

Delaware's Special Education Partnership for the Amicable
Resolution of Conflict (SPARC) Mediation Program

End-of-the-Year Report for 2018–2019

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Presented to the

Delaware Department of Education

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Preface

As the Director of the Institute for Public Administration (IPA) at the University of Delaware, I am pleased to provide this report, *Delaware's Special Education Partnership for the Amicable Resolution of Conflict (SPARC) Mediation Program End-of-the-Year Report for 2018–2019*. IPA is proud to support the Delaware Department of Education (DDOE) in its compliance with the Individuals with Disabilities Education Act (IDEA) regulations. We are pleased to work with DDOE to offer statewide special education mediation and IEP meeting facilitation services; along with, professional development workshops for educators and advocates.

Part of IPA's mission is to assist state agencies to better meet the needs of constituents through best practices and democratic practices. The Conflict Resolution Program (CRP) is a unique resource dedicated to building statewide capacity for collaboration through facilitation, mediation, and training services. For more than twenty years, CRP has been helping families and educators find amicable resolutions to special education disputes. We are extremely proud to have CRP as part of the IPA team to serve the public good through dispute resolution and mediation in our public schools.

We would like to thank the Delaware Department of Education's Exceptional Children Resources workgroup for the privilege of coordinating the SPARC program, specifically Mary Ann Mieczkowski, Director, of the Exceptional Children Resources workgroup, and Maria Locuniak, Education Associate. This report provides an overview of SPARC since its inception and takes an in-depth look at the cases received over the past year, as well as, the professional development workshops, program development, outreach and marketing conducted.

Jerome R. Lewis, Ph.D.
Director, Institute for Public Administration

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Executive Summary

The Conflict Resolution Program (CRP), part of the University of Delaware’s Institute for Public Administration, respectfully submits this report to the Delaware Department of Education’s (DDOE) Exceptional Children Resources workgroup. The following report provides an overview of the work conducted from July 1, 2018 through June 30, 2019 by the Special Education Partnership for the Amicable Resolution of Conflict (SPARC) program. Funded by the Delaware Department of Education (DDOE), SPARC is an essential statewide program supporting parents and school personnel to work collaboratively to meet the unique educational needs of students with disabilities through three services: special education mediation, IEP meeting facilitation and professional development.

SPARC mediation and IEP facilitation bring together parents and educators in conversation to promote outcomes that benefit students, parents, schools, and districts alike and encourages positive relationships between schools and families. SPARC professional development workshops provide educators and advocates with communication, collaboration, and dispute resolution skills that are essential for team members working together to create an appropriate individualized education program (IEP).

This report focuses on two of the three services – mediation and professional development. It includes detailed case information to assist DDOE with federally mandated reporting, as well as more general program data to evaluate its effectiveness. SPARC provides DDOE with a separate report for the IEP Meeting Facilitation services.

Over the past 20 years, SPARC has conducted over 200 mediations, of which 78 percent resulted in an agreement. In 2018–2019, SPARC processed 26 cases and conducted 9 mediations, of which 77 percent resulted in an agreement. To help inform program improvement, a post-mediation questionnaire is

provided to all mediation participants asking about their experiences before, during, and after the mediation. Eighty-nine percent (89%) of mediation participants reported they were *satisfied* with the overall services they received through SPARC. SPARC delivered three full-day professional development workshops focused on skills needed to effectively lead IEP meetings. Two workshops were delivered to educators and one was delivered to parent advocates. In addition, this year SPARC staff have improved outreach strategies that include updating marketing materials and the SPARC webpages, attending county and charter special education directors meetings to explain the program’s services, and meeting with parent advocates to promote the use of these services.

