bruce Patton (2012) believe that one key to successful negotiation is to separate people from the problem.

If negotiators view themselves as adversaries in a personal face-to-face confrontation, it is difficult to separate their relationship from the substantive problem. In that context, anything one negotiator says about the problem seems to be directed personally at the other and is received that way. Each side tends to become defensive and reactive and to ignore the other side's legitimate interests altogether. (p. 62)

Therefore, a parent-advocate must practice remaining calm and entering the negotiation as an advocate, rather than an emotional parent. Being very close to the issue sometimes allow parent's feelings to quickly turn negative when they think they do not hear something positive (Fisher, Ury & Patton, 2012).

Mallory Winter (2013), a Mediation Works Incorporated (MWI) Mediator, also recommends separating people from the problem. She suggests recognizing that every negotiation can be divided into two primary components: *the relationship* shared by the people involved in the negotiation and *the problem* being addressed by the negotiators. The relationship is part of the negotiation's context and has a significant influence on 1) the way people perceive the problem, 2) the emotions they have, and 3) the way they communicate with each other (Winter, 2013). The problem is the objective predicament, what program/plan the child needs that the parties are working to resolve through negotiation (Winter 2013).

While the parent–advocate may believe they know what is best for meeting the child's needs, they must wear a different hat when negotiating. A parent–advocate must try to remember that as a negotiator they hold power since they are fully aware of their BATNA (discussed in Chapter 3) and they know what their child's needs are compared to what is being suggested. Parent–advocates should judge every offer against their BATNA (Fischer, Ury, & Patton, 2012). If it is the first meeting, parents should simply listen, take notes and ask plenty of questions. It is not required to resolve things at that initial meeting. In fact, experts advise that parent–advocates don't come to a resolution at this meeting, since they will need to do additional research to create their BATNA (Fischer, Ury, & Patton, 2012).

At the next meeting, armed with their BANTA, parent-advocates should make sure that what they are asking for is not unreasonable for the providers and that there are resources available for the services they want for their child. Asking for services beyond the scope of the providers may make it difficult to come to any agreement. If possible, the parent-advocate should try to locate another provider who has that service available so their own provider can model that service for their child. Additionally, “knowing what you are going to do if the negotiation does not lead to agreement will give you additional confidence in the negotiation process” (Fischer, Ury, & Patton, 2012, Chapter 6, Develop Your BATNA, para. 4).

Ed Brodow (2017), a negotiation expert and speaker (who has authored several books on negotiation), provided some tips via his website for those who wish to negotiate effectively. Several of his tips are similar to those offered by Fischer, Ury, and Patton (2012); however, Brodow (2017) did not discuss BATNA. Brodow (2017) suggested the following tips to help with being successful at negotiating:

- Don't be afraid to ask for what you want.
- Shut up and listen
- Do your homework
- Always be willing to walk away
- Don't be in a hurry
- Aim high and expect the best outcome

- Focus on the other side's pressure, not yours
- Show the other person how their needs will be met
- Don't give anything away without getting something in return
- Don't take the issues or the other person's behavior personally

Now let's explore some of these tips in a bit more detail. The first tip is to "Not be afraid to ask for what you want". To this, Brodow (2017) suggested that negotiators must be assertive and not be willing to take "NO" for an answer. Negotiators should use "I" statements (I am uncomfortable with that plan for my child) rather than "you" statements (You aren't suggesting proper programs or care for my child) to be assertive. Brodow (2017) noted that many people confuse assertive with aggressive and should know the difference; assertive is when your own interests are maintained with the respect for the interests of others. When there is a lack of caring for other people's interests, an individual is being aggressive (Brodow, 2017). Additionally, advocates should seek to challenge what is being offered, meaning parent-advocates have the right to question what the other party is offering (and do not have to take it at face value). Dig deeper, gather info through questioning to gain a better understanding of whatever is being offered.

This leads to his second tip, "Shut up and listen" (Brodow, 2017). Just as Fischer, Ury, and Patton (2012) suggested, listening is crucial to successful negotiations. If the parent-advocate won't stop talking, they'll never fully hear or understand what is being offered. Brodow (2017) referred to negotiators as

“detectives” and claimed that negotiators can learn most by asking probing questions. He suggested negotiators “Follow the *70/30 Rule*—listen 70 percent of the time and talk only 30 percent of the time. Encourage the other negotiator to talk by asking lots of *open-ended questions*—questions that can't be answered with a simple ‘yes’ or ‘no’” (p. 99).

