



## Mediation

The *Individuals with Disabilities Education Act* (IDEA) provides that when a disagreement occurs between a parent(s) and a school district involving any special education issue and the parent(s) and district agree to mediation, a neutral, third-party mediator can be requested at no cost, to help resolve the disagreement. The mediator can help guide the family and school district through a proven process, designed to offer them an opportunity to create the best solutions together in a collaborative way, while keeping the focus on the student.

### Advantages of Mediation

- Focuses on identifying and meeting the student's current and future needs.
- Helps preserve and improve relationships between schools and families.
- Allows all participants an equal opportunity to discuss solutions.
- What is said in mediation can not be used in any future legal proceeding.
- Is a confidential process, encouraging open and honest discussion, since the content cannot be used against a participant in any future proceeding.
- Is a quick and efficient process.
- Keeps the decision-making with those who know the student best.

### Using Mediation

- Mediation is an informal dispute resolution option which can be used to resolve any special education related disagreements, including disagreements regarding identification, evaluation, development of Individualized Education Programs (IEPs) or Individualized Family Service Plans (IFSPs), placement decisions, and implementation of a free appropriate public education (FAPE).
- Mediation can be used at any time, including before or after the filing of a state complaint or due process complaint.
- If successful, mediation results in a binding legal written agreement, which can be incorporated into the student's IEP or IFSP.

### Mediators

- Are impartial professionals who make sure all participants have an equal voice.
- Do not make decisions or give legal advice.
- Ensure guidelines are followed and the meeting stays focused on the student's success.
- Work with parties to find a mutually acceptable solution.
- Are trained and knowledgeable in special education law.
- Are not employed by the school district or the Michigan Department of Education and remain neutral at all times.

November 2024



## Accessing Free Mediation Services

Special Education Mediation Services (SEMS) is the state approved mediation service offering free mediation services to parents and school districts for collaborative problem solving. SEMS talks with parents about meeting facilitation, mediation, and other options to resolve special education disagreements. Interested parties can visit the [SEMS website](#) for more information, complete the [SEMS online form](#), or call 1-833-Kids 1st (1-833-543-7178) to request more information or services.

## What Is Mediation?

- A collaborative approach to resolve special education concerns or issues, which does not delay or deny a parent's right to a due process hearing or complaint.
- A voluntary process where both parties choose to participate in good faith in a guided discussion, facilitated by a neutral, third party mediator, to resolve special education concerns.
- Free of charge.
- A way to improve communication between parents and schools.
- A confidential discussion focused on the topics of concern, where all parties have an opportunity to express their opinion equally.
- Scheduled when convenient and timely for all parties.
- When the parties reach an agreement, the written agreement is binding and enforceable in any court of competent jurisdiction.

## Resources

- [Center for Appropriate Dispute Resolution in Special Education \(CADRE\)](#)
- [Center for Parent Information & Resources \(CPIR\): Mediation](#)
- [Michigan Alliance for Families: Facilitation, Mediation](#)
- [Michigan Administrative Rules for Special Education \(MARSE\): 340.1724d Mediation](#)
- [Michigan Department of Education \(MDE\): Dispute Resolution Options](#)
- [Special Education Mediation Services \(SEMS\): Mediation](#)
- [U.S. Department of Education, Individuals with Disabilities Education Act \(IDEA\): Mediation](#)



[Michigan Alliance for Families](#)