

Minnesota Special Education Mediation Service (MNSEMS)

How to Prepare for Mediation

The purpose of mediation is to bring the parents and school representatives together with a mediator to try to solve a dispute. Mediation is about *resolving differences and finding a workable solution*; it is not about proving points.

Your Role in Mediation

- Mediation will be only as successful as you make it. Your responsibilities are to:

Decide what the issues are for you in this dispute
Listen respectfully to the other side's point of view
Look for solutions
Work with the other parties to determine which solution is best

- The mediation session may last five or six hours. Please plan to stay that long and bring your calendar in case another session needs to be scheduled.
- If you have any documents/papers/reports you might want to use, bring them with you.
- Come with an open mind and a willingness to work on a solution.

What Will Happen at the Mediation Session?

Introduction and Sharing of Points of View/Defining Issues

First the mediator will talk about what will happen at mediation. Then each party will have a short period of time to share their view of the dispute. You should be ready to talk about what the issues are, and what you think should happen. You should also be willing to listen to the other side and see how their views may differ.

Caucus and Discussion of Options for Resolution

At some point the mediator may meet with each party privately to discuss the dispute and explore issues that might not have been brought out in the joint session. This is called a caucus. The mediator will then help everyone shift gears into problem solving. This involves all parties looking at possible ways to resolve the issues at hand. As there is usually more than one issue to work on and more than one solution, this part of mediation requires that participants be creative and flexible and willing to talk about more than just the issues and the solutions they brought into mediation.

Agreement

When you reach an agreement, the mediator will write it down for both parties to sign. Both parties will receive a copy of the agreement and everyone is expected to live up to its terms. A copy of the agreement will also be given to MNSEMS.

Things to Do Before Mediation

1. Determine what is important to you. From your perspective what would be the best possible outcome? Why?
2. Think about how you can clearly describe the situation so that the other side can understand your point of view.
3. Think about what the other side might want for an outcome. What might they accept? What can you give them?
4. Think about possible solutions and plan on sharing them in the mediation.
5. Think about what happens if you are unable to reach an agreement through mediation.

Things to Do in Mediation

1. When it is your turn, present your information in a clear manner so your views are understood.
2. Listen respectfully while the other side presents their information. Work to truly understand their perspective even though it may differ from your own. Remember, you do not have to accept the other side's point of view as the truth, only that it exists and is different from your own.
3. Try not to get bogged down in the past.
4. Keep an open mind and be willing to work with the other side to problem-solve. Remember, you chose mediation knowing you and the other party would make the decisions. It is more likely you will agree to something if you do not go out of your way to "prove something" to the other side.
5. Brainstorm with the other party for potential solutions that meet both of your interests. Evaluate them together until you reach a mutually acceptable solution.
6. Have realistic expectations regarding your case.
7. Be patient and stick to it.