

**Wisconsin Special Education
Mediation System
Mediator Survey Report
2007 - 2008
(n=58)**

**1. Attendance at the Mediation Sessions
(n=58; multiple people attend the meetings thus total %
will exceed 100%)**

	%	n
Mother	94.8	55
Director of Pupil Services/Spec Ed	86.2	50
Father	55.2	32
Special Education Teacher	50	29
Principal	46.6	27
Advocate	46.6	27
Attorney for school	29.3	17
Regular Education Teacher	27.6	16
District Administrator	24.1	14
Student	22.4	13
School Psychologist	22.4	13
Others	43.1	25
Other family	22.4	13
Speech & Language Pathologist	17.2	10
Attorney for parents	15.5	9
Occupational Therapist	13.8	8
Social Worker	10.3	6
Physical Therapist	3.4	2

**2. The Case was settled before mediation.
(n=58)**

	%	n
Yes	1.7	1
No	98.3	57

**3. Average number of sessions used for case = 1.76
(n=58)**

4. Average length of sessions = 4.02 hours

**5. The mediator communicated via telephone
(n=57; this item not completed on 1 survey)**

	%	n
Constantly	1.8	1
Frequently	33.3	19
Often	26.3	15
Sometimes	12.3	7
Rarely	21.1	12
Never	5.3	3

**6. The mediator communicated via email
(n=57; this item not completed on 1 survey)**

	%	n
Constantly	3.5	2
Frequently	22.6	13
Often	21.1	12
Sometimes	12.3	7
Rarely	21.1	12
Never	19.3	11

**7. Concerns that led to mediation
(n=57; this item not completed on 1 survey; more than 1 concern can be identified, therefore total % will exceed 100%)**

	%	n
Communication breakdown	59.6	34
Disagreement over placement	38.6	22
IEP issues	45.6	26
Other personnel issues	24.6	14
Denial of FAPE	22.8	13
Dispute with teacher or aide	22.8	13
Discipline	21.1	12
Disagreement over accommodations	19.3	11
IEP not being followed	12.3	7
Safety issues	12.3	7
Behavior Intervention Plan	12.3	7
Transition from high school	10.5	6
Other	10.5	6
Disagreement over identification	10.5	6
Assistive technology	10.5	6
Extended school year	8.8	5
Reimbursement for private school	8.8	5
Transportation issues	8.8	5
Related services	7	4

Functional behavioral assessment	7	4
Request for an IEE	7	4
Transition from birth to three	1.8	1
8a. Due Process initiated before mediation (n=57; this item not completed on 1 survey)		
	%	n
Not initiated	80.7	46
Dismissal	15.8	9
Process continuing	3.5	2
Move to facilitation	0	0
8b. Formal IDEA Complaint initiated before mediation (n=57; this item not completed on 1 survey)		
	%	n
Formal IDEA Complaint not initiated	91.2	52
Dismissal	5.3	3
Unknown	1.8	1
Process continuing	1.8	1
8c. Class Action Lawsuit initiated before mediation (n=57; this item not completed on 1 survey)		
	%	n
Class Action Lawsuit not Initiated	100	57
Unknown	0	0
8d. Individual Lawsuit initiated before mediation (n=57; this item not completed on 1 survey)		
	%	n
Individual Lawsuit not Initiated	98.2	56
Processing continuing	1.8	1
8e. OCR complaint initiated before mediation (n=57; this item not completed on 1 survey)		
	%	n
OCR Complaint not Initiated	100	57

8f. Facilitated IEP with WSEMS initiated before mediation (n=57; this item not completed on 1 survey)

	%	n
Facilitated IEP with WSEMS		
Not initiated	96.5	55
Unknown	1.8	1
Move to mediation	1.8	1

8g. Resolution session was initiated before mediation (n=57; this item not completed on 1 survey)

	%	n
Resolution session was not		
Initiated	96.5	55
Unknown	1.8	1
Move to mediation	1.8	1

