

Special Education Mediation

Special education mediation is a voluntary process in which parents of students with disabilities and school district personnel meet with a specially trained, impartial individual (i.e., a mediator) to work out differences in a collaborative way. The school district must make mediation available to allow the parent and the school district to resolve disputes that may arise relating to the identification, evaluation, educational placement or the provision of a free appropriate public education to a student with a disability or a student suspected of having a disability. Because mediation is voluntary, both the school district and the parent must agree to participate in the process. The mediator, who is trained in effective mediation techniques, helps the participants listen to each other's views, and then assists in developing mutually satisfactory solutions.

Although mediation cannot guarantee specific results, the mediation process has demonstrated a number of benefits. Mediation can be a less expensive and less time-consuming method of dispute resolution compared to due process hearings. Because mediation is voluntary and the parties have the flexibility to devise their own solutions, mediation may result in written agreements where parties have an increased commitment to, and ownership of, the agreement. The written, signed agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States.

For more information, please see NYSED's recently updated [Special Education Mediation Questions and Answers guidance](#).

For additional information on this topic, see:

NYSED's Special Education website:

www.p12.nysed.gov/specialed/techassist/mediation.htm

www.p12.nysed.gov/specialed/publications/policy/dueprocessbroch.htm

New York State Dispute Resolution Association (NYSDRA) website:

www.nysdra.org/?page=SpecialEd (look under "Programs")