This year,

77%

*of SPARC mediations
reached an agreement.*

SPARC Mediation Program Overview

Background

The Special Education Partnership for the Amicable Resolution of Conflict (SPARC) program was created in 1996 through a collaborative partnership between the Conflict Resolution Program and the Delaware Department of Education. SPARC originated from the idea that not all disputes require legal intervention therefore Delawareans should have access to alternative resolution processes and that adults, with a little support, are capable of working together and resolving differences amicably. Empowerment, recognition and self-determination became the foundation on which the SPARC program was built and continues to operate.

SPARC is a three-prong statewide special education dispute resolution program serving special education students, their families, and the educators that serve them. The three services offered through SPARC are: special education mediation, IEP meeting facilitation and professional development. This program was established before 1997, when Part B of IDEA required all states to make mediation available to the parties involved in a due process complaint and before the 2004 requirement that mediation be available for disputes regardless of whether a complaint was filed. Today, SPARC mediation remains available to parents and educators, regardless of whether a formal complaint has been filed, thus allowing disputes to be addressed in a timely and cost-efficient manner.

Purpose

SPARC is a federally mandated, state-funded program that supports families and schools to work collaboratively to address the educational needs of exceptional students. SPARC services are ideal for managing disputes related to the IDEA, such as a student's placement, services, evaluation or classification. SPARC services are voluntary, confidential and free of charge.

SPARC professional development is available to educators, administrators and advocates serving special need students and their families. These workshops provide valuable tools and techniques aimed at increasing the participant's knowledge and skills to communicate effectively and collaboratively make decisions that are in the best interest of a student.

The goal of SPARC's special education mediation program is to provide families and schools in Delaware an appropriate way to solve disputes regarding a student's special education. Special education mediation is an alternative to costly, time-consuming legal proceedings that can damage relationships and deny parents and educators a voice in the outcome of their disputes. SPARC's mediation program promotes open and honest communication between families and educators and empowers them to find a mutually agreeable resolution to their conflicts. It is designed to foster positive working relationships between parents and school personnel and is ideal for parents and educators who want to work together but do not always see eye-to-eye.

SPARC 2018–2019 End-of-the-Year Report | June 2019



Staff

SPARC is administered through CRP's team of experienced mediators who specialize in special education dispute resolution. SPARC staff adhere to the highest standards of ethics, professional competence, and personal integrity. As neutral third parties, they support all sides to work together in the best interest of the student. They are committed to providing confidential and impartial dispute resolution services to those in need.

Program Procedures

SPARC cases originate as a result of a due process complaint or an administrative complaint that is filed with DDOE or through a request for mediation that is not affiliated with either type of formal complaint.

Once SPARC receives a case, a mediator reaches out to the parties involved to discuss their concerns and explain the mediation process. If both parties wish to participate in mediation, the mediator coordinates the mediation date, time, location, attendee list, and issues to be discussed. During mediation, the mediator guides the participants through a process that promotes dialogue, understanding, and consensus. If the parties resolve their differences, the resolutions reached are documented in a legally binding agreement that must be implemented by all parties. If parties do not resolve their differences, nothing is documented by the mediator. The parties are free to seek other forms of resolution. Once mediation has concluded, participants are asked to complete a SPARC Mediation Participant Questionnaire, which allows participants to rate various aspects of the SPARC program from initial contact through the conclusion of the mediation.

Report Summary

The following report discusses the cases processed by SPARC for the 2018–2019 reporting year broken down by the type of case, the districts and charter schools involved, the number of cases that participated in a mediation, and the rates of agreement. This report also outlines additional work completed to meet contract requirements, such as professional development, program development, outreach and marketing.

