

WHEN CAN MEDIATION BE REQUESTED?

Mediation is an option that can be used to resolve disagreements whether or not a complaint or a due process hearing request has been filed. The use of a mediator can be a very effective way of helping parties to resolve their differences.

WHO ARE THE MEDIATORS?

The mediator is a person specially trained to understand special education matters, but who is not an employee, nor has an interest in, advocating for either side. The mediator is specifically trained to assist discussion between the parties and focus on finding ways to work out an agreement with the parties that will ultimately benefit the child.

WHAT ARE THE ADVANTAGES TO CHOOSING MEDIATION?

Mediation is **voluntary, timely, and confidential.**

It is a simple process with proven effectiveness in helping people to focus on a child's current needs, explore the key issues, and develop workable solutions.



Parents of children with disabilities or school personnel have the right to request state-sponsored mediation services from the Illinois State Board of Education (ISBE) if there is a difference of opinion regarding the special education services, placement and/or related services to children enrolled in Illinois public schools. Mediation is a voluntary process, conducted by a qualified and impartial mediator, and provided at no cost to the parent or the school district.

**Please note the contents of this brochure is not to serve, and should not be construed, as legal advice from the Illinois State Board of Education, rather it is to provide information relative to state-sponsored mediation.*



TO REQUEST MEDIATION

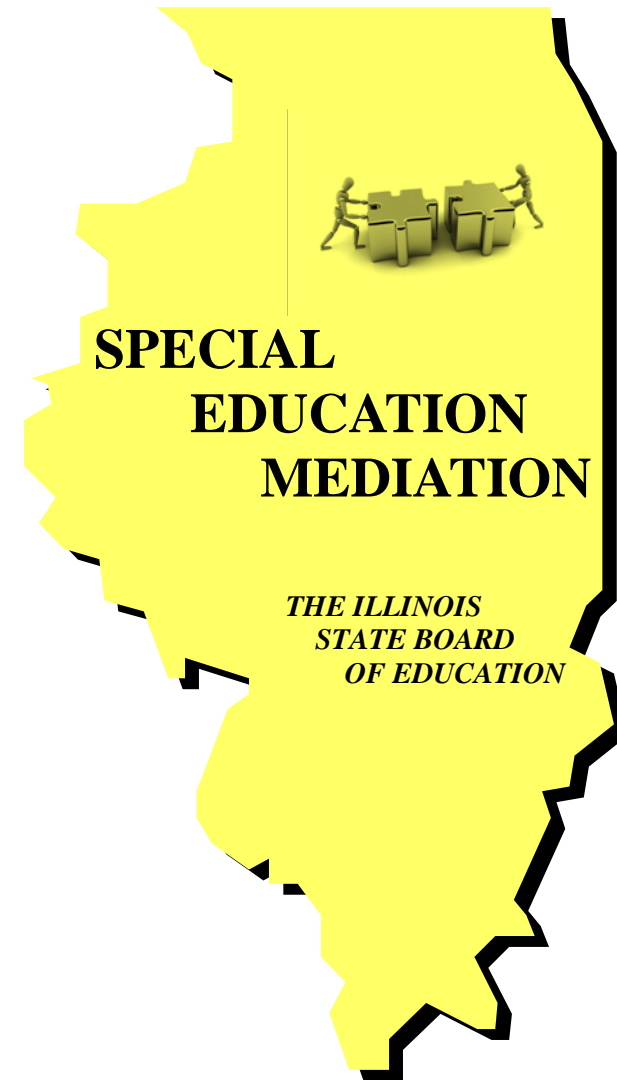
Contact Mrs. Sherry Colegrove,
Mediation Coordinator one of these ways:

Illinois State Board of Education

Special Education Services,
100 North First Street, N-253
Springfield, IL 62777-0001

Main Line: (217)782-5589
Toll-free for Parents: (866)262-6663
TTY: (217)782-1900

E-mail: scolegro@isbe.net



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WHAT IS MEDIATION?

The federal regulation, at 34 CFR 300.506, requires state agencies to allow parties to resolve disputes through a mediation process. State-sponsored mediation is a voluntary process designed to help parties reach agreements in order to resolve a dispute. Being a voluntary process, both the parent and the district have to agree to engage in mediation.

DOES THE MEDIATOR MAKE THE DECISIONS ABOUT THE OUTCOME?

No. The mediator's only focus is to work with the parties to identify areas of agreement and to establish whether each party can find agreeable options to resolve the dispute. The mediator may ask to speak with parties individually so they can feel free to openly discuss their options.

HOW LONG WILL MEDIATION TAKE?

In general, the mediation will take 2 to 3 hours, but may take more time depending on the number of issues that need to be discussed and the willingness of the parties to work together.

WHO PAYS FOR MEDIATION?

The services of the mediator are provided by the Illinois State Board of Education (ISBE). However, ISBE will not pay for any attorney or advocate fees or any other costs of the parties associated with the mediation. (e.g. mileage, meals, wage loss, etc.)



HOW SOON CAN MEDIATION BE SCHEDULED?

Mediation is usually scheduled within one to three weeks of both parties' agreement to participate in the process. Mediation is required to be conducted in a timely manner and held in a location that is convenient to the parties.

IS MEDIATION CONFIDENTIAL?

One of the most important ground rules in mediation is the requirement that everything said in the mediation is confidential. Both parties should feel free to say anything that may assist in reaching an agreement.

IS THE MEDIATION AGREEMENT LEGALLY BINDING?

Upon finding a workable solution, the mediator will help the parties develop a written agreement that meets the approval of both parties. The agreement will outline exactly what each party agreed to and, if necessary, set specific timelines.

Upon the completion of authorized signatures, mediation agreements are legally binding. This means that either party would have the ability to go to a court of law to enforce the terms of the agreement if something is not being done, or not being done correctly.

MEDIATION BUILDS POSITIVE WORKING RELATIONSHIPS



WHO ATTENDS MEDIATION?

Parent(s) and school personnel may choose who they bring to the mediation. Mediation participants for both parties *must* include persons who have the authority to act on behalf of the student and the school district. Participants should include persons who have knowledge of the student. Participants may include attorneys, advocates, interpreters and other relevant parties at your own expense. The number of participants is usually limited to three persons per party.

THE MEDIATION PROCESS:

Because mediation is individualized to suit the needs of the parties, you may find that your mediation will differ in some ways from the process described in this brochure.

The rules and regulations for conducting mediations in Illinois can be found at 23 IAC 226.560 which conform to the requirements of 34 CFR 330.506. More information about mediation can be found at: <http://www.isbe.net/speced/html/mediation.htm>

WHAT IF MEDIATION DOES NOT RESULT IN AN AGREEMENT?

You may continue to pursue other avenues to settle any outstanding issues, including continuing your negotiations or filing for a due process hearing. If the parties are already involved in a due process hearing, they will move forward with that process.