

What is Mediation:

Mediation in special education is a free and effective process to assist parents and schools in resolving disagreements, at the earliest stage possible, regarding the education program of a student with disabilities. This occurs at a non-adversative meeting that is more structured than a parent-school conference but less formal than a due process hearing.

Mediation is a **voluntary** process. It is **optional** for both parties. Unless both parties agree to mediation as a way to resolve their disagreement, a mediation session cannot be scheduled. The Mediation session is completely confidential and encourages open communication.

When to Request Mediation:

A request for mediation may occur when parents and schools reach an impasse after having made good faith efforts to resolve their differences. A request for mediation will most likely occur when parties are unable to modify their positions without outside assistance. Mediation can be requested by the parents or school.



What does Mediation Accomplish:

A trained mediator works with both parties to guide them toward a mutually satisfactory solution in the best interest of the student.

Mediators are neutral, third-party professionals trained in the process of mediation and special education and the needs of students. The mediator does not judge or resolve the issues, but instead helps the parties find their own common ground and consider alternatives that are agreeable to both.

Mediation can do the following:

- Identify disagreements concerning the identification, evaluation, or educational placement of a student.
- Clarify the issues causing the disagreement.
- Provide those involved with uninterrupted opportunities to present their points of view.
- Stimulate mutual problem-solving efforts.
- Promote positive working relationships between parents and school personnel.
- Help parents and school personnel focus on what they have in common—the student—rather than on the issues that divide them.



Formal Agreement:

When the parties reach an agreement, the parties determine the terms of the agreement and the mediator puts the agreement in writing. The mediation agreement is signed by both parties and the mediator. At the conclusion of the session, each party receives a copy.

The Cost of Mediation:

Mediation can take place at no cost to the parties. There is no charge to either party for the cost of the mediator. However, parties who choose to involve their attorneys are responsible for their own attorney fees.

Mediation will be conducted within the school district for the convenience of the parent and the school district.

How do I Request Mediation?

Once the parents and school agree to mediation, the school and parents complete the mediation agreement request form and send it to the Special Education Resolution Center.



Mediation is to resolve issues under the Individuals with Disabilities Education Act (IDEA).

Issues related to school personnel are under the authority of your local school board rather than the Oklahoma State Department of Education.

A grievance may be filed with the local school district's civil rights coordinator regarding allegations of disability harassment, discrimination, and retaliation under Section 504 of the Rehabilitation Act and/or Title II of the Americans with Disabilities Act (ADA).

Additionally, allegations of violations under Section 504 and/or Title II of the ADA may also be filed with the United States Department of Education, Office of Civil Rights (OCR), Region VI. The address is 8930 Ward Parkway, Suite 2037, Kansas City, MO 64114. The OCR has enforcing authority for Section 504 and Title II of the ADA.

It is the policy of the Oklahoma State Department of Education (OSDE) not to discriminate on the basis of race, color, religion, gender, national origin, age, or disability in its programs or employment practices as required by Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. Civil rights compliance inquiries related to the OSDE may be directed to the Affirmative Action Officer, Room 111, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599; telephone number (405) 522-4930 or the United States Department of Education's Assistant Secretary for Civil Rights. Inquiries or concerns regarding compliance with Title IX by local school districts should be presented to the local school district title IX coordinator.

REPRINT

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If you would like to request a mediation, complete the enclosed form and mail to the address below. If you have questions, contact the Special Education Resolution Center or the Oklahoma State Department of Education, Special Education Services.

**Special Education Resolution Center
Oklahoma State University
4825 South Peoria, Suite 2
Tulsa, Oklahoma 74105**

**Toll Free: (888) 267-0028
Phone: (918) 712-9632
Fax: (918) 712-9058
<<http://serc.okstate.edu>>**

**Oklahoma State Department of Education
Special Education Services
2500 North Lincoln Blvd., Room 412
Oklahoma City, Oklahoma 73105**

**Phone: (405) 522-3248
Fax: (405) 522-2380**

A parent or school district representative also has the option to call the local Early Settlement Center to ask that a mediation session be arranged. Call toll free (877) 521-6677 for the name and number of your local Early Settlement Center, or contact Special Education Services.

Dispute Resolution In Special Education Through Mediation



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