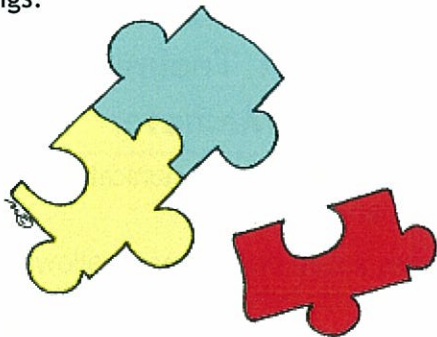


## A GUIDE FOR PARENTS

### WHAT IS MEDIATION?

- Mediation brings parties together to work with each other to resolve a disagreement.
- Mediation is voluntary. All parties must agree to participate.
- An impartial mediator helps the parties communicate their concerns to each other.
- The focus is on solving the disagreement and working toward a solution that satisfies all parties, is in the best interests of the student and can be performed by the school.
- Everyone has an opportunity to express concerns and offer solutions.
- All parties are involved in the decision-making.
- What occurs in mediation is confidential. Discussions cannot be used in any future hearings.



### THE BENEFITS OF MEDIATION

- Disagreements are resolved more quickly than with traditional litigation procedures.
- Mediation assists everyone to better understand differing points of view.
- Parents and educators are in control of the outcome. They work together and jointly develop the final agreement rather than an outside individual.
- Mediation is less costly in terms of time, money and people.
- Parties more frequently comply with written agreements that they develop.

### TO REQUEST MEDIATION

- Parents or school staff may request mediation whenever communication has broken down or there is a dispute they can't resolve.
- Please contact Terry Harrison, Mediation Office Administrator at (501) 324-9939 or Toll-free at 1-866-273-3959.
- Access materials at the website: **[legalclinic.law.ualr.edu/specialed](http://legalclinic.law.ualr.edu/specialed)**

### SOME POTENTIAL CONCERNS ABOUT MEDIATION

- Mediation can sometimes be an emotional, tiring and frustrating process.
- Parents and family members may feel at a disadvantage if they don't adequately prepare.
- Some complex situations might need more than one mediation session in order to create a complete and detailed agreement.
- There are no guarantees that mediation will lead to a written agreement.
- Recognize that if the agreement requests a change in the student's Individual Education Plan, the recommendation must be submitted to the IEP team.

## FREQUENTLY ASKED QUESTIONS ABOUT MEDIATION

### 1. DOES THE MEDIATOR MAKE DECISIONS?

No. The role of the mediator is to encourage communication, not decide the issues.

### 2. WHO PAYS FOR MEDIATION?

There is no cost to parents for mediation. This program is funded through a grant from the Arkansas Department of Education, Special Education Unit.

### 3. HOW DO I KNOW THE SCHOOL WILL FOLLOW THROUGH WITH THE AGREEMENT?

All parties sign a form outlining the terms of the agreement that reflects their commitment to follow the terms. The agreement is a contract that is binding on the parties at the mediation table.



### 4. WHAT IF THE MEDIATION DOES NOT WORK?

While studies show that mediation is often successful, in the event that the parties cannot agree, parents retain their full rights to a due process hearing.

### 5. HOW MANY PEOPLE WILL BE IN THE ROOM?

Only parents/guardians and school personnel who are needed to make decisions or have necessary information are included in the mediation. The parties agree who may attend and may request a limit on the number of people who may participate.

### 6. ARE MEDIATIONS CONFIDENTIAL?

Yes. Only the parties involved in the meeting will know what was said and information may not be shared outside the group. Discussion cannot be used in any future due process hearing or court proceedings. However, information that was available before the mediation or may be obtained from another source is not confidential. The written agreement may be shared with those educators who need to know the information to work with the student.

## HOW TO PREPARE FOR MEDIATION

- Identify the issues you want to discuss during the mediation process.
- Make a written list. This will help you address all your concerns in an organized manner.
- Write out word for word the questions you want to ask.
- Organize your documents. Record dates and make notes on them. Make three copies; keep one for yourself, give one to the other party and one to the mediator.
- Anticipate questions the other party may ask. Write down your possible responses.
- Consider all possible solutions to the problem.
- Contact the Disability Rights Center, Inc., at 1100 North University, Suite 201; Little Rock, AR 72202; Phone: ((501) 296-1775 or (800) 482-1174 V/TTY; Fax: (501) 296-1779; Español (888) 240-7600 V/TTY; [www.arkdisabilityrights.org](http://www.arkdisabilityrights.org); [panda@arkdisabilityrights.org](mailto:panda@arkdisabilityrights.org) - email to request a copy of *A Parent's Guide for Civil Rights and Education*.



- Encourages open communication between the participants
- Creates a safe environment, allowing parties to interact and understand each other's point of view
- Does not take sides
- Clarifies points of agreement and disagreement
- Helps identify possible solutions
- Assists with writing down the terms of the agreement