Overview of SPARC Cases

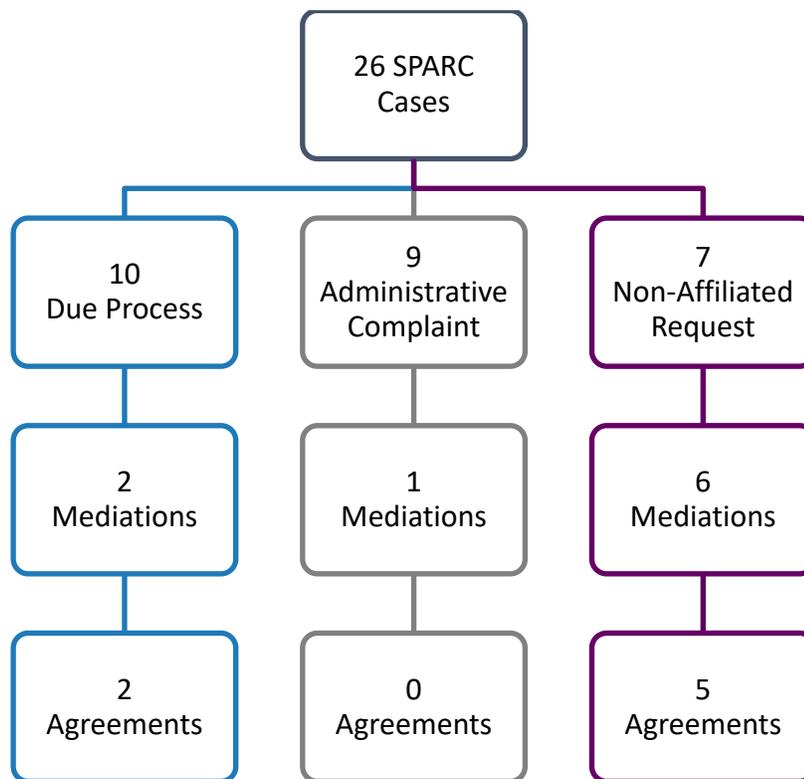
SPARC Cases by Type

During the reporting year from July 1, 2018, to June 30, 2019, SPARC staff processed 26 cases, which includes one case that carried over from the 2017–2018 reporting year. For federal and state reporting purposes, each SPARC case is assigned a case number and is categorized by both reporting year and case type. The case type differentiates the origin of each case and is categorized as either due process (DP), administrative complaint (AC), or non-affiliated request¹ (NAR).

Due process cases refer to cases that are initiated as a result of a due process complaint filed with DDOE, and administrative complaint cases refer to cases that are initiated as a result of an administrative complaint filed with DDOE. Non-affiliated request cases are a result of a request for mediation that is not affiliated with either type of formal complaint.

In this reporting year, 9 of the 26 cases that were processed by SPARC participated in mediation. Of the nine cases mediated, seven (77%) resulted in an agreement. There is one case pending mediation as of June 30, 2019. The following chart shows the overall distribution of SPARC cases by type, mediations performed, and agreements reached.

Figure 1. 2018–2019 SPARC Cases by Type



¹ In all End-of-Year Reports prior to 2017–2018, these cases are referred to as Non-Due Process (NDP) cases. *SPARC 2018–2019 End-of-the-Year Report | June 2019*

Table C. 2018–2019 SPARC Cases by Dominant Issue

Primary Issue Expressed	Cases
Student Educational Program (e.g., academic, functional, and life skills) as Set Forth in the IEP	8
Educational Placement	7
Evaluation of Student for Special Education Services	2
Eligibility of Student for Special Education Services	2
Procedural Safeguards (e.g., prior written notice, confidentiality)	2
Discipline (including suspension or expulsion)	1
Related Services (e.g., transportation, speech therapy, counseling)	1
Tuition Reimbursement (e.g., private school)	0
Other:	3
Classroom incident (1)	
Corrective actions from investigation not taken (1)	
Promotion (1)	
Grand Total	26

Mediations

This year, SPARC mediated nine cases involving five school districts and two charter schools. Eight of the nine mediations were requested by a parent or parent attorney and the ninth was requested by a school district. Overall, 48 educators and parents/guardians participated in a SPARC mediation this year. The most common issue mediated was student placement (4).

Mediation is a quick and efficient method for addressing differences when compared to lengthy legal proceedings. On average, mediations were scheduled within 30 days of the mediation request. The average length of a mediation was two hours and twenty minutes, with individual sessions ranging from an hour and a half to three hours. All agreements were reached in one mediation session.