The third tip about doing research is also quite important; in the age of technology, information is available at the click of a button. However, do not discredit the knowledge that can be gained through speaking with other parent–advocates. It is important for parent–advocates to use a combination of online sources, articles, advice and information gathered first person as they work to create their BATNA (Fischer, Ury, & Patton, 2012; Brodow, 2017).

Next, walking into the meeting prepared and fully ready to walk away without an agreement helps make a stronger negotiator (and one who feels powerful rather than powerless). As an example, think of buying a car and walking into the dealership fully prepared to walk away if they cannot offer the exact deal desired for a comfortable price. That leads to a different mindset compared to someone who appears desperate and lacks knowledge about cars or how financing works. Typically, being willing to walk away changes the playing field and should signal the other negotiators that the parent–advocate means business and won't settle for whatever they initially suggest. This does not mean that the parent–advocate will need to walk away, but they should be willing to say, “I don't like what is being offered here and I do not feel like my needs are

being considered or that we are making progress, so I would like to meet on another day with a fresh outlook.” Sometimes, just the thought of a party leaving without resolution can push the other party to offer additional services originally requested to attempt to satisfy and avoid further meetings or even mediation. Additionally, this signals to the other party that there is no rush to complete this negotiation by agreeing to their first offer. As Brodow (2017) suggested, American culture thinks of time differently than other cultures and because time is such a large part of the culture with busy schedules and time tables, a negotiator who appears patient can apply pressure on the opposing party to make a different offer to complete the meeting and any future dealings. “Your patience can be devastating to the other negotiator if they are in a hurry because they start to believe that you are not under pressure to conclude the deal” (p. 77).

The last few tips examine topics such as being optimistic when walking into a negotiation and really considering the opposition’s perspective and potential pressures. The parent-advocate should try to enter the IEP meeting with a positive attitude and a feeling like it is possible to have their child’s needs met while satisfying the goals and objectives of the other party. “People who aim higher do better. Your optimism will become a self-fulfilling prophecy. Conversely, if you have low expectations, you will wind up with a less satisfying outcome” (Brodow, 2017, p. 51). Also, knowing the potential pressures the opposing party may face from administration, health services, and so on can help the parent–advocate gain more power through understanding. If a parent–

advocate understands the opposing party's perspective, they can negotiate easier because they understand what it takes to satisfy their needs and decrease those pressures. It is important to remember that the parent-advocate should not give in to anything without having their own child's needs met though:

If you help the other side to feel satisfied, they will be more inclined to help you satisfy your needs. That does not mean you should give in to all their positions. Satisfaction means that their basic interests have been fulfilled, not that their demands have been met. Don't confuse basic interests with positions/demands: Their position/demand is what they say they want; their basic interest is what they really need to get. (Brodow, 2017, p. 140)

The final tip provided by Brodow (2017) suggested exactly what Fischer, Ury, and Patton (2012) did, which is to focus on the problem, not the people. There is a possibility that the parent-advocate may not like the negotiator assigned to the case for the IEP. Brodow (2017) suggested that "Obsessing over the other negotiator's personality, or over issues that are not directly pertinent to making a deal, can sabotage a negotiation. If someone is rude or difficult to deal with, try to understand their behavior and don't take it personally" (p. 82). If it gets to the point where a civil exchange does not seem possible, simply request another negotiator rather than giving in or continuing to escalate the situation. However, if the parent-advocate and administrators are unable to reach an

agreement that satisfies all parties, everyone may be asked to sit down with a professional mediator.

Mediation

In some situations, parents and schools use mediation before moving to litigation. Morgan, Whorton, and Zink (1989) described mediation as a tool used to aid disputing parties (i.e., complainant, respondent) in reaching an agreement. It involves a third party that listens to both arguments and assists the disputants in reaching a consensus. When the disputants express their concerns, this means that both parties commit to settling this issue (Morgan, Whorton, & Zink, 1989). In other words, mediation becomes a resource for dealing with the conflict between parties by providing a neutral place where disputants are encouraged to come to a mutually satisfactory resolution to their issue (Morgan, Whorton, & Zink, 1989). In mediation, the parent–advocates still need to utilize communication and negotiation skills to ensure they can reach a mutually satisfactory resolution to their situation/problem.

