



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES  
STATEWIDE COORDINATOR FOR SPECIAL EDUCATION  
Room 1624 One Commerce Plaza • Albany, NY 12234  
www.vesid.nysed.gov

Telephone (518) 402-3353 Fax: (518) 402-3534

October 2007

**To:** District Superintendents  
Superintendents of Schools  
Directors of Special Education  
Parents, Individuals and Organizations Interested in the Education of Students  
with Disabilities

**From:** James P. DeLorenzo 

**Subject:** Sample Form to Request Special Education Mediation

Attached is a sample Request for Special Education Mediation form to provide parents and school districts the opportunity to request mediation. Mediation is a voluntary process in which the parent or guardian of a student with a disability and a representative of the school district meet with a mediator to resolve disputes. The mediator is a specially trained and objective individual who assists the parties in reaching a legally binding agreement. Mediation does not diminish or limit the rights of a parent, including the right to request an impartial hearing. The attached form should be used if the parent is requesting mediation prior to a request for an impartial due process hearing. To request an impartial due process hearing, please use the Sample Due Process Complaint Notice which can be found at <http://www.vesid.nysed.gov/specialed/publications/policy/dueprocess7105.htm>.

The school district must make mediation available to allow the parent and the school district to resolve disagreements involving any matter under Part B of the Individuals with Disabilities Education Act (IDEA) (referral, evaluation, placement of a student or provision of a free appropriate public education), including matters arising prior to the filing of a due process complaint. Mediation is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. Mediation is voluntary; therefore both the school district and parent must agree to participate in the process. Mediation is arranged through the school district with a Community Dispute Resolution Center (CDRC). Information about CDRC can be found at <http://www.nysdra.org>. Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for the parent and the school district. The New York State Education Department is responsible for the cost of the mediation process.

If the parent and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and



states that all discussions during the mediation process must remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and is signed by both the parent and a representative of the school district who has the authority to bind the school district. A written, signed mediation agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States.

Additional information regarding mediation may be found in the Procedural Safeguards Notice available on the Department's web site at <http://www.vesid.nysed.gov/specialed/publications/policy>. This sample form and updated versions will also be available through this web site. If you have questions about this information, please contact the Office of Vocational and Educational Services for Individuals with Disabilities (VESID), Special Education Policy Unit, at 518-473-2878 or your Regional Associate at one of the following VESID Special Education Quality Assurance Regional Offices:

Central NY Regional Office	(315) 428-3287
Eastern Regional Office	(518) 486-6366
Hudson Valley Regional Office	(914) 245-0010
Long Island Regional Office	(631) 884-8530
New York City Regional Office	(718) 722-4544
Western Regional Office	(585) 344-2002 ext. 420
Nondistrict Office	(518) 473-1185

*\*Please note: If you would like to receive notification of our publications via e-mail, you may register at <http://www.vesid.nysed.gov/specialed/publications/register.htm>*

Attachment