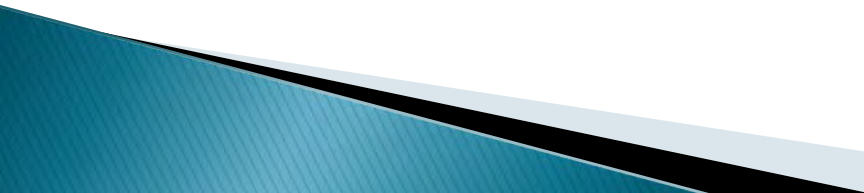



**Illinois State Board of  
Education**  
Special Education Mediation




# Introduction

- ▶ The Individuals with Disabilities Education Act (IDEA) entitles children with disabilities to a free, appropriate public education (FAPE) in the least restrictive environment (LRE).
  - ▶ Parents and school officials sometimes disagree on what special education services and placement a child should receive under this right.
  - ▶ Recognizing the potential for disputes, the IDEA provides several dispute resolution mechanisms to help parents and school officials resolve differences of opinion.
- 


# What is mediation?

- ▶ Mediation is the process of conducting a meeting led by a trained mediator to resolve a disagreement between a family and a district about the services and supports needed by a student with disabilities.
  - ▶ Mediation is a voluntary process designed to help parties reach agreements to resolve special education disputes. As a voluntary process, both the parent and the district must agree to participate in a mediation.
  - ▶ Mediation is administered and supervised by the Illinois State Board of Education (ISBE) and provided at no cost to parents or school districts.
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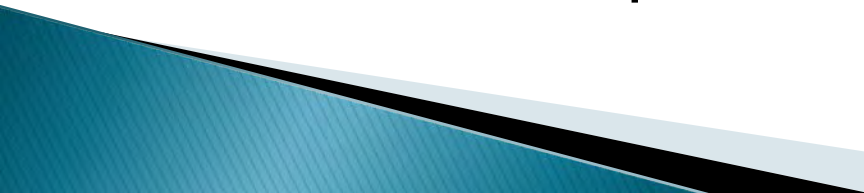
# When can mediation be requested?

- ▶ Mediation may be requested at any time a parent or a school district spokesperson has an interest in working out issues related to a student's special education program and have been unable to resolve the issues at the local level.
  - ▶ Mediation can be requested without filing for a due process hearing or a state complaint.
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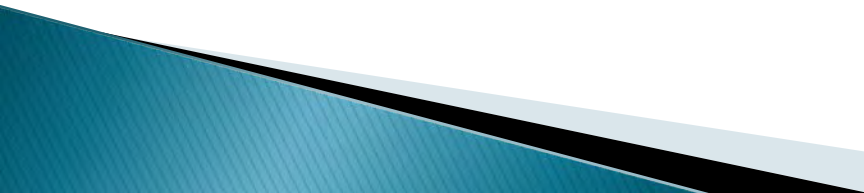
# Who can request mediation?

- ▶ Parents, including guardians and educational surrogate parents, of a child with a disability (or suspected of having a disability)
  - ▶ An adult student (18 years old or older) with a disability
  - ▶ A school district spokesperson
  - ▶ An attorney or advocate acting on behalf of a parent
  - ▶ An attorney acting on behalf of a school district
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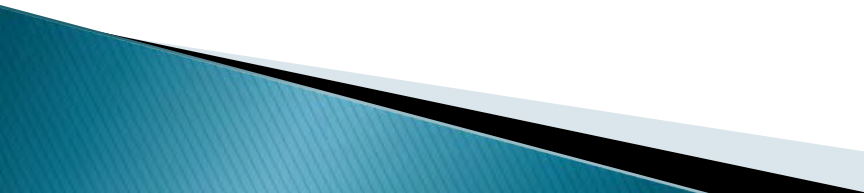
# Who can attend mediation?

- ▶ Parent(s) and school personnel may choose who they bring to mediation.
  - ▶ Mediation participants for both parties must include persons who have the authority to act on behalf of the student and the school district.
  - ▶ Participants should include persons who have knowledge of the student.
  - ▶ Participants may include attorneys, advocates, interpreters and other relevant parties.
  - ▶ The number of participants is approximately three or four persons per party.
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# Are discussions in mediation confidential?

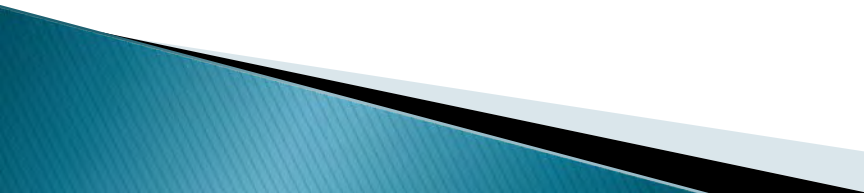
- ▶ Yes. All discussions that occur during the mediation process are confidential and cannot be used as evidence in any later due process hearing or civil proceeding.
  - ▶ Mediation participants are required to acknowledge and sign a pledge prior to the beginning on mediation which states they will maintain the confidentiality of all discussions.
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# Who pays for mediation?


