

SPECIAL EDUCATION MEDIATION ***Making the Process Work***

Prior to the Mediation

- Identify all issues to be addressed in the mediation session
- Review each issue to determine whether they involve
 - Legal issues [IDEA; Chapter 56; etc.] _____
 - Process issues [how decisions are made; how services are provided; etc.] _____
 - Communication issues [method of communication; timeliness of notices; progress reports; etc.] _____
- Gather & organize all documents & information relevant to the issues
 - Key sections of the law
 - Notices; summary of events; work samples; progress reports; data
 - Summarize what has already been done to address each issue
- Identify additional potential options to address each issue
- Gather information to present realistic options [i.e. make-up of alternative classroom/school; curriculum/program descriptions; etc.]
- Evaluate worst and best case scenario [i.e. if mediation doesn't work, what would be the probable outcome in a hearing]
- Prepare to share how you view the situation and what you would like to see happen in mediation.

During the Mediation

- Bring copies and share all relevant information with all of the participants in the mediation session
- At the start of the mediation, present your view of the situation focusing on the issues & how they impact the education of the child
- Use the mediator to help present your views to the other participants
- In private sessions help the mediator understand how you view the law and facts to assist him/her in conveying that information to the other participants
- Listen carefully and try to understand how the other participants view the situation and the laws
- Avoid taking "strong" positions or "posturing"
- Explain your views and interests in an informational and non-confrontational manner
- Be open to and discuss all options that meet the needs of the child