

Mediation is a dispute resolution process that involves a neutral party provided by the state to assist a parent and a district in resolving disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability. (Minnesota Statute 125A.091, Subd. 9)

What is Special Education Mediation?

- A way to resolve disputes between parents and schools with the use of a neutral, trained mediator who assists in the negotiation of an agreement/solution. The mediator is not a decision maker.
- A voluntary process for the parent and school that encourages communication. Both the parent and the school must agree to mediate.
- A place where facts, feelings and desired outcomes can be discussed and clarified.
- Provided at no cost to the parent and school through the Minnesota Department of Education Special Education Mediation Service (MNSEMS).
- The goal is to work toward a solution that is mutually agreeable, a win-win for both parent and school.

When is special education mediation beneficial?

There are a variety of alternative dispute resolution procedures. Mediation can be beneficial when there is:

- A broad range of issues besides the Individual Education Program (IEP).
- Issues or difficulties related to communication, trust, relationships, etc.
- Differing opinions on the student's needs, services, etc.

How do I request mediation? Who comes? How should I prepare? What happens before mediation?

Below is a link the Minnesota Department of Education Special Education Mediation Service. In the middle of the page there is a link to the form to request mediation.

http://education.state.mn.us/MDE/Accountability_Programs/Compliance_and_Assistance/Minnesota_Special_Education_Mediation_Services/index.html

If both parties agree to mediation, they are asked when they can meet and a mediator is assigned. The mediation should occur within 2 to 4 weeks at a neutral location convenient to both parties. The parties must agree on who will attend. Someone from the school who has the authority to make decisions and to commit resources must attend. It is recommended that the parent bring an advocate. Generally, both parties have an equal number of participants.

What should I do to prepare for mediation?

We recommend that you involve an Arc advocate to assist with mediation. You and the Arc advocate will:

- Decide who should attend
- Decide what the issues are – what is important, potential solutions, what is not negotiable, where/on what you can compromise
- Get prepared to clearly describe the issue and your point of view
- Prepare and bring any relevant documents

For further information or advocacy services, contact Arc Greater Twin Cities at 952-920-0855 or visit www.arcgreatertwincities.org. Tell us what you think about this Arc Guide. Please complete a short survey online at <http://arcgreatertwincities.org/resources.aspx>. Thank you!

- Think about what the other party may want and offer
- Review the “Agreement to Mediate.” Ask any questions you have about the agreement so that you would be comfortable with signing it at the mediation.

What happens during mediation?

There are generally four stages of mediation:

- Introductions
 - Participants introduce themselves and state their roles
 - The mediator describes the process and rules.
 - The parent, school and mediator sign an “Agreement to Mediate”.
- Sharing of views/issues
 - Done by both parties – state concerns, interests, problems
 - The mediator may clarify and summarize.
- Caucus – the mediator may meet privately with each party as they further discuss their issue(s) to clarify information
- Discussion of Ideas
 - Develop and identify possibilities, brainstorming, evaluating options
 - Create solutions that meet both parties needs
- Agreement
 - The mediator will write the agreement down for both parties to sign. The agreement should answer ‘wh’ questions including who, what, where, when, why and how much.
 - The agreement should list specific, attainable and measurable outcomes/decisions
 - Each party will receive a copy of the agreement and is expected to follow it
 - A copy of the agreement will also be given to MNSEMS.
 - An Individual Education Program (IEP) meeting may be scheduled to incorporate the terms of the agreement into the IEP document.

Mediation can last 5 – 6 hours. Sometimes another session(s) may need to be held.

For further information or advocacy services, contact Arc Greater Twin Cities at 952-920-0855 or visit www.arcgreatertwincities.org. Tell us what you think about this Arc Guide. Please complete a short survey online at <http://arcgreatertwincities.org/resources.aspx>. Thank you!