

**Generally, mediators will tend to use these five principles of problem solving negotiation in mediating a case. Here are a few examples (see the book Getting to Yes, Fisher & Ury, for more information):**

### **1. Separate people from the problem**

As a parent, for example, if you believe the Special Education Director has been rude, insensitive, and unavailable, do not discuss these opinions while requesting an additional physical therapy session each week for your child.

### **2. Focus on interests, not positions**

For example, if a parent insists on a child taking a later bus (position), explain that no one is home at the time the earlier bus is dropping the child off (interest).

### **3. Invent options for mutual gain**

A parent should not present their “one and only” proposal to the school for meeting the child’s needs. Rather, try to present multiple options (#1, 2, 3, 4) and allow the school to respond.

A school representative should not rely on “school policy” to address a parent’s request, but try to think of multiple ways that policy can be implemented.

### **4. Insist on using objective data**

As a parent or a school representative, for example, rather than insisting your “method” based on experience is the “best” way to meet a child’s needs, agree jointly to each, come to the next session with an outline/study showing the latest methods/research on a particular subject. Check the internet for national organizations that may lead you to appropriate publications.

### **5. Know your BATNA (Best Alternative to a Negotiated Agreement)**

In a really intense situation, it would be best for parents and school representatives to know before attending a session, if the negotiation fails, if they are going to have an attorney and proceed towards a due process. Know the cost, time and probable outcome of that decision.

*\*Excerpted from the Wisconsin Special Education Mediation System Training Manual*