

What Parents and Schools Say About Mediation:

"Mediation helped us reach an agreement that was much better for my child."

"Mediation allowed my voice to be heard."

"Mediation kept everyone calm so we were really able to work together."

To Request Mediation:

See sample requests for special education mediation under Additional Resources at www.nysdra.org/consumer/specialeducation.aspx

Parents should send a letter (or completed sample request) to their child's school principal or Special Education Director with the following information:

- Parent name
- Address
- Phone number
- The child's name and date of birth
- Description of problem
- Possible solution

Parents may also send a copy of the mediation request to their local Community Dispute Resolution Center (see back panel).

To find out more about Special Education Mediation in your area please contact:

EAC Network
Long Island Dispute Resolution Centers
Suffolk County
60 Plant Avenue
Hauppauge, NY 11788
631-265-0490
www.eac-network.org

Additional New York State Consumer Dispute Resolution Programs

Lemon Law Arbitration
Special Education Mediation
Agricultural Mediation
Early Intervention Mediation
Manufactured Homes Mediation
Vocational Rehabilitation Mediation
Board of Elections Arbitration

New York State Dispute Resolution Association, Inc.

4 Pine West Plaza, Suite 411
Albany, New York, 12205
(518) 687-2240
www.nysdra.org
info@nysdra.org

This brochure was developed by NYSdra, under contract #C009971 with the New York State Education Department. Authorization for reproduction is hereby granted to the system of public and state-approved private schools, institutions of higher education, and programs funded by the Office of Special Education of the New York State Education Department.

www.nysdra.org

Special Education Mediation Program



A program of the New York State Education Department, Office of Special Education

Office of
Special Education



Managed by the New York State
Dispute Resolution Association

When

Parents and Schools disagree

"I don't think my child is getting enough service."

"I don't want my child in a special education class."

"The school tested my child; I don't agree with the results."

Special Education Mediation:

Special Education Mediation is a process by which parents of children with disabilities and school districts meet with a neutral person, a mediator, to work out their differences. It is often chosen instead of an impartial hearing as a way of resolving disagreements about a student's special education placement, services, evaluation, or classification. In most cases, the mediator is able to help develop a solution that is acceptable to both the parent and school in a way that:

- Allows all concerns to be heard
- Builds trust and improves communication
- Explores creative solutions
- Gives everyone a chance to have an equal say in all decisions

What Happens in Mediation?

Meet

A mediator meets with the parents and a person from the school. A representative from the New York City Department of Education will also attend for NYC mediations.

Talk

Each person talks about the issues from his/her point of view. Everyone suggests ways that might resolve the problems.

Agree

Any agreement reached is binding and is formalized in writing. After the mediation, the Individualized Education Program (IEP) is updated.

Facts About Mediation:

A Voluntary Process:

Mediation can be requested by either the parent or the school, but will only take place if both parties agree to the process.

A Free Service:

Mediation is provided at no cost to the parents or the schools.

Different From An Impartial Hearing:

An impartial hearing is a proceeding in which an impartial hearing officer makes a decision based on evidence and testimony. Mediation is a form of dispute resolution where the mediator assists the parents and schools to communicate around the issues in dispute and to voluntarily agree on a resolution. The mediator does not make decisions, but rather helps participants reach their own agreeable solutions.

Federal law requires that school districts offer mediation as an alternative to an impartial hearing when disagreements arise.

Due Process Rights Are Protected:

Parents can request both an impartial hearing and a mediation at the same time. Mediation can also be requested independently of the hearing process. The impartial hearing can be canceled if all concerns are resolved in mediation.

Qualified Mediators:

Mediators have an understanding of special education law and the school systems in New York State. Special Education Mediators are not employed by either school districts or the New York State Education Department. They are professionals from various occupations and have had extensive conflict resolution training and mediation experience at local Community Dispute Resolution Centers (CDRCs).

Binding Agreement:

The written mediation agreement is binding upon the parties and is enforceable in court. All discussions and notes from the mediation are confidential and cannot be used as evidence in any further proceedings.