The goal of mediation is to help parties discuss their differences in a safe, respectful environment. Although this report highlights the number of agreements reached through mediation, it's important to note that it is not the only measure of success. Some cases may not require a written agreement to document the progress made and some cases may require an IEP meeting to make changes agreed to in the mediation. In addition to reporting agreement rates, mediation participants are asked to provide feedback on the experience and the results are provided at the end of this report.

Due Process Cases

During this reporting year, SPARC processed 10 due process cases. The most frequently cited issues in due process cases were *Student Education Program as Set in the IEP* (3), *Eligibility of Student for Special Education Services* (2), and *Educational Placement* (2). Two due process complaint cases participated in mediation and both reached agreements.

This year there were six due processes cases associated with a school district and four associated with a charter school. REDACTED and REDACTED had the most cases (2). The two cases that participated in mediation were associated with REDACTED and REDACTED. The distribution of these cases is illustrated in Table D below.

Table D. 2018–2019 Due Process Cases by LEA

LEA	Cases	Mediations	Agreements
School District	6	1	1
REDACTED			
REDACTED			
Charter School	4	1	1
REDACTED			
Grand Total	10	2	2

Administrative Complaint Cases

During this reporting year, SPARC processed nine administrative complaint cases. The most frequently cited issues in administrative complaint cases were *Student Education Program as Set in the IEP* (3) and *Educational Placement* (2). One administrative complaint case participated in mediation but did not reach an agreement.

This year there were eight administrative complaint cases associated with a school district and one associated with a charter school. Only one case from REDACTED participated in mediation but did not reach an agreement. The distribution of these cases is illustrated in Table E below.

Table E. 2018–2019 Administrative Complaint Cases by LEA

LEA	Cases	Mediations	Agreements
School District			
	REDACTED		
Charter School			
	REDACTED		
Grand Total	9	1	0

**One case was associated with two districts (REDACTED and REDACTED).*

Non-Affiliated Request Cases

During this reporting year, SPARC processed eight non-affiliated request (NAR) cases. The most frequently cited issues in non-affiliated request cases was *Educational Placement* (3). Six cases participated in mediation and five of these reached an agreement. One case is pending mediation after June 30, 2019.

This year, there were six non-affiliated request (NAR) cases associated with a school district, of which five participated in mediation and four reached an agreement. One NAR case associated with REACTED is pending mediation and will be carried over into the next reporting year. The distribution of these cases is illustrated in Table F below.

Table F. 2018–2019 Non-Affiliated Requests Cases by LEA

LEA	Cases	Mediations	Agreements
School District	REDACTED		
Charter School	REDACTED		
Grand Total	7	6	5

IDEA Part B Dispute Resolution

Table G. is presented for DDOE in accordance with the U.S. Department of Education’s Office of Special Education Programs (OSEP) reporting requirements. This table only includes cases filed between July 1, 2018, and June 30, 2019.

