

# MEDIATION

Special education mediation is a voluntary process in which families of students with disabilities and school district personnel meet with a specially trained, impartial individual - a mediator - to work out differences in a collaborative way.

## Why choose mediation?

Special education mediation may be helpful when a disagreement is repeating, escalating, creating stress, or the issue is complex. It can also be helpful when you feel conflict management or group facilitation expertise is needed. Mediation can help to achieve a resolution if you start in the early stages of a conflict.

**Mediation is:**  
**Voluntary**  
**Safe**  
**Confidential**  
**Timely**  
**Free to the family and school district**



## How do you request mediation?

As a parent or family member, you write a letter to your Committee on Special Education (CSE) or Board of Education (BOE). The letter should include: your student's name; your name; contact information; the student's date of birth; a description of the problem; and possible solutions.

## Who contacts the mediator?

The school will contact the local Community Dispute Resolution Center (CDRC) once they receive the written request from the family. The family always has the option of contacting their local CDRC too.

The local CDRC will contact both parties to explain the mediation process; coordinate the date, time, and location of the meeting; verify who will attend; and, determine if any accommodations are needed at the meeting.

## What cannot be mediated?

- Placement in private schools that are not approved by NYSED to receive public funds
- Refusal of consent for the initial provision of special education services
- Parent revocation of consent for receipt of special education services
- The awarding of attorney's fees
- Decisions made at the CSE Subcommittee, which must be reviewed by the CSE first



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## **What is the mediator's role?**

The mediator's role is to facilitate conversation, encourage explanations, ask open-ended questions to clarify discussion, inspire creative solutions, assist in developing mutually satisfactory solutions, and write an agreement – if one is reached.

## **Who attends the mediation?**

### **Required participants:**

- Parent or family member
- Authorized decision maker from the school district
- Involved school personnel e.g. counselor, school psychologist, et al

### **Optional participants:**

- Other family members or family friends
- The student
- Advocate
- Interpreter
- Outside professionals (Care Coordinators, counselors)
- Attorney (not as a primary speaker; there for legal support, moral support, and consultation)

**All participants are agreed upon by both parties.**

## **What happens once an agreement is reached?**

The mediator writes up the agreement, which will include name, dates, action plans, interim plans, and accountability. As part of the agreement, it should be documented when the CSE will meet to update the IEP. Both parties review the agreement and sign it. The mediator will also sign the agreement. Everyone leaves with a signed copy.

The mediated agreement is binding, which means it can be legally enforced. IEPs are updated as appropriate immediately thereafter.

## **What happens if all issues are not resolved?**

While there's usually more than one issue, getting full agreement may be contingent upon resolving one key issue. In that case, the issue still in dispute will be fully documented along with specific steps to be followed once that key issue is resolved. The document will specify areas of agreement and issues still in disagreement.

The parties can request additional mediation sessions, agree on a different course of action, and/or exercise their due process right to an impartial hearing.

## **Still have questions?**

Contact us at (585) 546-1700 or [starbridgeinc.org/contact-us](http://starbridgeinc.org/contact-us)

