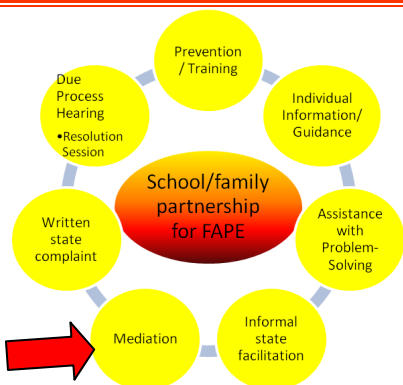


Mediation: a dispute resolution alternative in special education matters



What is mediation?

Mediation is a flexible, informal way of addressing disputes through clearer understanding, new solutions, and/or compromise. It is a voluntary option available to parents/guardians and school departments for resolving disagreements about a child's special education eligibility, special education services, or program. Mediation service is offered by the Rhode Island Department of Education at no cost to participants.

Who is the mediator?

The mediator is an impartial facilitator appointed by the Rhode Island Department of Education who is qualified to assist the parties in reaching an agreement. Using an equitable and informal process, the mediator facilitates communication; identifies issues; helps the participants reach understanding, find common ground and consider solutions; and assists the parent and school department in resolving the issues. The mediator does not "take sides" and does not make a decision on behalf of the parties.

How is a mediation session requested?

Parents/guardians or school department representatives may request state mediation services by telephoning the Office of Student, Community and Academic Supports at 401-222-8999. Upon request, the Rhode Island Department of Education assigns a mediator to schedule a session within fifteen calendar days of receipt of the request. The mediator will contact the parties to schedule an agreed upon time and place to conduct the mediation. The place selected may be the student's school, other school department building, or an alternate location convenient to the participants. Usually, no material needs to be sent to the mediator. All pertinent documents and records may be shared at the mediation session.

Who participates in a mediation session?

Each party may invite any person they deem necessary for discussion of the issue(s) presented for mediation. This may include the parent(s), guardian(s), or educational surrogate parents, the student, if appropriate, and school department officials and personnel. If the student has reached the age of eighteen (18), he/she has a right to be present. Either party may have an attorney present. Additional participants may include a parent advisor, advocate, social worker, additional school staff, or others. It is sometimes useful to have available members of the IEP Team, in the event that an agreement is reached that require modifications to the IEP.

What happens in a mediation session?

In the session, the mediator will encourage the participants to explain their respective positions and viewpoints, with the expectation that mutual understanding and a solution may develop. Since mediation is an informal process, it allows for flexibility to address the unique needs of the parties and focus on each individual student's needs. The mediator will make a written record of each session. If the dispute is resolved, a written mediation agreement will be developed and signed by both parties. Such agreements are legally binding and enforceable through civil action; however, discussions that occur within a mediation session are confidential and may not be used as evidence in any subsequent due process hearing or court proceeding. Participating in a mediation session does not prevent either party from exercising other available due process rights; if the parties cannot reach agreement, the mediation session will conclude, with all of the parties' rights maintained.

***Mediation has proven to be
a quick and effective method
for resolving disputes.***



This pamphlet answers the following questions:

What is mediation?

Who is the mediator?

How is a mediation session requested?

Who participates in a mediation session?

What happens in a mediation session?

Mediation is voluntary. Therefore, the participants (parents/guardians and school department) must agree to enter into mediation.

Questions about mediation may be directed to:

**Office of Student, Community and Academic Supports
Call Center**

Phone: 401-222-8999

Fax: 401-222-6030

Individuals requiring communication access for the Deaf or Hard of Hearing may use RI Relay at 800-745-5555 (TTY) or 800-745-6575 (voice)

**Rhode Island Department of Education
Shepard Building Suite 500
255 Westminster Street
Providence, RI 02903-3400**



www.ride.ri.gov

Mediation



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**FAPE: Free, Appropriate Public Education*