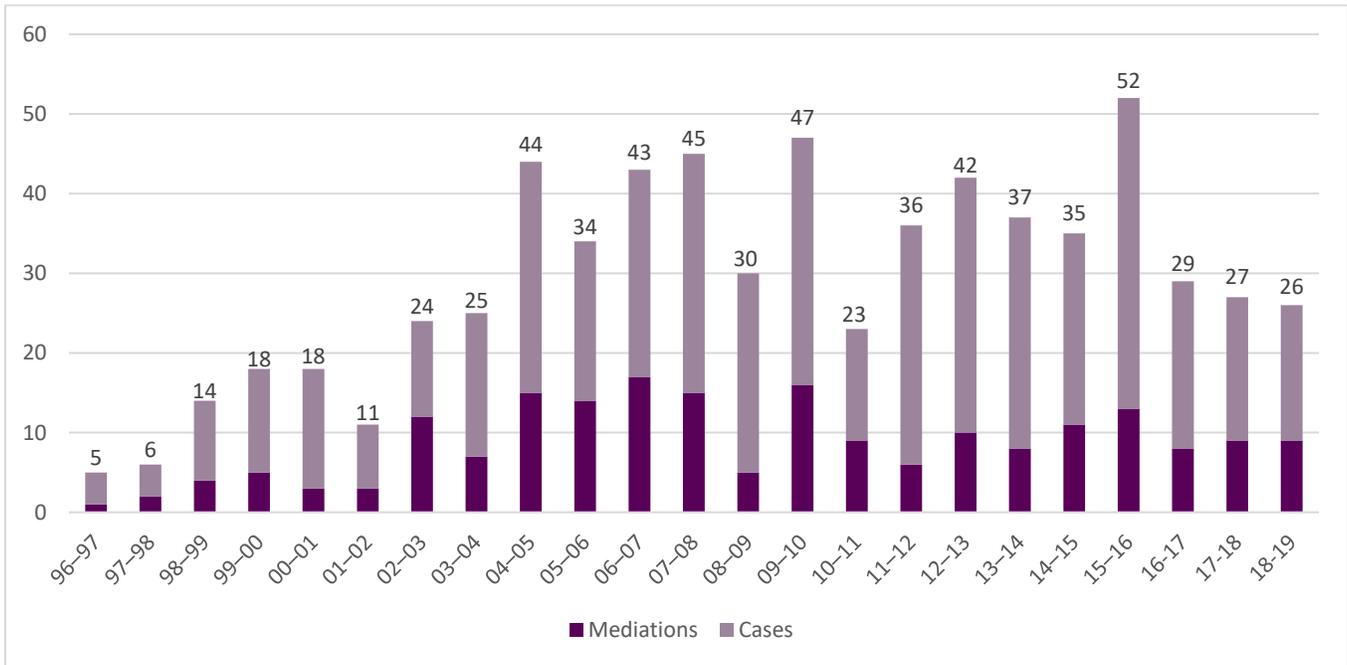
Table G. 2018–2019 IDEA Part B Data Collections

SECTION A: Written, Signed Complaints	
(1) Total number of written, signed complaints filed	9
SECTION B: Mediation Requests	
(2) Total number of mediation requests received through all dispute resolution processes	15
(2.1) Mediations held	9
(a) Mediations held related to due process complaints	2
(i) Mediation agreements related to due process complaints	2
(b) Mediations held not related to due process complaints	7
(i) Mediation agreements not related to due process complaints	5
(2.2) Mediations pending	1
(2.3) Mediations withdrawn or not held	5
SECTION C: Due Process Complaints	
(3) Total number of due process complaints filed	10

SPARC Caseload Over Time

Between 1996 and 2019, SPARC processed 672 cases, performed over 202 mediations, and 78 percent of these mediations resulted in an agreement. The number of cases SPARC processed has increased slowly since 1996 but fluctuates each year. Over the past ten reporting years, SPARC has processed an average of 40 cases per year ranging from 23 to 52 cases per year. The number of cases processed each year since 1996 is illustrated in Figure 3 below. This chart does not include mediations performed or agreements reached for any cases that carried over from a previous reporting year.

Figure 3. SPARC Cases and Mediations since 1996



SPARC Cases by LEA

Historically, SPARC has processed the most cases in New Castle County school districts, likely due to the large number of schools in this county. SPARC has processed the most cases from REDACTED (119) and has performed the most mediations with REDACTED (88). A full list of districts and case information is provided in Table H below.

