Special Education Mediation

A Guide for Parents

Parents and Educators Working Toward Mutual Solutions

ALLIANCE

CADRE
Center for Appropriate Dispute Resolution in Special Education

IDEAs that Work
U.S. Office of Special Education Programs

What Is Mediation?*

- Mediation brings parties together to work with each other to resolve a disagreement.
- An impartial mediator helps the participants communicate their concerns to each other.
- All parties are involved in the decision making. Everyone has an opportunity to express concerns and offer solutions.
- The focus is on solving the disagreement and working toward a solution that satisfies all parties.
- Mediation is voluntary. All parties must agree to participate.
- The proceedings are confidential. Discussions cannot be used in any future hearings.

A trained mediator

- facilitates open communication between the participants
- creates a safe environment, allowing parties to interact and understand each other's point of view
- is unbiased and impartial
- clarifies points of agreement and disagreement
- helps identify options
- assists with writing down the terms of the agreement

This brochure describes the general mediation process. It is not intended to interpret, modify, or replace the formal requirements under federal law.

- Parents and educators can use mediation to resolve disagreements about a child's special education needs (birth through age 21).
- The focus is to find a solution that is in the best interests of the child.

"A family that I worked with had significant disagreements with their child's school district. They had been arguing for more than two years. I suggested that they request a mediation to try and resolve the matter.

The mediation really enabled the family and school to hear each other's perspectives and have a much better understanding of the situation. While the parents didn't receive everything they wanted for their child, their concerns are finally being addressed and the district is serious about helping."

–A Parent Advocate

Individuals with Disabilities Education Act

When Congress reauthorized IDEA, they added a requirement that state education agencies must make mediation available whenever a request for a due process hearing has been filed. We encourage you to learn more about the mediation requirements under IDEA '97.

For telephone information or a hard copy of the mediation requirements, contact:

The Technical Assistance Alliance for Parent Centers toll-free: 1-888-248-0822

The National Information Center for Children and Youth with Disabilities toll-free: 1-800-695-0285

For information over the Internet, visit the CADRE Web site at *www.directionservice.org/cadre/idea*

To Request Mediation

- Parents, students (if over 18 years of age), or school staff may request mediation whenever communication has broken down or there is a dispute that can't be resolved.
- Each state has its own guidelines for requesting mediation.
- Forms may be available at school district offices, agency offices, advocacy organizations, public libraries, or the state education agency.

> *"The parent advocate made me feel less vulnerable. I felt by her being there that I had a better chance of being listened to and that she would help me with everything I wanted to say..."*
>
> *— A parent*

The Benefits Of Mediation

- Parents and educators jointly develop the final agreement rather than an outside individual.
- Parties work together, and they are in control of the outcome.
- Mutual agreements result in greater satisfaction for all parties.
- Mediation assists everyone to better understand differing points of view.
- Mediation may be less costly and disagreements are resolved more quickly than traditional litigation procedures.
- Written agreements resulting from mutual resolution frequently result in higher rates of compliance.

Some Potential Concerns About Mediation

- Mediation can sometimes be an emotional, tiring, and frustrating process.
- Parents and family members may feel at a disadvantage if they don't adequately prepare.
- Some complex situations might need multiple mediation sessions in order to create a thorough and detailed agreement.
- There are no guarantees that mediation will lead to a written agreement.

Frequently Asked Questions About Mediation

Does the mediator make decisions?

No. The role of the mediator is to facilitate and structure communication. Mediation is a problem-solving process.

Who pays for mediation?

There is no cost to parents for mediation when the mediation follows a request for a due process hearing. The state education agency is responsible for providing the service. Some states and school districts provide mediation at no cost prior to requesting a due process hearing.

How do I know the school will follow through with the agreement?

All parties sign a form outlining the terms of the agreement that reflects their commitment to the integrity of the mediation. People tend to follow the terms of mediated agreements because they participated in developing them.

Frequently Asked Questions About Mediation

What if the mediation does not work?

Studies show that mediation can be a successful process. In the event that the parties cannot agree, parents retain their full rights to a due process hearing.

How many people will be in the room?

Typically, the number of participants is kept to a minimum. The parties agree on who can attend the session and may request a limit on the number of people participating.

Are mediations confidential?

Yes. Only the parties involved in the meeting will know what was said and information may not be shared outside the group. Discussion cannot be used in any future due process hearing or court proceedings.

How To Prepare For Mediation

- Identify the issues you want to discuss during the mediation process.
- Make a written list. This will help you address all your concerns in an organized manner.
- Write out word for word the questions you want to ask.
- Organize your documents. Record dates and notes on them. Make three copies; keep one for yourself, give one to the other party involved, and one to the mediator.
- Anticipate questions the other party may ask. Write down your possible responses.

Mediation Results— the outcome is a

How To Prepare For Mediation

- Consider all possible solutions to the problem.
- Call your state Parent Training and Information Center (PTI) or Community Parent Resource Center (CPRC) to talk with an advocate. (Refer to the back page of this booklet for contact information.)
- Ask a parent advocate for help. A parent advocate can answer your questions and may attend the mediation.

Important Sources Of Information

Parent Center information, IDEA '97 regulations, best practices and a current list of all PTI's and CPRC's in the nation are available through The Technical Assistance Alliance for Parent Centers (ALLIANCE) or The Families and Advocates Partnership for Education (FAPE):
www.taalliance.org or *www.fape.org*
call toll-free 1-888-248-0822.

The Consortium for Appropriate Dispute Resolution in Special Education (CADRE), serves as the national technical assistance center on dispute resolution including mediation:
www.directionservice.org/cadre or call 541-686-5060.

Another CADRE partner, The National Information Center for Children and Youth with Disabilities (NICHCY) responds to parent requests for assistance:
www.nichcy.org or call toll-free 1-800-695-0285.

In Your Area Contact:

Alliance Coordinating Office
PACER Center, Inc.
8161 Normandale Boulevard
Minneapolis, MN 55437-1044
Tel: (952) 838-9000 Fax: (952) 838-0199
TTY: (952) 838-0190
Toll-Free: 1-888-248-0822
alliance@taalliance.org
www.taalliance.org

Northeast Regional Alliance Center
Parent Information Center
P.O. Box 2405
Concord, NH 03302-2405
Tel: (603) 224-7005 Fax: (603) 224-4379
picnh@aol.com

South Regional Alliance Center
Partners Resource Network, Inc.
1090 Longfellow Drive, Suite B
Beaumont, TX 77706-4819
Tel: (409) 898-4684 Fax: (409) 898-4869
txprn@pnx.com

Midwest Regional Alliance Center
Ohio Coalition for the Education of Children with Disabilities (OCECD)
Bank One Building
165 West Center Street, Suite 302
Marion, OH 43302-3741
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ocecd@gte.net

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Matrix Parent Network and Resource Center
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Novato, CA 94949
Tel: (415) 884-3535 Fax: (415) 884-3555
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Contact Your Local Parent Center:

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