

*“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

## Online Information

More information about dispute resolution and special education law is available online at:

The Colorado Department of Education, Special Education Law Website

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

The Due Process Hearing/Mediation Request form can be found at:

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

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>

## Advantages of Mediation

- ◆ No cost
- ◆ Confidential
- ◆ Voluntary
- ◆ Creative
- ◆ Flexible
- ◆ Time-saving
- ◆ Promotes positive working relationships among adults to meet the needs of a child.

## Requesting Mediation

If the persons involved in a disagreement agree to try mediation, anyone may request mediation by contacting:

Colorado Department of Education  
Exceptional Student Leadership Unit

**Mediation Project Director**

303-866-6685

Or

**Mediation Coordinator**

303-866-6889

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# Mediation Services

for  
Children with Disabilities  
and their Parents

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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 provides a safe, balanced environment for positive and effective communication among all people involved with a child's educational needs. Positive working relationships can be an important outcome of mediation, enhancing the overall learning environment for children.

## Mediators

The Mediators come from a variety of backgrounds including education, social work, law, psychology, and counseling. All are experienced professional Mediators with specific training in serving children with disabilities.

## Cost

Mediation is available at no cost to parents, school districts, or agencies. It is provided by the Colorado Department of Education. **The Mediators are independent contractors with The Colorado Department of Education. They are not on the staff of the Colorado Department of Education.**

## Mediation

- ◆ Mediation is a voluntary, non-adversarial process for communication.
- ◆ An impartial, neutral Mediator meets with those involved.
- ◆ The Mediator facilitates parents, educators, and related agencies toward mutually agreeable solutions for a child.
- ◆ A successful mediation results in a binding agreement that is signed by the parties and may be enforced in federal or state court.

## Mediation Process

- ◆ A Mediator will be assigned by CDE and, after talking with the persons to be involved, the Mediator will schedule a mutually agreed time for the mediation.
- ◆ At the mediation, everyone will be asked to sign an Agreement To Mediate.
- ◆ The Mediator will explain the process of mediation and discuss the guidelines.
- ◆ Each person will have an opportunity to explain the issue(s) as he or she sees it. The Mediator works to clarify the issues, needs, and interests of everyone.
- ◆ The Mediator will facilitate the process as each person discusses ideas for resolving the conflict.

- ◆ The Mediator is neutral and does **not** determine who is right or wrong. The focus is developing a mutually acceptable agreement to meet the unique needs of the child with disabilities.

## Circumstances

Mediation can be used whenever there is a disagreement regarding services to a child with disabilities. Issues may be related to:

- ◆ Identification or assessment;
- ◆ IEPs or IFSPs;
- ◆ Instructional or related services;
- ◆ Least Restrictive Environment;
- ◆ Location of program and services;
- ◆ Triennial reviews; and/or
- ◆ Other procedural issues.

## Right for Due Process Hearing and to File a State Complaint

- ◆ Mediation does not delay or deny anyone's right to a Due Process hearing, or to file a State Complaint.
- ◆ Mediation is most effective when used early in a conflict.