



Mediation

An Alternative Dispute Resolution

Office of the State Superintendent of Education • Office of Dispute Resolution
1050 First Street, NE, 3rd Floor, Washington, D.C. 20002 • (202) 698-3819 • www.osse.dc.gov

Introduction

Under the Individuals with Disabilities Education Act (IDEA), specifically §§300.506 and 303.431, each public agency must ensure that procedures are established and implemented to allow parents of children with disabilities (Part B of the IDEA) or infants and toddlers with disabilities (Part C of the IDEA) to resolve disputes through a Mediation process. In the District of Columbia, the Office of the State Superintendent of Education (OSSE) through the Office of Dispute Resolution (ODR) administers the IDEA Mediation system for individuals who are interested in resolving their disputes in this manner.

What is Mediation?

Mediation is a confidential voluntary process where the focus is on collaboration and communication to resolve conflicts or disagreements between parents and schools, with emphasis on the student's needs. During Mediation, parties meet with a neutral third party, the Mediator, to discuss their dispute in an attempt to reach a mutually acceptable resolution. This meeting provides an opportunity for each side to express their concerns, discuss the issues, and together come up with an agreement that resolves the disagreements regarding the student's educational program. At any time during the complaint process a request for Mediation can be made.

Who will be a Mediator?

The Mediator is a neutral third party who helps the parties work with each other to resolve the dispute. The Mediator is trained in effective Mediation techniques and in laws and regulations relating to the provision of special education and related services and, for IDEA Part C, the provision of early intervention services. By law, the Mediator is not employed by the school district or the Office of the State Superintendent of Education (OSSE). This neutrality preserves the fairness and integrity of the Mediation system.

Benefits of Mediation

Mediation has proven to be a highly successful method for resolving disputes. Parties are more likely to maintain a cooperative relationship in

the future if the settlement of the dispute is by mutual agreement. Mutual agreements generally result in greater satisfaction for all parties because the parties decide the outcome. Other benefits of Mediation are that it is less formal, less costly, and less time consuming than other dispute resolution processes. Mediation allows parties to come together in a neutral way to discuss areas of disagreement. An independent third person (the Mediator) uses his/her training to apply techniques to:

- Assist parties in explaining their concerns in an open way;
- Enable people to hear and understand each other's concerns;
- Help parties talk about finding solutions to their problems;
- Explore options for addressing the areas in conflict; and
- Improve communication and establish trust as the relationship between the parent/ student and school district continues.

Can Mediation be declined?

Yes. Mediation is voluntary on the part of both parties. While the parties do not have to participate in Mediation, it can be a very successful method of resolving disputes and is offered without cost to the parties - so it is highly recommended.