

**DISPUTE RESOLUTION UNDER IDEA 1997: MEDIATION**

**When does your state department of education offer mediation? (check all that apply.)**

- #1** As required in conjunction with the filing of a due process hearing.
- #2** In connection with the filing of a state complaint.
- #3** Anytime parents or school districts request a state mediation.
- #4** When the state education agency learns of a problem, but before a formal complaint is filed.
- #5** In other circumstances. (Describe briefly)

State	#1	#2	#3	#4	#5	Comments
AL	x	x	x	x	x	Whenever parents and school officials are in disagreement about special education services and both agree to participate in the mediation process.
AK	x	x	x	x	x	Disputes can easily arise between LEAs and parent/families. These disputes do not have to be raised to the point of formal proceedings. Mediation allows for both parties to come to the table to address their grievance. It fosters a climate that is mutually respecting. Mediation is extremely useful in an array of possible responses when two parties are at an impasse.
AS						
AZ	x		x	x		
AR	x					
BIA	x	x	x	x		
CA	x	x	x	x	x	Alternative Dispute Resolution is available for and used for local resolution of complaints which do not even come to the state for resolution. It is most cost effective.
CNMI	x	x	x	x	x	At any time in the complaint process.
CO	x	x	x	x	x	The Colorado Department of Education will provide a mediator, at state expense, at any time, upon oral or written request of the school district (LEA) and parent, to mediate any dispute between the parent and the school district (LEA), arising under the IDEA.
CT	x		x			
DE	x		x			
DC	x			x		
DODEA	x		x	x		
FL	x	x	x	x	x	In ANY circumstances where both parties agree to participate, mediation is offered.
FSM						
GA	x		x		x	When discussing problems with parents or systems, mediation is sometimes suggested as a method for working things out.
GU						
HI	x	x	x	x		
ID	x		x	x		When we receive a phone contact from a parent or district and determine that the conflict will not result in a formal complaint but the issues appear to have caused an impasse, we describe and discuss dispute resolution options available, including mediation, to the parties. Often the parties have chosen mediation to re-establish lines of communication.
IL	x		x	x		

IN	x		x *			* #3 CAVEAT - as long as the request for mediation relates to a special education issue that is subject to mediation - mediation is not used in conjunction with complaints of procedural non-compliance.
IA	x	x	x	x	x	If a mediation was offered but was denied by a party or mediation was held but the hearing proceeded, we offer parties an opportunity to request a mediator be in attendance at the hearing.
KS						Kansas offers mediation when due process is initiated and upon a request by either a school district or a parent.
KY	x		x	x		
LA	x					
ME	x	x	x			
M. ISL.						
MD	x		x			
MA	x		x			
MI	x	x	x		x	During IEPs when explaining due process rights.
MN	x		x			
MS	x	x	x	x		
MO	x					
MT	x	x	x	x		
NE	x		x	x	x	Whenever conflicts between families and schools arise, the mediation option is recommended to schools and families. If a parent or school requests the mediation option, a case is opened.
NV	x		x			
NH			x			
NJ	x		x			
NM	x	x*	x	x	x**	*#2 At district expense drawing from a pool of SEA-trained IEP facilitators (mediators who participate {facilitate} at IEPs) and with agreement of the parties (parents and LEA folks) **#5 If district and parents agree to mediation (facilitated IEP), and district agrees to pay, this option is available at any time.
NY	x		x			
NC	x		x		x	Most mediations that are requested prior to filing due process are requested by the parent or LEA and are arranged and resolved at that level.
ND	x		x		x	We also offer or recommend mediation in disputes that come to our SEA staff's attention when the parties may not be contemplating a request for mediation on their own.
OH	x	x	x	x		
OK	x	x	x	x	x	In Oklahoma, mediation can be requested by a parent or LEA, both parties must agree to the process, regarding issues under the IDEA.
OR	x	x*	x**			* Although Oregon does not pay for mediation when a complaint is filed. ** The districts pay for mediation.
PALAU						
PA	x		x		x	We encourage SDs and parents to use mediation as a means to resolve conflicts before filing for DP or as a way to settle a complaint.
PR						
RI	x	x	x	x		
SC	x		x			
SD	x			x		
TN			x			
TX	x	x	x		x	After pre-hearing conference.
				sometime s		
UT	x	x*			x**	* But not in all instances - usually as part of the corrective action

to resolve issues raised in the complaint, to get both parties back to the table. \*\*Informal mediation has been offered to parents and school districts in attempt to resolve issues prior to filing a formal complaint, and or due process.

<b>VT</b>	x	x	x	x	
<b>VI</b>					
<b>VA</b>	x	x	x	x	
<b>WA</b>	x	x	x	x	
<b>WV</b>	x		x		x
<b>WI</b>	x	x	x	x	x
<b>WY</b>	x	x	x	x	

Parents are always told about mediation as an option and can request mediation outside the complaint or due process hearing processes. Plans are to offer mediation when a state complaint is filed.

Depending on the circumstances, we use all of the above options. Occasionally, after a complaint investigation is in progress and issues are clarified, mediation may be discussed, reconsidered and agreed to as an option even after initially being refused by one of the parties.