

# Special Education Resolution Center

9726 E 42nd Street, Suite 203, Tulsa, OK 74146

Helping Schools & Parents Resolve Conflict



<http://serc.okstate.edu>  
888-267-0028 (toll free)  
918-270-1849



### **What is Mediation?**

Mediation in special education is a free and effective process to assist parents and schools in resolving disagreements regarding the educational program of a student with disabilities. The mediation session is confidential and encourages open communication.

### **Who Conducts the Mediation?**

A trained mediator works with both parties to guide them toward a *mutually satisfactory* solution. Individuals selected to serve are highly trained mediators who understand issues that arise in special education.

Mediators are neutral to the parties and the issues. They are trained in interpersonal communication skills and are very knowledgeable about the process of mediation.

### **What is the Role of the Mediator?**

The mediator assists parents and school personnel in resolving conflict. Although the mediator is in control of the session, the mediator does not make the decision on how to resolve the conflict. The mediator allows parties to present their positions and guides the discussion. Through more effective conversations, the mediators attempt to achieve a mutual understanding and a solution to the problem that the parties agree is in the best interest of the student.

**Mediation can be requested by the *parents or schools*.**

**Conflict is Often Inevitable,  
But it Need Not Produce Negative Results.**

The mediator will assist the parties in drafting an agreement that details the decisions that were reached during the mediation. Both parties will sign and receive a copy.

**What Happens if the Agreement is Not Honored?**

The signed written agreement is legally binding and enforceable in any state court of competent jurisdiction or in a district court of the United States.

**Why is Confidentiality Important?**

Maintaining confidentiality is critical to the integrity of the mediation process. Confidentiality encourages candor, full exploration of the issues, and full discussion of the possibilities of settlement. In other words, people can talk openly without fear that what they say could be misused against them later.

The mediator must also protect the confidentiality of the proceedings. The mediator may not be called as a witness in any future proceedings pertaining to the student's case.

**Mediation is voluntary. Both parties to the dispute must agree to use mediation. The parties are expected to approach mediation in good faith and with the intention of trying to reach a mutual agreement.**

**The earlier *you* request mediation, the more alternatives *you* will find for successful resolution. Parties focus on what they have in common– the student– and not on issues that divide them.**

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**It is Time to Request Mediation When:**

- \*The student's needs are complex and difficult to discuss.
- \*Either party feels their concerns are not being heard.
- \*IEP meetings have not resolved the concerns.
- \*One or both parties are holding on to the past and cannot focus on the needs of the student in the future.
- \*A highly-trained, neutral, third party could assist in the communication process to develop an acceptable solution.

**Mediation is an agreement-reaching process in which the mediator assists parties to reach agreement in a collaborative and informed manner. The mediator has no power to decide the disputed issues for the parties. Mediation is not a substitute for independent legal advice. The mediator has an obligation to work on behalf of both parties and cannot render individual legal advice to any party. Additionally, the mediator does not render therapy or arbitrate within the mediation.**

*Mediation can be requested by the parents or schools.*

## Mediation

### Balancing the Interests of the Parties



### Preparing for a Mediation Session

- \*Make no other plans for several hours.
- \*Organize your information before the session.
- \*Think about what you want to get out of the session.
- \*Think about what you want the other party to do.
- \*Think about what you are willing to do.
- \*Be willing to listen and compromise.
- \*Put aside personality conflicts and focus on the student's best interest.

**There is no cost to the parties. Mediation is funded by the Oklahoma SDE.**

## How do I Request Mediation?

You may request mediation in the following ways:

1. Contact the *Special Education Resolution Center*.  
**(toll-free)** (888) 267-0028 or (918) 270-1849  
FAX (918) 270-2062
2. Visit <http://serc.okstate.edu> for the required forms.  
Check out the left hand links for mediation.
3. Contact the *Oklahoma State Department of Education*  
at (405) 521-4871

**The earlier *you* request mediation, the more alternatives *you* will find for successful resolution.**

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**Mediation helps parties focus on what they have in common – *the student* – and not on issues that divide them.**

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**Outcomes are better for Students when parents and schools are able to work together in providing an education for the student.**



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Resolution Center**

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