

Why use mediation?

Mediation:

- offers an opportunity for discussion of differences;
- empowers parties to resolve their own differences and enhances future relationships;
- offers increased satisfaction with the outcome by both parties;
- is confidential; and
- is available at no cost to the parents and the school district.

What can be expected from mediation?

During mediation, parents and district personnel, with the help of the mediator, can expect to:

- be heard by one another;
- discuss the differences;
- talk about how the differences can be settled;
- reach an agreement; and
- receive a written copy of the outcome at the conclusion of the mediation.

Where should I send my request?

Mediation may be requested through your local school district or by contacting:

Coordinator, Mediation
Office of Special Education
West Virginia Department of Education
Building 6, Room 304
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0330
Telephone: 304-558-2696
1-800-642-8541 (V/TDD)

The West Virginia Department of Education, Office of Special Education, is dedicated to positively affecting the lives of students with exceptionalities by providing leadership and establishing partnerships with parents and school district personnel. The Office of Special Education believes this brochure will be useful to you in understanding the special education mediation process and in resolving your concerns.

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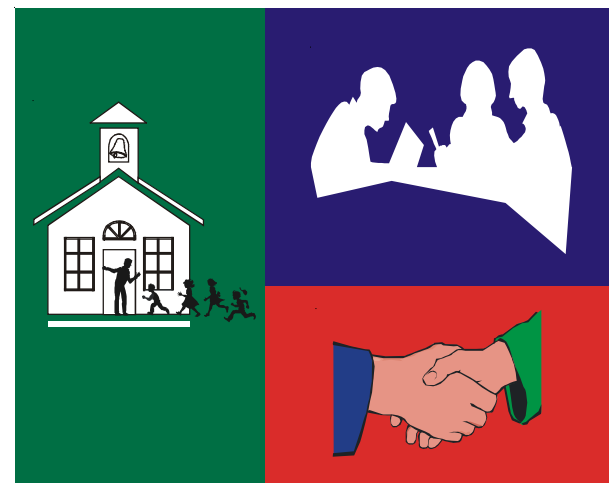
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Dr. Steven L. Paine
State Superintendent of Schools



MEDIATION PROCESS for Special Education

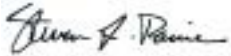


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Office of Special Education

FOREWORD

Mediation is a process for school systems and families to resolve disagreements about the education of students with exceptionalities. When disagreements are resolved collaboratively, they result in stronger communities, better relationships among educators, service providers and families and improved outcomes for children and youth with exceptionalities.



Dr. Steven L. Paine
State Superintendent of Schools

INTRODUCTION

Under the Individuals with Disabilities Education Improvement Act (IDEA 2004), special education mediation must be made available to parents of children with disabilities.

Federal and state laws require school systems and parents to work together to develop an Individualized Education Program (IEP) for each student who is eligible for special education services. Since parents and educators possess unique perspectives, they may have different ideas about a child's strengths and educational needs. Open communication is essential for a positive, long term partnership. If there are continuing disagreements about an eligible student's education, mediation is a process that may be used by parents and educators to help resolve these issues.

This brochure, written for parents of children with exceptionalities and district personnel, presents important information regarding special education mediation. Parents and school districts are encouraged to use special education mediation to resolve disputes in a timely, non-adversarial manner. Mediation offers real solutions where everyone wins. The West Virginia Department of

Education (WVDE), Office of Special Education, has a toll free number to discuss the choices available to you in resolving your concerns.

1-800-642-8541 (V/TDD)

What is mediation?

Mediation is an informal, voluntary and confidential process of problem-solving, through discussion, to assist parents and the school system in resolving disputes and reaching agreement on issues regarding the proposals or refusals to initiate or change the identification, evaluation or educational placement of the student or the provision of a free appropriate public education (FAPE) to the student with an exceptionality.

Is mediation required by Federal or State law?

Yes. IDEA 2004 requires the Office of Special Education to provide the option of mediation to parents and school districts even if a due process hearing has not been requested. Mediation may also be requested before a special education complaint is filed or after the complaint investigation has begun.

Although not required, local school systems may request a meeting to encourage parents to use mediation. This meeting is conducted by a parent agency representative who provides information to the parents about mediation and its benefits.

Who pays the cost for mediation?

The West Virginia Department of Education (WVDE) bears the cost of paying for the mediation process required under the IDEA 2004.

Who may request mediation?

Mediation may be requested by:

- the parent, guardian or surrogate parent of a student with an exceptionality, or
- the student with an exceptionality who has reached the age of majority; and/or
- the school district.

How is mediation requested?

A request for mediation may be initiated by contacting the school district or the West Virginia Department of Education, Office of Special Education. The request must:

- be in writing, or
- on a mediation request form; and
- contain an original signature (e.g., facsimiles and email will not be accepted).

Who conducts a mediation?

A mediator is:

- an impartial third party who is knowledgeable in special education law and skilled in problem-solving and interpersonal communication;
 - an individual professionally trained in mediation and federal and state requirements and not an employee of the WVDE or the school district; and
 - an individual selected and assigned by the Office of Special Education.
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