



Tips for Participants: Preparing for Mediation

Special education mediation is for parents and schools when they feel that their concerns are not being heard and understood.

The Individuals with Disabilities Education Act (IDEA) requires states to have a dispute resolution system, which includes mediation as one of several dispute resolution options.

Special education mediation is free of charge.

Prior to and during mediation, the mediator guides the participants through a process that encourages open dialogue, helps clarify the issues, promotes understanding, and works to reach a mutually satisfying agreement that is in the best interest of the student.



Review this handout to understand the role of the mediator and participants **prior to and during the mediation.**

Prior to Mediation...

Mediator

- ❑ Explain the mediation process and the role of the mediator.
- ❑ Understand what has happened that led to the conflict.
- ❑ Confirm a list of issues that will be mediated.
- ❑ Uncover solutions to the problem and what they want from the other side going forward.
- ❑ Determine who will be attending mediation.
- ❑ Identify dates and times they are available for mediation and whether they prefer to meet in-person or via Zoom.
- ❑ Ask if they need any accommodations.

Participant(s)

- ❑ Take notes and ask questions about the mediation process.
- ❑ Bring a list of concerns to the meeting to discuss.
- ❑ Try to write down or verbalize the issues you want to discuss at mediation.
- ❑ Confirm the mediator understands your concerns and what you want to address in mediation. For example, have them repeat the concerns/issues discussed to ensure your concerns were captured correctly.
- ❑ Share your ideas for how to solve the problem and what you need from the other side.
- ❑ Consider if you would like someone else to attend the mediation with you (family member, friend, advocate, etc.).
- ❑ Offer several dates and times that work for you that the mediator can offer to the other side.
- ❑ Share any assistance you might need to fully participate in the mediation process (for example, accommodations or translation/interpretation).

This resource was developed in partnership between the Delaware Department of Education, the Parent Information Center of Delaware, Inc. and the Conflict Resolution Program at the University of Delaware.



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During the Mediation....

Mediator

- ❑ Welcomes the parties and reviews the mediation process.
- ❑ Encourages the parties to talk about their concerns and desired outcomes.
- ❑ Assists with communication between the parties by acknowledging concerns and emotions and asking clarifying questions.
- ❑ Focuses on areas of disagreement and solicits possible solutions.
- ❑ Acknowledges areas of agreement and documents those in a legally binding agreement.

Participant(s)

- ❑ Ask questions and seek clarification if you do not understand something.
- ❑ Take a deep breath and/or ask for a break, if needed.
- ❑ Bring paper and pen with you so you can write down questions or things you want to say if something comes to mind when someone else is speaking.
- ❑ Brainstorms possible solutions that work for both parties and are in the best interest of the student.
- ❑ Take time to review and clarify areas of agreement before signing.

If you're still unsure of the process, or have additional questions, contact the Conflict Resolution Program (sparc-info@udel.edu) or Parent Information Center of Delaware (picofdel@picofdel.org) for additional assistance.

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