

Mediation

Be Part
of a
Positive
Process



Office for Dispute Resolution

6340 Flank Drive
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TTY Users: PA Relay 711
www.odr-pa.org

Mediation Through the Office for Dispute Resolution

What is mediation?

Mediation is a voluntary, confidential, conflict-resolution process. It is available to parents, school districts, and agencies engaged in developing educational programs and services for children with special needs from birth to age 21.

Typically the parties involved in a special education conflict are the parents and the school district. When they agree to discuss their concerns, the Office for Dispute Resolution (ODR) assigns a mediator trained in special education law and conflict-resolution techniques to facilitate the mediation session.

Who can request mediation?

Parents, school districts, or agencies providing special education services to children can request mediation when there is a disagreement that needs to be resolved.

Why mediation—can't I just go to the hearing?

Under special education law, parents and districts have the right to resolve their disagreements through a legal proceeding called a "due process hearing." Mediation is an optional, nonadversarial alternative for dispute resolution that does not affect other legal rights under the law, including your right to a hearing.

A positive process for educators and families—you can be a part of it.

In more than 80 percent of mediations since 1988, the parties have reached an agreement.

What are the differences between mediation and due process hearings?

Before deciding how to resolve a dispute, you may want to consider some of the differences between mediation and due process hearings.

Time

When you call ODR to request **mediation**, the case manager notifies the other party of the request. Usually within 10 days of the request, the case manager establishes a date, time, and place for the mediation. Mediation sessions are scheduled for an entire day, but typically last three to five hours. Mediations can also be scheduled in the evening if both parties agree. More than one mediation session is rarely necessary.

Due process hearings may require several sessions. Preparation of witnesses and evidence for a hearing can be very time-consuming for attorneys, families, and school district personnel.

Cost

ODR pays all administrative and mediator fees for IDEA-related mediations. Fees for participants—such as parent advocates or educational experts—are the responsibility of the inviting party. Attorneys do not participate in mediation.

Because **due process hearings** often take several sessions and may include expenses such as attorney fees and/or expert witness fees, costs to either party can be extensive.

Outcome

Mediation helps to establish a positive relationship between parents and schools through collaborative problem solving. Any agreement that results from this collaboration is one the parties can live with because they created it together. The mediator does not decide what outcome is correct for the parties.

In **due process hearings**, orders are imposed by a hearing officer and may not fully satisfy either party. Parties working together through **mediation** learn how to build better working relationships for the children they care about.

A few words about mediation . . .

“Our mediator was very professional and personable, helping us to understand not only our side, but the other as well. He did this tactfully with the understanding that we, as parents, wanted what is best for our child.” —Parent

“We were able to move from a very challenging environment to a fair and equitable mediation agreement. Perhaps, more importantly, the parent’s confidence and trust appeared to increase for the school district as we went through the mediation process. Thanks to the mediator’s skill and professionalism, I have been transformed from a mediation naysayer to an advocate.” —Director of Pupil Services

“I am very pleased [ODR] is available to families. All of the sessions I have attended resulted in an agreement.” —Parent Advocate



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DEPARTMENT OF EDUCATION



Through the Office for Dispute Resolution, the Pennsylvania Department of Education (PDE) fulfills its statutory mandate to maintain a special education due process system. PDE contracts with the Central Susquehanna Intermediate Unit to provide fiscal and certain management support for that office, without becoming involved in substantive operations.

The Central Susquehanna Intermediate Unit will not discriminate in educational programs, activities or employment practices based on race, color, national origin, gender, disability, marital status, age, religion, sexual orientation, ancestry, union membership or other legally protected classifications. Announcement of this policy is in accord with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act of 1990. Employees and program participants who have an inquiry or complaint of harassment or discrimination, or who need information about accommodations for people with disabilities, should contact the Director of Human Resources, CSIU, 90 Lawton Lane, Milton, PA 17847, 570-523-1155.