8h. Other type of court action was initiated before mediation (n=57; this item not completed on 1 survey)

	%	n
Other type of court action was initiated before mediation	100	57
Unknown if other court action was initiated	0	0

9. Outcome of Mediation (n=58)

	%	n
Agreement reached	81	47
Partial agreement reached	12.1	7
No agreement reached	6.9	4

Mediation Process: the following statements address the mediators' perception of the process of mediation

1. The mediator believed that the participants understood mediation. (n=58)

	%	n
Strongly agree	31	18
Agree	53.4	31
Slightly agree	10.3	6
No opinion	1.7	1
Slightly disagree	0	0
Disagree	3.4	2
Strongly disagree	0	0

Note: 94.7% of the mediators believed that the participants understood the mediation process.

2. The mediator believes that it is important for the participants to be a part of the decision making process. (n=58)

	%	n
Strongly agree	55.2	32
Agree	41.4	24
Slightly agree	1.7	1
No opinion	0	0
Slightly disagree	1.7	1
Disagree	0	0
Strongly disagree	0	0

Note: 98.3% of the mediators believe that it is important for the participants to be a part of the decision making process.

3. The mediator believes that the participants were given an opportunity to be a part of the decision making process. (n=58)

	%	n
Strongly agree	50	29
Agree	41.4	24
Slightly agree	6.9	4
No opinion	0	0
Slightly disagree	0	0
Disagree	0	0
Strongly Disagree	1.7	1

Note: 98.3% of the mediators believe that the participants understood the mediation process.

4. The mediator believed that mediation provided a satisfactory outcome. (n=58)

	%	n
Strongly agree	37.9	22
Agree	34.5	20
Slightly agree	13.8	8
No opinion	5.2	3
Slightly disagree	3.4	2
Disagree	3.4	2
Strongly Disagree	1.7	1

Note: 86.2% of the mediators believe that mediation provided a satisfactory outcome.

5. The mediator was satisfied with the mediation process (n=58)

	%	n
Strongly agree	43.1	25
Agree	26.6	27
Slightly agree	3.4	2
No opinion	1.7	1
Slightly disagree	1.7	1
Disagree	1.7	1
Strongly Disagree	1.7	1

Note: 93.1% of the mediators believe that the participants were satisfied with the mediation process..

About the Mediator: the following statements address the participants' perception of the mediator.

1. The mediator believed that it is important for the mediator to be knowledgeable in special education. (n=58)

	%	n
Strongly agree	22.4	13
Agree	51.7	30
Slightly agree	10.3	6
No opinion	1.7	1
Slightly disagree	5.2	3
Disagree	8.6	5
Strongly Disagree	0	0

Note: 84.5% of the mediators believe that it is important for the mediator to be knowledgeable in special education.

2. The mediator believed that he/she knew a lot about special education. (n=58)

	%	n
Strongly agree	36.2	21
Agree	48.3	28
Slightly agree	3.4	2
No opinion	0	0
Slightly disagree	1.7	1
Disagree	0	0
Strongly Disagree	0	0

Note: 87.9% of the mediators believe that they knew a lot about special education.

3. The mediator believed that he/she explained the process thoroughly (n=58)

	%	n
Strongly agree	43.1	25
Agree	48.3	28
Slightly agree	5.2	3
No opinion	1.7	1
Slightly disagree	0	0
Disagree	1.7	1
Strongly Disagree	0	0

Note: 96.6% of the mediators believed that they explained the process thoroughly.

4. The mediator believed that she/he was neutral. (n=57; this item not completed on 1 survey)

	%	n
Strongly agree	54.4	31
Agree	40.3	23
Slightly agree	1.75	1
No opinion	1.75	1
Slightly disagree	1.75	1
Disagree	0	0
Strongly Disagree	0	0

Note: % of the mediators believe that they were neutral.

