

Understanding Mediation



Mediation is one method of resolving disputes in the special education process. Mediation is often viewed as a win-win situation that may avoid potential litigation. Mediation is available to resolve disputes relating to identification, evaluation, placement and the provision of a free appropriate public education. The use of mediation can have the following benefits:

- Mediation is voluntary for both the parent and the school.
- Mediation uses the strengths of both participants to solve problems.
- Mediation is a safe way for both parties to offer and consider alternatives.
- Mediation can be less antagonistic than due process.
- Mediation is less time consuming.
- Mediation is available at no cost to the school or parents.
- A negotiated agreement may help maintain and even build upon positive relationships.

The Mediation Process

If a dispute arises, the parent or a school representative may suggest the option of mediation. Both parties must agree to mediate. Mediation must be available to resolve differences relating to identification, evaluation, placement and the provision of a free appropriate public education. Three forms are completed and sent to the mediation consultant at the Kansas State Department of Education (KSDE).

(More information on the back)

For more information, visit www.familiesotogetherinc.org
or call the center nearest you:



Topeka	1.800.264.6343 or 785.233.4777
Garden City	1.888.820.6343 or 620.276.6364
Wichita	1.888.815.6364 or 316.945.7747
Kansas City	1.877.499.5369 or 913.287.1970
Spanish	1.800.499.9443

Families Together, Inc., Parent Training and Information and Family to Family Health Centers for Kansas, assisting parents and their sons and daughters for 30 years!

A mediator is immediately appointed. Within seven days, the mediator notifies both parties and arranges for mediation. The time and location must be convenient to the parties and acceptable to everyone. Usually, a neutral location is selected. Within ten days of setting the time and location, the mediation should take place. The timeline may be extended. Two days following the mediation, the mediator sends the status to the mediation consultant at KSDE.

Who Participates in Mediation?

Most often, mediation involves the parents, a school representative, and the mediator. The less number of persons involved enhances the likelihood of reaching agreement; however, both the school representative and the parents may ask an outside advocate to attend. Attorneys are allowed to participate in mediation in Kansas but mediations prove to be more successful when the parties work on their own.

What Training do Mediators Complete?

In Kansas, mediators must fulfill two requirements:

1. Demonstrate competency in special education law by passing a written examination with at least 90% accuracy; and,
2. Complete a program sponsored or approved by the state board concerning effective mediation techniques and procedures, and the role and responsibilities of a mediator.

Mediators may not be employees of KSDE, local schools or other education agencies or school boards. Only the Kansas State Department of Education may appoint special education mediators.

What Happens after Mediation?

If an agreement is reached, the mediator records the result in a written document, which is signed by both parties. This agreement may become part of the student's IEP if agreed to by the parties. The IEP team may write a new IEP or amend the existing IEP. The actions agreed upon in the mediation should be implemented immediately unless the mediation agreement specifies otherwise. However, if the mediation is not successful, an impasse may be declared. The mediator may suggest the parties consider other methods of dispute resolution, such as formal complaint or due process.

For more information about mediation, contact the Families Together Parent Center nearest you.