

# Using Mediation to Resolve Disagreements

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## WHAT IS MEDIATION

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Sometimes parents and schools cannot agree on a child's special education needs. Mediation is an option available to bring parties together to resolve disagreements through the use of a trained, impartial mediator. Mediation is voluntary and can be requested by either the parents or the school, but both parties must agree to participate. There is no cost to parents. The goal of mediation is to resolve the disagreement and work towards a solution that meets the educational needs of the child.

## BENEFITS OF MEDIATION

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Mediation is commonly one of the first options parents consider when communication has broken down or there is a dispute that can't be resolved. It is less adversarial than other options, and disagreements can be resolved more quickly than traditional litigation procedures. Impartial mediators bring opposing sides together to work with each other, using open communication to express their concerns and offer solutions.

## WHO SHOULD ATTEND

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Parents, staff from the school district who have authority to make decisions, and the mediator must be present. Support personnel may also attend. The child involved may be present for mediation sessions depending on age and maturity, which can be a positive experience where they learn to advocate for themselves. The mediations

are confidential and only the participants involved will know what was said. Discussions cannot be used as evidence in a due process hearing or civil lawsuit. Parents can choose to be represented by an attorney at a mediation session, but don't have to. Schools may also have legal representation present whether the parent does or not.

## REQUEST PROCESS

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Mediation is scheduled at a time and place mutually convenient for both parents and school officials. More than one session may be necessary to reach written agreement. Each state has its own guidelines for requesting mediation. The Alabama State Department of Education website contains information about dispute resolution options available, and provides sample letters for parents to use in their formal written requests. Once the request is received by the state department, a mediator will be assigned to cases on a rotating basis from a roster. The state bears the cost of the mediation.

## ROLE OF THE MEDIATOR

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The mediator does not render a decision. The mediator is trained in methods for resolving disputes and is a "neutral" party who listens to both sides, helps them communicate their points of view to each other, and tries to help them reach an agreement. They must be knowledgeable about laws and regulations related to special education, and must not have a personal or professional conflict of interest related to the school district.



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## BE PREPARED

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It may be helpful to do your “homework” and get organized before the mediation which will boost your confidence level. Identify issues you want to discuss. Make a list of your child’s needs and questions you want to ask. Think of questions that others might ask and write down possible responses. Organize documents, put dates and notes on them, and bring extra copies for the mediator and the school officials. Be willing to listen and carefully consider others’ ideas, as well as possible solutions. Think about how you plan to deal with your emotions during the meeting.

## REACHING AGREEMENT

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If the mediation process is successful, and an agreement is reached, the mediator will assist in writing it into a legally binding document. The agreement must be signed by the parent and appropriate school district personnel. Written agreements are enforceable in state or federal court. Parents may want to consult with an attorney before signing a mediation agreement. If mediation is unsuccessful, the parent may still utilize other resolution options including a written state complaint or requesting a due process hearing to resolve the problem.

## ADDITIONAL RESOURCES

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Alabama Department of Education  
[www.alsde.edu](http://www.alsde.edu)

U.S. Department of Education  
<https://www.ed.gov>

Center for Appropriate Dispute Resolution in  
Special Education <http://www.cadeworks.org>

## APEC IS HERE TO HELP

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APEC provides free training, information, and consultation to families. Visit our training calendar for more information about learning opportunities at [www.alabamaparentcenter.com](http://www.alabamaparentcenter.com) or call our center.

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## YOUR OPINION IS IMPORTANT

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Your opinion matters. Please take a few moments to tell us what you think by completing a short survey about this sheet or other services of the ALPTI. <https://www.surveymonkey.com/r/ALPTI>



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