5. The mediator believed that he/she was respectful to all parties. (n=58)

	%	n
Strongly agree	48.3	28
Agree	50	29
Slightly agree	1.7	1
No opinion	0	0
Slightly disagree	0	0
Disagree	0	0
Strongly Disagree	0	0

Note: 100% of the mediators believed they were respectful to all parties.

**6. The mediator believed that she/he did not pressure the participants.
(n=58)**

	%	n
Strongly agree	43.1	25
Agree	51.7	30
Slightly agree	1.7	1
No opinion	1.7	1
Slightly disagree	0	0
Disagree	0	0
Strongly Disagree	1.7	1

Note: 96.6% of the mediators believed that they did not pressure the participants.

**7. The mediator believed that he/she created a comfortable environment
(n=58)**

	%	n
Strongly agree	44.8	26
Agree	37.9	22
Slightly agree	12.1	7
No opinion	3.4	2
Slightly disagree	1.7	1
Disagree	0	0
Strongly Disagree	0	0

Note: 94.8% of the mediators believed that they created a comfortable environment.

**8. The mediator believed that he/she used time adequately.
(n=58)**

	%	n
Strongly agree	43.1	25
Agree	53.4	31
Slightly agree	1.7	1
No opinion	1.7	1
Slightly disagree	0	0
Disagree	0	0
Strongly Disagree	0	0

Note: 98.3% of the mediators believed that they used time adequately.

**9. The mediator believed that he/she was organized.
(n=58)**

	%	n
Strongly agree	50	20
Agree	43.1	25
Slightly agree	1.7	1
No opinion	1.7	1
Slightly disagree	0	0
Disagree	3.4	2
Strongly Disagree	0	0

Note: 94.8% of the mediators believed that they were organized.

**10. The mediator believed that he/she kept the meeting focused.
(n=58)**

	%	n
Strongly agree	48.3	28
Agree	48.3	28
Slightly agree	1.7	1
No opinion	1.7	1
Slightly disagree	0	0
Disagree	0	0
Strongly Disagree	0	0

Note: 98.3% of the mediators believed that they kept the meeting focused.

**11. The mediator believed that mediator training was helpful.
(n=58)**

	%	n
Strongly agree	10.3	6
Agree	17.2	10
Slightly agree	13.8	8
No opinion	53.4	31
Slightly disagree	1.7	1
Disagree	1.7	1
Strongly Disagree	1.7	1

Note: 41.4% of the mediators believed that mediator training was helpful

**12. The mediator believed that additional training would be helpful.
(n=58)**

	%	n
Strongly agree	0	0
Agree	8.6	5
Slightly agree	1.7	1
No opinion	63.8	37
Slightly disagree	1.7	1
Disagree	17.2	10
Strongly Disagree	6.9	4

Note: 10.3% of the mediators believed that additional training would be helpful

**13. An agreement was reached during the mediation process
(n=58)**

	%	n
Yes	91.4	53
No	8.6	5

About the Agreement: the following statements address the mediators' perception about the agreement that was reached.

NOTE: The following items were only completed if an agreement WAS reached.

1. The mediator believed that each party was satisfied with the agreement.

(n=53; this item was not completed on 5 surveys)

Note: This item only answered by mediators when an agreement was reached.

	%	n
Strongly agree	18.9	10
Agree	47.2	25
Slightly agree	18.9	10
No opinion	5.7	3
Slightly disagree	5.7	3
Disagree	1.9	1
Strongly disagree	1.9	1

Note: 84.9% of the mediators believe that the participants were satisfied with the agreement.

2. The mediator believed that the agreement will solve the problem.

(n=53; this item was not completed on 5 surveys)

Note: This item only answered by mediators when an agreement was reached.

	%	n
Strongly agree	18.9	10
Agree	32.1	17
Slightly agree	28.3	15
No opinion	9.4	5
Slightly disagree	7.5	4
Disagree	1.9	1
Strongly disagree	1.9	1

Note: 79.2% of the mediators believe that the agreement will solve the problem.

