

## Mediation...

### An effective way to solve problems

*“Our experience with mediation was very positive. We wanted to avoid a hearing so we asked for mediation and the district agreed. The mediator really helped us understand our disagreement and to reach an agreement that everybody supported.”*

*“As an educator, I would recommend mediation whenever parents and schools cannot resolve their differences. I’ve found mediation to be an informal and fair process that encourages effective problem solving for the participants.”*

*It’s really about communication and listening to each other. The mediator helped us and the school develop an agreement that improves things not only for our daughter, but our communication and working relationship with the school staff.”*



## Mediation

- Provides an effective way for parents and educators to resolve their differences.
- Promotes a positive relationship between the parents and educators.
- Focuses on problem solving.
- Is less stressful than formal proceedings.
- Takes less time.
- Helps avoid future disagreements.

### For More Information

To receive an information packet or for more assistance contact:

Oregon Department of Education  
Public Service Building  
255 Capitol Street N.E.  
Salem, OR 97310-0203  
(503) 947-5797

Information is also available on the internet at:

<http://www.ode.state.or.us/search/page/?id=1369>



Oregon Department of Education  
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Deputy Superintendent of Public  
Instruction

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# Mediation in Special Education

How mediation  
can resolve  
disputes  
between parents  
and schools

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## What is mediation in special education?

When disagreements arise between a parent of a child with disabilities and an educator, they are often difficult to resolve. Sometimes parents are unclear about their child's educational needs, programs, or placement. Parents may feel that the school is not listening to them. The school may feel frustrated as well.

Parents and educators both want a proper program for the child, but sometimes they can't agree on what that program should include.

In the past, this could only be handled by formal complaint investigators, due process hearings, or litigation. These options are expensive, emotionally draining, and seldom satisfying.

Mediation can help. It is an informal and optional process that helps parents and educators reach an agreement.

## Who is mediation for?

- Any parent, guardian, or surrogate parent for a child with a disability.
- Any educator, teacher, program coordinator, principal, or educational specialist working with a child.

## What is the cost of mediation?

- Mediation is available at no cost to the parents.
- The Oregon Department of Education (ODE) pays the cost for special education mediation.



## How does mediation work?

- The parents and the educators must agree to mediate and be willing to work together with the mediator.
- The mediator makes sure that each person is allowed to share their concerns without any interruptions.
- Everyone should understand that the mediator may not solve the problem, but will help in reaching an acceptable agreement.

## How do I arrange for a mediator?

- You can ask for mediation by contacting the Oregon Department of Education at (503) 947-5797 or by completing the request for mediation form at: <http://www.ode.state.or.us/services/disputeresolution/mediation/requestformmediation.pdf>

## How are mediators selected?

- The parent and the district select from a list of qualified mediators contracted by ODE.

## Who attends the mediation?

- The participants are determined with the mediator. They should include persons with direct knowledge of and authority to make decisions about the student.
- As a general rule, the mediation session should include no more than 3-4 participants per district or family.

## When and where do we mediate?

- Mediation is usually scheduled within two to three weeks of the agreement to mediate.
- Mediations are held in the local community.

## What if mediation does not work?

- Whether or not an agreement is reached through mediation, either party still has the right to try other methods of local resolution. Parents may file a complaint or ask for a due process hearing.

