

# SPECIAL EDUCATION MEDIATION

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) encourages parents and school districts to collaborate and work together as a united support for every student. When conflicts arise between parents and schools regarding the development or implementation of an Individualized Education Program (IEP) for a student, IDEA promotes the use of mediation as the first step in working through the issues underlying the conflict.

Mediation provides parents and schools with the opportunity to talk through their differences in a private, non-adversarial setting. With the assistance of an impartial mediator, issues can be discussed and creative solutions agreed upon, to meet the individual needs of the student.



## **The Mediation Center of the Pacific, Inc.**

The Mediation Center of the Pacific is a 501(c)(3) not for profit corporation that has been helping people in Hawaii prevent and resolve conflict since 1979. The mission of the Mediation Center is to provide high quality mediation and dispute resolution services that are affordable and accessible. MCP coordinates the scheduling of all special education mediations throughout the State of Hawaii.

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## **Resolving Conflicts Between Parents and Schools Quickly and Creatively**

**Monitoring and Compliance Branch  
Office of the Deputy Superintendent  
Department of Education • State of Hawaii  
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## WHAT IS MEDIATION?

Mediation is an informal process that provides parents and schools with the opportunity to talk through their differences privately with the assistance of an impartial mediator. Unlike a hearing or legal process that focuses on winning and losing, mediation emphasizes creative problem-solving to meet the needs of the student. With the assistance of the mediator who guides the process, parents and schools address their differences through joint and private meetings to gain a better understanding of one another's perspective and brainstorm potential solutions. The mediator does not decide or tell the participants what to do. It's up to the parties to agree. If they do, the mediator helps them memorialize the terms of their agreements.

## WHY SHOULD I MEDIATE?

- Mediation helps parents and schools gain a better understanding of each other's perspectives and empowers them to reach their own customized agreements.
- There is no cost to parent, school or district.
- It is scheduled at a day and time convenient to the parties.
- Mediation is usually completed within one to six hours.
- Mediators will not force you into an agreement. They assist parents and schools, in reaching their own decisions.
- The written agreements created and signed in mediation are binding.
- Mediation can repair and strengthen relationships between parents and schools and lay a foundation for them to work more effectively together in the future.
- If mediation is not successful, a parent or school may still seek other formal or informal proceedings.



## WHO ARE THE MEDIATORS?

The mediators are highly trained, experienced professionals, assigned by the Mediation Center of the Pacific (MCP) according to their availability.

## WHO PARTICIPATES IN THE MEDIATION?

- The parties decide who will participate based on the issues that will be addressed in the mediation. Usually parents, school administrators, and school district personnel involved in the specific areas that are being discussed, participate.
- It is not necessary for the entire Individualized Education Program (IEP) team to participate.
- Attorneys or advocates may participate but are not required.

## WHEN SHOULD I MEDIATE?

Mediation may occur at any time, but it is especially helpful to mediate early as soon as:

- Talking together is difficult;
- Parents and school disagree on issues;
- Emotions are high or meetings aren't productive.

## HOW DO I SCHEDULE MEDIATION?

Anyone may contact the Mediation Center of the Pacific directly to request information or initiate a request for mediation. A "**Request for Mediation**" form may be downloaded at:

<http://www.hawaiipublicschools.org/DOE%20Forms/Special%20Education/AlternativeDisputeResolutionForm.pdf> or may also be

completed by the school and scanned to [mcp@mediatehawaii.org](mailto:mcp@mediatehawaii.org).

Upon receiving a request via phone or email, the MCP staff will contact all participants to schedule the mediation session at a time and place convenient for all participants.