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ABSTRACT

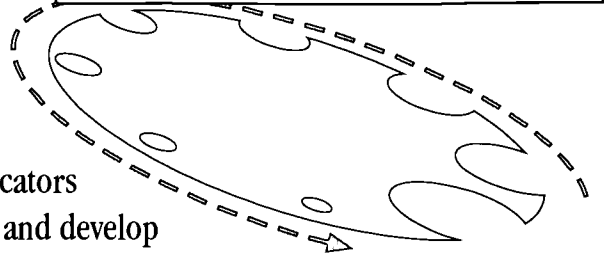
This brief paper discusses the use of mediation as a method for resolving disagreements between schools or early intervention programs and parents of children with disabilities. It identifies benefits of mediation such as maintenance of an ongoing and positive relationship between the school and family, simple resolution of conflicts arising out of misunderstandings or lack of information, and speed and cost factors. Drawbacks of mediation are also identified, such as requirements in some states that attorneys not participate in the process and the effects of failed mediation efforts. Other topics addressed include how to find out about mediation in any given state, how to find a mediator, and functions of the National Center on Dispute Resolution. (DB)

What Is Mediation?

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*Helping Parents
and Educators
Create Solutions
that Improve Results
for Students
with Disabilities*

What is mediation?

Mediation is a highly flexible way to resolve disagreements between school or early intervention (EI) systems and parents of children with disabilities.

A neutral person, called a mediator, helps parents, educators and service providers to communicate more effectively and develop a written document that contains the details of their agreement.

Participation in mediation is completely voluntary; parents only have to participate if they choose to. The mediation process is also confidential; discussions cannot be used in any future due process hearing or court proceeding.

Why consider mediation?

Mediation has many benefits for parents, educators and service providers, including:

- Families can maintain an ongoing and positive relationship with the school or EI service system and benefit from partnering with educators or service providers in developing their child's program.
- Conflicts that arise out of misunderstandings or lack of shared information can be resolved through mediators helping parents, educators and service providers to communicate directly with one another.
- Special education and early intervention issues are complex and can best be solved by working together.
- Mediation tends to be faster and less costly than adversarial approaches such as due process hearings and court proceedings.
- Mediation results in agreements that participants find satisfactory and research shows that people tend to follow the terms of their mediated agreements.

What are the drawbacks of using mediation?

Mediation may have a few drawbacks or limitations worth noting. For example, some states have policies that do not allow attorneys to participate in a mediation session. Without an attorney present, some parents might feel uncomfortable speaking directly to administrators who they have had difficulty communicating with in the past. Additionally, while mediation agreements are typically implemented with a high degree of satisfaction and attention to details, there is always a chance that families may choose to file for due process if mediation does not achieve the desired result.

How can I best find out about mediation in my state?

For information about mediation, contact your state education or EI lead agency.

If you have trouble finding a contact, visit the “Resources” Section of the CADRE website at www.directionservice.org/cadre/resources for a list of designated state mediation program contacts.

How can I best find a mediator?

If you have requested a due process hearing and are participating in mediation under the Individuals with Disabilities Education Act (IDEA) Amendments of 1997, your state education or EI lead agency will provide a qualified and impartial mediator for you. Additional information about this type of mediation may be found at www.directionservice.org/cadre/idea. In some situations, parents, schools and service providers may have the opportunity to select their own mediator(s), rather than have one assigned to them. CADRE offers a Database of Conflict Resolution and Special Education Professionals at www.directionservice.org/cadre/profs.

What is CADRE?

CADRE, The National Center On Dispute Resolution, is funded by the United States Department of Education, Office of Special Education Programs. CADRE uses advanced technology as well as traditional means to provide technical assistance to state agencies on implementation of the mediation requirements under IDEA '97. CADRE also supports parents, service providers, educators and administrators to benefit from the full continuum of dispute resolution options that can prevent and resolve conflict and ultimately lead to informed partnerships that focus on results for children and youth.

We encourage you to review the many other resources on the CADRE website and let CADRE know if you have additional questions regarding mediation!

www.directionservice.org/cadre

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