3. The mediator believed that the other parties will follow through with the agreement.

(n=53; this item was not completed on 5 surveys)

Note: This item only answered by mediators when an agreement was reached.

	%	n
Strongly agree	24.5	13
Agree	47.2	25
Slightly agree	15.1	8
No opinion	9.4	5
Slightly disagree	3.8	2
Disagree	0	0
Strongly disagree	0	0

Note: 86.8% of the mediators believed that the other parties will follow through with the agreement.

4. The mediator believed that the issue was appropriate for mediation.

(n=53; this item was not completed on 5 surveys)

Note: This item only answered by mediators when an agreement was reached.

	%	n
Strongly agree	53.8	28
Agree	40.4	21
Slightly agree	0	0
No opinion	5.8	3
Slightly disagree	0	0
Disagree	0	0
Strongly disagree	0	0

Note: 94.2% of the mediators believed that the issue was appropriate for mediation.

Agreement not Reached: the following statements address the mediators' perception if an agreement was NOT reached.

1. The mediator believed that he/she could have been more effective

(n=5; this item was not completed on 54 surveys)

Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	0	0
Agree	0	0
Slightly agree	0	0
No opinion	25	1
Slightly disagree	75	3
Disagree	0	0
Strongly disagree	0	0

Note: 0% of the mediators believed that they could have been more effective.

2. The mediator believed that other parties were unwilling to negotiate

(n=5; this item was not completed on 54 surveys)

Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	25	1
Agree	0	0
Slightly agree	25	1
No opinion	25	1
Slightly disagree	0	0
Disagree	25	1
Strongly disagree	0	0

Note: 50% of the mediators believed that the parties were unwilling to negotiate.

3. The mediator believed that the participant felt pressured to make a decision

(n=5; this item was not completed on 54 surveys)

Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	0	0
Agree	0	0
Slightly agree	25	1
No opinion	25	1
Slightly disagree	25	1
Disagree	25	1
Strongly disagree	0	0

Note: 25% of the mediators who completed this item believe that the participant felt pressured to make a decision.

4. The mediator believed that all viewpoints were respected.

(n=5; this item was not completed on 54 surveys)

Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	0	0
Agree	0	0
Slightly agree	0	0
No opinion	25	1
Slightly disagree	50	2
Disagree	0	0
Strongly disagree	25	1

Note: 0% of the mediators who completed this item believe that all viewpoints were respected.

- 5. The mediators believed that others would not follow through with agreement (n=5; this item was not completed on 54 surveys)**
Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	0	0
Agree	50	2
Slightly agree	0	0
No opinion	25	1
Slightly disagree	0	0
Disagree	25	1
Strongly disagree	0	0

Note: 50% of the mediators believed that others would not follow through with agreement.

- 6. The mediator believed that there is no acceptable resolution (n=5; this item was not completed on 54 surveys)**
Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	0	0
Agree	0	0
Slightly agree	0	0
No opinion	75	3
Slightly disagree	0	0
Disagree	25	1
Strongly disagree	0	0

Note: 0% of the mediators believed that there was not acceptable resolution.

7. The mediator believed that the participants plan on taking legal action.

(n=5; this item was not completed on 54 surveys)

Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	0	0
Agree	0	0
Slightly agree	25	1
No opinion	75	3
Slightly disagree	0	0
Disagree	0	0
Strongly disagree	0	0

Note: 25% of the mediators believed that the participants planned on taking legal action.

8. The mediator believed that the issue was not appropriate for mediation.

(n=5; this item was not completed on 54 surveys)

Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	0	0
Agree	0	0
Slightly agree	0	0
No opinion	25	1
Slightly disagree	0	0
Disagree	50	2
Strongly disagree	25	1

Note: 0% of the mediators believed that the issue was not appropriate for mediation.