Table H. 1996–2018 SPARC Cases by County and School District

District by County	SPARC Cases	Mediations Performed	Rate of Mediations Performed
New Castle	390	119	31%
	REDACTED		
Sussex	96	31	32%
	REDACTED		
Kent	61	21	34%
	REDACTED		
Multiple Counties	32	12	38%
	REDACTED		
Total	579	183	32%

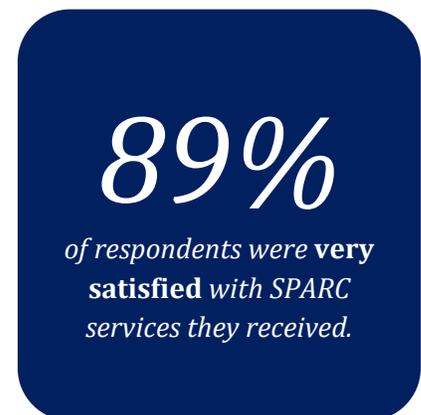
Program Evaluation

To maintain the highest program standards and understand the experiences of those utilizing SPARC services, feedback is solicited from all mediation participants, regardless of their role. Mediation participants are asked to rate their satisfaction with the pre-mediation intake process; the mediators; the mediation process; and the outcome of the mediation. The evaluation also offers a space for respondents to provide more detailed comments to their ratings or comment on topics not directly addressed.

During the 2018–2019 reporting year, SPARC received 9 completed evaluations from a possible 48 mediation participants. Based on the responses received, SPARC received high ratings in all areas, and the majority of respondents were satisfied with SPARC staff and services. Mediation participants were satisfied or very satisfied with nearly all aspects of their experience with the SPARC program. All respondents reported that they were satisfied or very satisfied with the communication, time, and attention they received from SPARC staff prior to mediation. All respondents reported that the mediator promoted listening and understanding and was fair and unbiased during the mediation. Two-thirds of respondents felt that the mediation had a positive influence on their relationship and communication with the other party. Eight out of nine respondents felt mediation was an overall positive experience. Finally, of those who responded, all but one respondent would utilize or recommend the use of SPARC services in the future.

Respondents gave the following feedback in the additional comments sections:

- *The mediation staff were very calm and impartial which help to deescalate parent and staff anxiety.*
- *She [the mediator] is so skilled at listening and recapping conversations. She [the mediator] really helped to keep us moving forward and to get specifics in writing an agreement. [The mediator was] professional but made the process somewhat informal so we felt comfortable discussing issues. Very respectful.*



Full details of the 2018–2019 Summary of Mediation Evaluation Results can be found in Appendix A.

SPARC Mediators

SPARC maintains a list of special education mediators and their qualifications. SPARC mediators are required to meet a set of minimal qualifications and participate in ongoing professional development that advances their knowledge and skills.

Mediator Qualifications

All SPARC mediators must:

1. Complete a basic mediation training from a qualified organization.
2. Successfully serve as an apprentice co-mediator in at least four (4) special education mediations with another SPARC mediator.
3. Successfully serve as the lead mediator, with another SPARC mediator, in at least two (2) special education mediations.
4. Demonstrate a basic understanding of special education terminology, practices, and procedures.
5. Demonstrate a basic understanding of state and federal laws related to special education.
6. Demonstrate effective facilitative mediation techniques, impartiality, and professionalism.
7. Adhere to the Model Standards of Conduct for Mediators (2005) adopted/approved by the American Arbitration Association, American Bar Association, and the Association for Conflict Resolution.
8. Participate in at least twelve (12) hours of professional development related to special education and/or dispute resolution on an annual basis.
9. Not hold primary employment with a local or state education agency.

Program Development, Outreach & Marketing

Each year, SPARC staff reached out to stakeholders across the state to increase awareness of the program and ensure the program is meeting the needs of districts and families of special education students. Promotion of the SPARC mediation program occurred via staff attendance at local conferences, special education directors meetings, and parent advocate meetings.