- ▶ The services of the mediator are provided by the Illinois State Board of Education (ISBE).
  - ▶ ISBE will not pay for any advocate or attorney fees or any other costs of the parties associated with the mediation. (for example, mileage, lodging, loss of wages, etc.)
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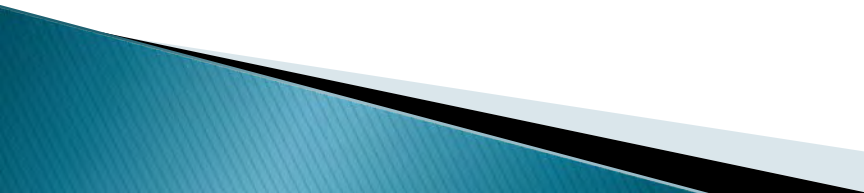
# What is the role of the mediator?

- ▶ The mediator's role is to help the parent(s) and school employees understand each other's concerns, then consider and develop options to resolve the dispute.
  - ▶ The mediator helps the participants talk about the issues, encourages them to identify and clarify areas of agreement and/or disagreement, and helps them to identify solutions that will be agreeable to both parties.
- 

# Are the mediators impartial?

- ▶ Yes. A mediator “must not have a personal or professional interest that conflicts with the person’s objectivity”.
  - ▶ If a mediator has a conflict of interest with respect to a particular case, another impartial mediator will be assigned.
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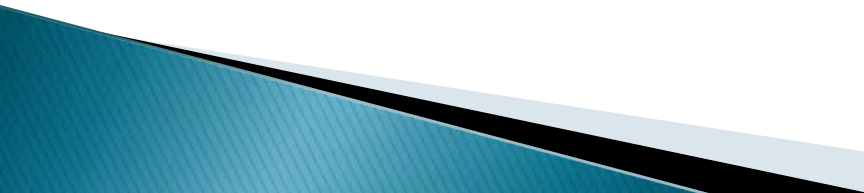
# What are the mediator's qualifications?

- ▶ Mediators must have, at minimum:
    - A Bachelor's Degree from an accredited university;
    - Completed 40 hours of Basic Mediation Training;
    - Experience in mediating disputes; and
    - Basic knowledge of special education federal and state laws.
- 


# What is usually included in a mediation agreement?

- ▶ Agreements include, but are not limited to:
  - Actions to be completed;
  - Responsibilities of each party;
  - Timelines for agreement;
  - Agreement to withdraw a complaint or due process hearing, if one exists;
  - Agreement to confidentiality of discussions; and
  - Notice that the agreement is a legally binding document and is enforceable in any State court of competent jurisdiction or in a district court of the United States. [20 USC Sec 1415 (e)(2)(F)]

# If an agreement is reached, what happens next?

- ▶ The agreement is signed by the parent(s) and authorized district representative.
  - ▶ Upon completion of authorized signatures, mediation agreements are legally binding.
  - ▶ The parent(s) and school district each receive a copy of the Mediation Agreement, Mediation Record (sign in sheet), Mediation Waiver and any other related paperwork.
  - ▶ The mediator forwards the original copies of all mediation documents to the ISBE for their records.
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# Role of the parent and school staff:

- ▶ Approach mediation in good faith with an intent of reaching an agreement;
  - ▶ Recognize and respect the ground rules for mediation;
  - ▶ Present their perspective, including all relevant information;
  - ▶ Ask for clarification whenever needed;
  - ▶ Be active participants; and
  - ▶ Try to understand the dispute and discuss ways of resolving the problem.
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# More ISBE Resources

**Parent Guide –  
Educational Rights and Responsibilities  
Understanding Special Education in Illinois:**

[http://www.isbe.net/spec-ed/html/parent\\_rights.htm](http://www.isbe.net/spec-ed/html/parent_rights.htm)

**Conflict Resolution chapter:**

[http://www.isbe.net/spec-ed/pdfs/parent\\_guide/ch11-conflict\\_resolution.pdf](http://www.isbe.net/spec-ed/pdfs/parent_guide/ch11-conflict_resolution.pdf)

# ISBE Resources

- ▶ Complaint Investigation

[http://www.isbe.net/spec-ed/html/complaint\\_investigation.htm](http://www.isbe.net/spec-ed/html/complaint_investigation.htm)

- ▶ Mediation

<http://www.isbe.net/spec-ed/html/mediation.htm>

- ▶ Due Process

[http://www.isbe.net/spec-ed/html/due\\_process.htmss](http://www.isbe.net/spec-ed/html/due_process.htmss)



# Further questions?

You may contact Sherry Colegrove, Mediation Coordinator, in one of the following ways:

- (866)262-6663 toll-free for parents
- (217)782-5589 main number
- Illinois State Board of Education, Special Education Division, 100 North First Street, N-253, Springfield, IL 62777-0001
- E-mail: [scolegro@isbe.net](mailto:scolegro@isbe.net)