

"Through mediation, we had a better understanding of one another, we communicated better, and agreed on common goals."

... a parent

"The Mediator was skilled at summarizing the stance of both the district and the parents, and was able to get us to outcome-based decisions."

...a special education director

"There was opportunity for the parents to calmly state their concerns and for the district to respond in a calm manner."

...an attorney

Additional Online Information

For additional information about mediation and other dispute resolution options, visit the following online websites:

**The Colorado Department of Education,
Special Education Law Website**

<http://www.cde.state.co.us/spedlaw/>

The U.S. Department of Education, Office of Special Education Programs
<http://www.ed.gov/about/offices/list/osers/osep/>

View a Video Clip on Procedural Safeguards provided by OSEP:
<http://idea.ed.gov/explore/videoDownload/s/ProceduralSafeguards>

The national Center for Appropriate Dispute Resolution in Special Education (CADRE):
<http://www.directionservice.org/cadre/casestudies.cfm> to view an article on "Families and Schools: Resolving Disputes through Mediation" as well as other dispute resolution articles.

The Advantages of Mediation

- Provided at no cost to the participants.
- Voluntary.
- Confidential.
- Time-saving.
- Promotes positive working relationships among adults to meet the needs of the child.

COLORADO
DEPARTMENT OF
EDUCATION



Mediation Services

for
Children with Disabilities
and their Parents

cde

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Mediation Services¹

Children with disabilities have unique educational needs. Planning for appropriate services to meet these needs is accomplished together with educators, administrators, and parents or guardians. During this process, communication sometimes becomes difficult, and may break down.

Mediation is voluntary and therefore, both parties must agree to attempt to resolve their disputes in a non-adversarial manner using a neutral mediator. Mediation provides a safe, collaborative environment for positive and effective communication between parents and professional educators involved with a child's educational needs. Positive working relationships can be an important outcome of mediation, enhancing the overall learning environment for the child.

Mediation is not to be used to delay or deny a party's right to a Due Process Complaint or State Complaint. However, regardless of whether a complaint has been filed, the mediator strives to facilitate non-adversarial communications between parents and the administrative unit² and to reach mutually agreeable solutions for a child.

¹This brochure briefly outlines the mediation services available to parents and is not intended to provide legal advice or to provide a complete description of mediation. For complete regulatory information, please review the Individuals with Disabilities Education Act (IDEA) regulation at Section 300.506 listed at the CDE website: <http://www.cde.state.co.us/spedlaw/>.

²A special education administrative unit is a school district, a Board of Cooperative Educational Services (BOCES) or the Charter School Institute (CSI). A list of administrative units and special education directors is available on the CDE website at: <http://www.cde.state.co.us/cdesped/SPED-Dir.asp>.

Topics for Which Mediation is Available

Mediation is available to resolve disagreements concerning services to a child with disabilities related to:

- The identification or assessments of a child believed to be in need of an Individual Education Program (IEP) or Individualized Family Service Plan (IFSP);
- Instructional or related services;
- The least restrictive environment;
- Location of program and services;
- Triennial reviews; and/or
- Other matters protected by the Individuals with Disabilities Education Act (IDEA).³

The Cost in Terms of Time and Money

The CDE supplies professional mediation at no cost to the parties. Mediation is most effective when it is used early in a dispute and the parties come to the table with an open mind. Additionally, of all of the dispute resolution options available to parents, mediation can provide the quickest and most positive outcome. If both the parent and administrative unit mutually agree to Mediation, it is typically scheduled within fourteen (14) calendar days and is completed no later than thirty (30) days after the initial request. Any agreements reached during mediation are reduced to writing, signed by both parties and are enforceable in state or federal district court.

Mediators

The Colorado Department of Education (CDE) uses experienced, neutral Mediators from the Office of Administrative Courts (OAC). The Mediators are professionals

³Mediation is not available to resolve disputes that are not protected under the IDEA (e.g., concerning bullying, discrimination, school personnel matters, etc.).

with specific training in special education law who endeavor to assist the parties in reaching mutually agreeable outcomes. The OAC assigns Mediators on a rotational basis. The role of the Mediator is to act as a guide rather than as a decision maker.

The Mediation Process

- A parent contacts the CDE Mediation Coordinator at (303) 866-6889 and requests Mediation concerning specific disagreements involving their special needs child;
- CDE contacts the administrative district to determine if the district agrees to voluntary Mediation;
- If both parties agree to voluntary Mediation, CDE notifies the OAC of the request, an impartial mediator is assigned and the Mediation is scheduled;
- Both parties must sign an "Agreement To Mediate" before the Mediation begins;
- The mediator will explain the process of Mediation and discuss the guidelines;
- Each party will have an opportunity to explain their point of view and to discuss ideas for resolving differences;
- The mediator remains neutral while assisting the parties in clarifying the issues, needs, and individual interests; and
- The mediator guides the communications and discussions rather than determining who is right or wrong.

The goal of Mediation is to develop a mutually acceptable agreement, which is reduced to writing, signed by the parties and enforceable in state or federal court.