



Nicholas C. Donohue
COMMISSIONER
Tel. 603-271-3144

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
101 Pleasant Street
Concord, N.H. 03301
FAX 603-271-1953
Citizens Services Line 1-800-339-9900

Basic Features of New Hampshire Special Education Mediation

1. Free service provided by the Department of Education.
2. A non-adversarial means to resolve parent/school district disagreements.
3. Participation is optional and voluntary for both the school district and the parents.
4. If either the parent(s) or the district does not wish to participate in mediation, this must be put in writing, and mediation will not be held.
5. Mediation is available to parents and school districts for disagreements/disputes for which impartial due process hearings have been requested.
6. The school district is the primary source of information to the parent(s) about mediation.
7. Parents and school district are welcome to call the Department of Education (Legislative/Hearings) for additional information about the mediation program.
8. The school district makes the request to the Department of Education, on behalf of both parties..
9. Before the school district calls the Department to request a mediation session, each party ("side") must have determined who the participants will be for their "side" and the two parties must have picked 4 specific days which are mutually convenient and must state what issue(s) is/are to be mediated.
10. Parents and school district may bring a lawyer and/or advocate.
11. Each party comes to the session with authority to commit any resources (time, effort, funds, staff, equipment, services, etc.) under their jurisdiction to whatever they may agree to as a result of the mediation (the parents have authority over their child; the school district representative brings written authority to commit the district's resources).
12. Mediators are trained and are attorneys .
13. Mediators do not solve the disagreement for the parents and district; mediators help the participants find their own solution(s).
14. Mediation sessions are generally held Monday-Friday, in Concord, in the Department of Education building or in the local district at a place convenient to both parties, if so requested.
15. A mediation session is generally held during work-days, 9-5.
16. Length of mediation sessions varies considerably, from 2 to 8 hours.
17. All participants come prepared to stay for the entire session.
18. Mediation sessions are confidential.
19. When the mediation is successful, the outcome is a written agreement between the parties, developed by them (not by the mediators), resolving the issue(s) satisfactorily to both sides.
20. Each participant signs the written agreement at the mediation session.
21. A copy of the agreement is given to the parent(s) and the district representative, a copy is put in the child's permanent school records and a copy is kept by the mediation program.
22. If I do reach an agreement through the mediation process, the **agreement is legally binding and enforceable.**