

Considering Mediation for Special Education Disputes

Resource: Bar-Lev, N., Neustadt, S., & Peter, M. (August 2007). *Considering Mediation for Special Education Disputes: A School Administrator's Perspective*.

Available at

<http://www.directionservice.org/Cadre/pdf/Considering%20Mediation%20for%20Special%20Education%20Disputes.pdf>

Reaction Questions:

1. From your perspective, how might mediation be beneficial in the context of your workplace?
2. This paper indicates that mediation is less expensive (financially and relationally) than due process? How would you respond to that premise?
3. In your opinion, what are the distinctions between due process and mediation?
4. Do you feel that stakeholders, especially students with disabilities and families, are currently being adequately informed of the availability of mediation as an option for dispute resolution in your school/district/state? From your perspective, what processes have either facilitated or impeded the sharing of this information with all stakeholders?
5. From your viewpoint, how effectively is mediation under IDEA being implemented in your school/district/state?
6. From your experience, provide an example of how mediation might improve a relationship over the short- and long-term?
7. The guide states there are no losers in the mediation process. Please respond to that statement from your perspective as a stakeholder.
8. Who determines the content of a mediated agreement? What is the process by which these determinations are made?
9. What from your perspective would constitute a successful mediation? Could some parties to a mediation experience consider it as successful, while others might not? If so, please explain with examples.

10. What characteristics would you most value in a mediator? What characteristics might most concern you?

Application Questions:

1. What processes/practices can be put into place to assist education personnel and families in understanding, assessing, and accessing mediation as an option for dispute resolution?
2. What are policies/procedures that can be put into place by your school/district/state to inform, especially students with disabilities and families, of the availability of mediation as an option for dispute resolution?
3. What processes/procedures might be helpful at the classroom, building, district, and state levels to ensure proper implementation and follow-up of mediation agreements?
4. How could the collection of data be used to foster the understanding and use of mediation as an option for dispute resolution? What data would be collected?
5. What procedures might be instituted to address parent and school resistance to mediation?
6. The guide says mediation must be offered whether or not a due process hearing has been requested. From your perspective what is the earliest point at which mediation might be beneficial?
7. How can schools, parents, and organizations work together to promote mediation?
8. What practices or procedures could be utilized by stakeholders to prepare for a successful mediation?
9. How and under what circumstances might a student be present at mediation? What cautions might be employed?

**The following stakeholders worked together within the
IDEA Partnership to create this dialogue starter.**

Role: Parent
Location: Alabama

Role: National Technical Assistance Provider
Location: Oregon

Role: State Dispute Resolution Agency Provider
Location: Pennsylvania

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Location: Pennsylvania



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