



**Oklahoma State Department of Education**  
Special Education Services

**MEMORANDUM**

**TO:** Interested Parties

**FROM:** Misty Kimbrough, Assistant State Superintendent, Special Education Services

**DATE:** August 1, 2006

**SUBJECT:** Mediation Guidelines

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The Oklahoma State Department of Education (OSDE), Special Education Services (SES), is providing the following information intended to provide guidance regarding mediation:

**Q: What is mediation?**

**A:** Mediation is the process of resolving disputes with the assistance of a neutral, impartial third party. The process is voluntary on the part of the parents and the local educational agency (LEA). There is no cost to either party. The only cost is a minimal administrative fee which is paid by the OSDE.

**Q: Who is a mediator?**

**A:** Mediators are community volunteers who have received specialized training in mediation and are certified by the Director of the Administrative Office of the Courts.

Mediators are experienced in mediation and receive additional training at least once a year in federal regulations and state policies and procedures relating to the issues involved in the provision of special education and related services. Mediators assist the communication and problem solving of participants in arriving at a resolution, but do not render legal decisions.

**Q: How is a mediator chosen?**

**A:** The director of the Administrative Office of the Courts and the OSDE maintain a current list of mediators. A qualified mediator is selected at random.

**Q: Who may request mediation?**

**A:** Mediation may be requested by the parent or the LEA regarding issues under the federal regulations of the Individuals with Disabilities Education Act (IDEA).

**Q: How does mediation begin?**

**A:** The parent or a representative of the LEA may telephone, (800) 42-OASIS (800-426-2747) or (405) 271-6302, for the name and telephone number of the nearest local Early Settlement Center to ask that a mediation session be arranged.

**Q: What are the Early Settlement Centers?**

**A:** They are regional offices throughout Oklahoma which have been affiliated with the Oklahoma Supreme Court through the Administrative Office of the Courts.

**Q: What issues may be mediated?**

**A:** Issues under the IDEA. This may include the identification, evaluation, services, and programs under the IDEA.

**Q: When and where is the mediation held?**

**A:** The session(s) will be scheduled in a timely manner and can be scheduled during the day or evening at a location that is convenient for both parties.

**Q: How soon can mediation begin?**

**A:** The mediation session(s) may be held within two weeks after a request for mediation has been submitted.

**Q: Are the mediation agreements confidential?**

**A:** Any information shared in a mediation session is privileged and confidential, with the exception of any part that is put into the child's special education records.

Discussions during the mediation process may not be used as evidence in any subsequent due process hearings or civil proceedings, nor shall the mediators be subject to subpoena.

**Q: What happens once a mediation agreement is reached?**

**A:** An agreement reached by the parties shall be set forth in a legally binding document. Agreements will only be finalized with the approval of the IEP team.

**Q: Where can I get further information?**

**A:** Additional information can be requested from the state office of the Alternative Dispute Resolution Program in Oklahoma City, Ms. Sue Tate, Director, (877) 521-6677, or the OSDE at (405) 521-4871.