Attendance at DDOE and County Meetings

During the 2018–2019 fiscal year, SPARC staff attended four meetings for district and charter school special education directors to promote SPARC services. These meetings also provided an opportunity for SPARC staff to have a dialogue with school officials to learn about their experiences with SPARC and answer their questions about the program. The meetings were as follows:

- **February 3, 2019** – Charter School Special Education Directors Meeting
- **February 7, 2019** - Kent County Special Education Directors Meeting
- **February 13, 2019** - New Castle County Special Education Directors Meeting
- **March 7, 2019** - Sussex County Special Education Directors Meeting
- **March 15, 2019** - DDOE Leadership Meeting

SPARC/DDOE Meetings

SPARC staff meet with key members of the Exceptional Children Resources workgroup to assess the efficiency and effectiveness of the SPARC program. These meetings promote an exchange of ideas and information around special education trends, best practices, policies, and laws. They also provide a forum for the continuous improvement of SPARC services and practices. During the reporting year, the meeting took place on January 22, 2019 at the Collette Building in Dover, Delaware.

SPARC staff also attended the DDOE Dispute Resolution Data Retreat and contributed to drafting the protocols for data collection for indicators 15 and 16 of the OSEP Annual Performance Report. These meetings furthered the collaboration between DDOE and SPARC staff to document and clarify the internal procedures for collecting data about mediation. The meeting took place on April 24, 2019 at the Collette Building in Dover, Delaware.

Parent Information Center (PIC) Presentations

SPARC staff made presentations at two advocate and education surrogate parent meetings hosted by the Parent Information Center (PIC) of Delaware. Approximately 40 people were in attendance to learn about the benefits of mediation and IEP meeting facilitation services. The presentations took place on June 4 in Sussex County and June 13 in New Castle County.

Marketing

With the help of the Exceptional Children Resources workgroup, various improvements were made to SPARC's marketing materials. During the past year, SPARC staff:

- Updated SPARC's web pages that are housed on the University of Delaware's website.

- Created a new brochure that encompasses mediation and IEP meeting facilitation services.
- Developed a one-page handout that explains SPARC services.
- Translated all printed materials from English to Spanish.
- Distributed the new English and Spanish brochures to every school district, charter school, and disability-related organization including the Parent Information Center (PIC) of Delaware.

Professional Development Workshops

SPARC staff conducted three professional development workshops during the 2018-19 reporting year. For each workshop, CRP was responsible for creating marketing material, tracking attendance, creating and distributing workshop materials, administering post-workshop evaluations, and providing each participant with a certificate of completion. SPARC also provided DDOE with a summary of post-workshop evaluations, attendance lists, and all workshop materials.

Educator Workshops

SPARC staff conducted two, day-long workshops entitled *Leading Effective Individualized Education Program (IEP) Meetings*. The workshop blended best practices in effective meetings and dispute resolution into existing IEP team meeting format(s) to create a practical, adult-focused course. Participants learned through lecture, discussion, demonstration, interactive activities, and role-play. Participants were provided strategies, skills and tools for holding effective IEP team meetings that support all members to work efficiently and effectively in the best interest of the student. Topics included:

- Facilitator tools and techniques
- How to manage difficult people/dynamics
- Tools for building consensus
- Pre-meeting preparation considerations
- Roles and responsibilities of IEP team members
- How to positively engage parents

The workshops were held on September 6, 2018 in Camden, Delaware and November 5, 2018 in Dover, Delaware, and provided 61 educators with six hours of continuing education. Feedback from the training evaluation surveys revealed that participants valued the hands-on practice during the training, as well as the opportunity to hear and share ideas and experiences with other educators.

