

Important Information You Should Know About Mediation

- Mediation can be an emotional, physically tiring and frustrating process.
- Parents and family members may feel at a disadvantage if they do not make adequate preparations.
- Some complex issues might need several mediation sessions in order to result in a mutual outcome and a thorough and detailed agreement.
- Mediation will not always result in a written agreement.

Who Can I Contact for Additional Information?

- Your area State Support Team (SST).
- The Ohio Coalition for the Education of Children with Disabilities at (800) 374-2806.
- The special education director or pupil services director of your local school district.
- A parent advocacy agency in your local area.
- Ohio Department of Education
Office for Exceptional Children
Procedural Safeguards
25 South Front Street, Mail Stop #202
Columbus, Ohio 43215-4183
Office: (614) 466-2650
Fax: (614) 728-1097
ODE Toll Free: (877) 644-6338
www.education.ohio.gov

Among the provisions of the Individuals with Disabilities Education Improvement Act (IDEA 2004) is the requirement that the state shall establish and implement procedures that provide parties the opportunity to resolve their disputes through a process of mediation.

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Mediation Procedures for Special Education

A Guide for Parents



This pamphlet has been prepared for persons who may wish to participate in the mediation process to resolve disputes involving the provision of special education and related services to children with disabilities. It explains the process for requesting and participating in mediation.

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Office for Exceptional Children
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What is Mediation?*

Mediation is a voluntary process for resolving disputes between two parties. In order for mediation to occur, both parties must agree to mediate their concerns before the mediation process begins. The mediation process is facilitated by a trained impartial third party, the mediator, who helps the parties communicate with each other about their concerns in an effort to reach a mutually acceptable solution. The proceedings of the mediation are confidential and therefore cannot be used in any future hearing or subpoenaed in a court of law.

**This is a general description of the mediation process. It is not intended to interpret, modify, or replace formal requirements under federal law.*

The Benefits of Mediation

- Parents and school district officials jointly develop the final agreement rather than an outside individual.
- Parties work together, and they are in control of the outcome.
- A mutual agreement reached by both parties results in greater satisfaction for all parties.
- Mediation provides an opportunity for parties to understand differing points of view.
- Mediation is less costly and disputes are resolved quicker than in traditional legal procedures.
- Written agreements reached through mutual resolution frequently result in higher rates of compliance.
- Mediation is provided at no cost to both parties.

The Mediator

A trained mediator:

- Facilitates open communication between the parties;
- Creates a safe environment that allows parties to interact and understand each other's point of view;
- Is unbiased and impartial;
- Clarifies points of agreement and disagreement;
- Helps identify options; and
- Assists with writing down the terms of the agreement.

How to Request Mediation

Mediation is available under the following conditions:

- Mediation is available without the need to request a due process hearing or file a formal complaint.
- Mediation is also available when filing for a due process hearing or when filing a formal complaint. Whenever a request for a due process hearing is made by either party or a formal complaint is filed, the Office for Exceptional Children will make an offer of mediation to both parties.

Submit requests for mediation to:

Ohio Department of Education
Office for Exceptional Children, Mediation
25 South Front Street, Mail Stop #202
Columbus, Ohio 43215-4183

The Mediation Process

- Mediation is requested or offered.
- If mediation is agreed upon by both parties a list of three mediators is provided by ODE.
- The selected mediator will contact both parties to set up the mediation.
- Before mediation begins, the mediator will make sure that confidentiality statements are signed and in place.
- If during mediation the parties reach an agreement, the mediator will assist the parties in writing the agreement.
- If an agreement is not reached during the mediation, the parties may elect to proceed with a due process hearing or a formal complaint.
- It is the responsibility of the Office for Exceptional Children to inform the hearing officer when an agreement has been reached and whether the agreement resolves all issues so that a due process request or complaint may be terminated.

How Long Is Mediation?

Generally, the length of the mediation session is unknown, therefore, parties are requested to set aside a full day for the mediation. In those instances where a day is not sufficient to reach an agreement, mediation can be scheduled for an additional day(s). Usually, an agreement is reached on the same day.