Parent–advocates and mediators typically express strong opinions on how schools and parents justifiably viewed special needs children differently (Lake & Billingsley, 2000). Many parent–advocates feel that schools focus mainly on a child’s weaknesses and do not consider the whole child. School personnel note that parent–advocates tend to be single-minded selecting only one right thing to focus on and excluding acceptable program offerings (Lake & Billingsley, 2000).

This limited focus leads to feelings of frustration and sadness. Lake and Billingsley (2000) noted that mediators indicated a lack of problem-solving knowledge and lack of strategies for communication between school personnel and parent–advocates, which escalated conflicts. By imagining how it may feel to negotiate from each side of this situation, the parent-advocate may be able to understand why, in some cases, a mediator may be necessary to reach some sort of agreement.

So, to summarize, parents must understand what negotiation is. Rouse & Rouse's (2005) definition: the process of communication between people with the goal of avoiding conflicts, achieving set targets, and coming to an agreement based on common interests encompasses the feeling behind negotiation. But sometimes, both parties feel strongly about their position and cannot come to an agreement. This is when mediation can help. Mediation provides a neutral environment where both parties are encouraged to share concerns and commit to resolving the issue satisfactorily. Finally, remember to separate the problem from the people, which will mitigate feeling personally attacked.

CHAPTER FIVE

CONCLUSION

The purpose of the project is to provide parent–advocates information that will assist them in establishing an effective IEP with school administrators. This project also offers suggestions and resources to help parent–advocates on their journey for support throughout their child’s life. In addition to IEP meetings and negotiations, the techniques mentioned in this project will help parent–advocates in their dealings with medical care, mental health care, and any other services their child may need during their lifetime. How parent–advocates, administrators and teachers interact and negotiate in special education is important. The negotiation process, if performed correctly, allows for understanding and collaboration of parent–advocates and school administrators as they work to develop a program and services that will be effective for each child. Children in special needs programs have many times been deemed “unworthy” of certain services. Without proper advocacy and negotiation, those children will go without. However, using the information from this project might help parent–advocates to feel more confident in their ability to collaborate with administrators, to have their voice heard as they advocate for what their child needs.

This area of research is rapidly changing as new programs and rules are developed to assist those with special needs. As more people begin to understand how advocacy works and how important communication skills are in

being successful at negotiation and collaboration, the more important projects like this become. As stated previously, many parents (myself included) did not have a manual to help them understand their rights and how to negotiate for the needs of their child. This project has been created because of my own trials and errors, successes and failures, collaboration attempts and negotiation triumphs. The materials that have been gathered and used in this project are from some of the best and most current experts and research conducted. Using all the skills mentioned in this project: listening, communicating, observing, and negotiating, help to ensure successful meetings where the child's needs are the focal point and collaboration is the goal.

Since IEP meetings are held annually, this is a process that a parent–advocate and administrators will go through repeatedly. Being a passive bystander and allowing others to make important decisions regarding their child may leave the parent–advocate feeling inadequate as a parent. It may also leave the child in a program that isn't effective or challenging them to learn more. Changing the mindset before entering the meeting is important, so that this meeting is not viewed as a confrontation where a line has been drawn in the sand. It is important to remember that all parties present are there with the ultimate goal of helping the child. Try to think in terms of “we” not “me”.

As with anything new that is learned, it may take some time to fully understand the power that is held as a parent–advocate to negotiate and collaborate with administrators who may be perceived as experts; however, it is

essential that the parent–advocate remembers that their title carries weight and is an important piece of the IEP puzzle. Parent–advocates are the voice for their child and that voice must be heard.

APPENDIX A
ADVOCATING FOR YOUR CHILD WITH SPECIAL NEEDS

Tips to Help You Advocate for Your Special Needs Child

Experts agree, one of the most important things parents can do for their children with special needs is to advocate for them. Advocating may be intimidating and overwhelming, but remember, you know your child and his/her needs better than anyone.

Advocacy for children with special needs is not a new idea; but, it might be new to you. I, your author, have read a lot of literature to educate myself so I could become the best advocate for my autistic child, and you benefit from my research as well as trials and tribulations.