Advocate Workshop

SPARC staff conducted a day-long workshop entitled *Leading Effective IEP Meetings for parent advocates*. The workshop focused on facilitation techniques, communication skills and tools for building consensus. The workshop blended best practices in effective meetings and dispute resolution into existing IEP team meeting format(s) to create a practical, adult-focused course. Participants learned through lecture, discussion, demonstration, interactive activities, and role-play. They also gained strategies, skills, and tools to increase their effectiveness in aiding in the resolution of parent-educator differences. Through self-reflection and debriefing of their experiences, advocates were given the opportunity to examine their strengths and possible areas for growth. Topics included:

- The difference between an advocate and a neutral
- Facilitation tools utilized by neutral facilitators
- Strategies to help parties move from adversarial to collaborative problem-solving
- How to facilitate behaviors that encourage productive conversations
- Tools for building consensus
- Pre-meeting preparation considerations
- Effective use of questions

Appendix A

2018–2019 Mediation Evaluation Results

Responses = 9

Pre-Mediation Communication with SPARC Staff

1. How satisfied were you with staff's willingness to listen to your concerns and answer your questions about mediation?

0	0	0	3	6	0
<i>Not at all</i>	<i>A Little</i>	<i>Somewhat</i>	<i>Satisfied</i>	<i>Very Satisfied</i>	<i>No Response</i>

2. How satisfied were you with the time, attention, and information you received from staff prior to mediation?

0	0	0	4	5	0
<i>Not at all</i>	<i>A Little</i>	<i>Somewhat</i>	<i>Satisfied</i>	<i>Very Satisfied</i>	<i>No Response</i>

3. How satisfied were you with the coordination and communication of the mediation date, time, and location?

0	0	0	3	6	0
<i>Not at all</i>	<i>A Little</i>	<i>Somewhat</i>	<i>Satisfied</i>	<i>Very Satisfied</i>	<i>No Response</i>

Additional comments or suggestions.

Not much interaction prior to mediation meeting except for scheduling and logistics. Maybe because of prior mediation experience?

The Mediator and Mediation Process

4. The mediator thoroughly explained the role and responsibilities of the mediator and the participants relative to the mediation process.

0	0	0	2	7
<i>Not at all</i>	<i>A Little</i>	<i>Somewhat</i>	<i>True</i>	<i>Very True</i>

5. The process promoted listening and understanding among the participants.

0	0	1	2	6
<i>Not at all</i>	<i>A Little</i>	<i>Somewhat</i>	<i>True</i>	<i>Very True</i>

6. The mediator was fair and unbiased throughout the mediation.

0	0	0	3	6
<i>Not at all</i>	<i>A Little</i>	<i>Somewhat</i>	<i>True</i>	<i>Very True</i>

7. The mediator heard and understood my goals and concerns.

0	0	1	3	5
Not at all	A Little	Somewhat	True	Very True

8. The mediator helped clarify and prioritize all concerns.

1	0	0	3	5
Not at all	A Little	Somewhat	True	Very True

9. The participants, not the mediator, offered solutions and determined the outcome.

1	0	0	2	6
Not at all	A Little	Somewhat	True	Very True

Additional comments or suggestions.

- *One area of concern was not anticipated to be part of the mediation discussion because it was not a special education matter that could be resolved with the parties present.*
- *[The mediator] is phenomenal. She is so skilled at listening and recapping conversations. She really helped to keep us moving forward and to get specifics in writing an agreement. Professional but made the process somewhat informal so we felt comfortable discussing issues. Very respectful.*

Mediation Outcomes

10. Mediation had a positive influence on my relationship and communication with the other party.

1	0	2	3	3
Not at all	A Little	Somewhat	True	Very True

11. The mediator drafted an agreement that was written in the participants' own words.

0	0	0	3	6
Not at all	A Little	Somewhat	True	Very True

12. Overall, participating in mediation was a positive experience.

0	0	1	3	5
Not at all	A Little	Somewhat	True	Very True

13. Based on this experience, I would utilize SPARC again and/or recommend mediation to others.

No - 1	Maybe - 0	Yes - 8
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Additional comments or suggestions.

- *The mediation staff were very calm and impartial which help to deescalate parent and staff anxiety.*
- *I'm not sure the mediation would have been as successful without an experienced and knowledgeable mediator who was able to go beyond the surface, identify priority issues, and guide us to create a plan with specific steps.*

I participated in this mediation as a representative of:

4 Parent/Student Concerns 5 District/Agency Concerns