To help you, I have several strategies to share with you as you embark on this journey of advocating for your child to get him or her the best services available.

Let's begin by mentioning the strategies, before going deeper into their meaning:

1. Be Prepared
2. Be Educated
3. Learn Persistence
4. Avoid Blaming
5. Be Cordial
6. Practice Self-Care

"The first time I heard the word 'autism' was from a daycare facility. I sat there frozen, trying to understand what that meant."

Dotie Cartwright

Things to Avoid in Negotiation

Lack of Preparation >>> results in a lack of confidence you will not exhibit the knowledge needed for negotiating. Being prepared boosts confidence.

Use of Bullying Techniques >>> take-no-prisoners, all-or-nothing approaches often results in the opposite of your intentions. Bullying does not work and impedes progress.

Lack of Patience >>> suppresses more facts and realities from being revealed.

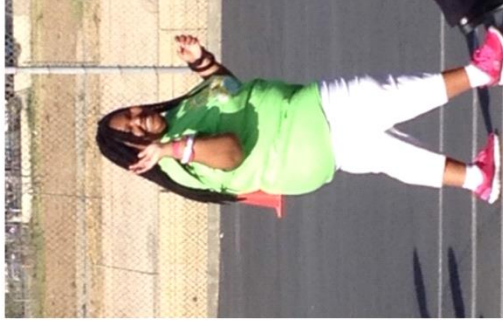
Losing Your Temper >>> reduces the chances of getting the services your child needs.

Talking Too Much >>> turns a dialog into a monolog; the thoughts and ideas of those at the table are not being heard.

Not Listening >>> prevents you from hearing/understanding what is being discussed. Listening more and talking less allows you to see and hear what you may have missed in the negotiation.

Unaware of own Body Language >>> can harm negotiations. Ensure your body language does not counteract what you are seeking.

Arguing >>> may seem to get your point across, but can actually drive the conversation in the opposite direction—getting sidetracked by insignificant points.



Advocating for Your Child with Special Needs

Easy Strategies for Parents

Easy Strategies for Parents

Be Prepared >>> create a notebook organizing medical files for your child. Document everything that relates to his/her needs, disabilities, services, etc.

Be Educated >>> educate yourself what you can and can't get for your child, new therapies your child may benefit from, your rights, the terms educators use, and lots more. Be ask questions and keep asking until you understand. At the same time, you must be willing to educate others and provide appropriate information when asked dumb, offensive questions.

Learn Persistence >>> when you are faced with a no, follow a child's reaction: continue to restate your need with a smile on your face and a please.

Avoid Blaming >>> look for a solution to the problem instead of looking for someone to blame.

Be Cordial >>> understand your advocated needs may not immediately align with the organizations' preferences. Always be polite and respectful.

Practice Self-Care >>> you can't help your child until you meet your own needs.



While Advocating

Your child needs you to seek out the services that are not immediately provided/offered. By advocating, your child has a better opportunity for success.

Provide Evidence >>> of your child's potential growth with the services. Explain how and why your child will benefit from that particular service

Be Convincing >>> by persuading school administrators your child needs these services with facts. This requires that you do research to ensure factual evidence.

Encourage Trial >>> by all parties involved. When seeking services be open to accepting these additional services on a trial basis.

Come to an Agreement >>> be a part of the solution and agree upon it together. Once an agreement is reached have the agreement put in writing.



About the Author >>>

After hearing the news of my child's disability, I was, like most parents, confused and uncertain as I tried to understand this developmental disability. At that moment, I began the journey of becoming an advocate for my child, and now, I'm able to share what I've learned with you to help you become the best advocate for your child.



Why Mention Negotiation?

When you are in advocating mode, you are working to convince the other party why the services you say are needed and essential. Sometimes, the process is a bit more difficult, so you have to transition into negotiation mode.

In simple terms, **negotiation** is the process of working with others to accomplish something. In a negotiation, all parties have a stake and are generally trying to work toward a **mutually** acceptable agreement, so there is some give-and-take by all parties involved.

When to Use Negotiation

- Use negotiation when you feel that **school administrators are not listening** to your requests for your children.
- This process should be done **face-to-face** during your meeting when all parties are present.
- This may include a **third party** who **recommends** a resolution to the conflict.

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