

Ten Tips for State Education Agencies and Lead Agencies to Improve Their Mediation Agreement Rate

This 'tip sheet' was developed to provide coordinators of mediation programs with ideas and strategies on how to improve their mediation agreement rate (Part B Indicator #19, Part C Indicator #13). These tips address the full range of program issues from policy and training to participant involvement and mediator techniques, recognizing that there are vast differences in state policy, design, coordination and improvement activities.

- Ensure that the appropriate decision-makers are participating in the mediation. Representatives should attend who can make commitments on behalf of the school or service providers, and the family should be encouraged to bring individuals who can support them during the process.
- Review policies and guidelines to ensure they don't act as impediments to the process. For example, setting strict time limits on the length of mediation sessions or restricting the number of sessions may falsely limit problem-solving opportunities.
- Provide additional training. Training for mediators might focus on challenging phases of the mediation process. For example, training could be provided that helps mediators expand their 'managing impasse' strategies. Training for participants might focus on communication skill-building, increasing their capacity to resolve disagreements through the mediation process.
- Utilize a case development process in advance of formally convening the participants. This activity might use staff or mediators to better prepare the participants for their mediation by addressing process and other concerns before the joint session.
- Develop a "Preparing for Participation in Mediation" package for both educators and family members. This collection of resources might include videos, Q & A's, organizing tips, information about the process and role of the mediator, and suggestions on how to best prepare for mediation. Parties often appreciate hearing from the mediator by phone.
- Ensure that mediators are conducting enough special education mediations each year to achieve a high level of comfort with the context.
- Design a process that is culturally and linguistically relevant, including maintaining a roster of mediators who reflect the diversity of your population. Provide training in cultural competence to your panel of mediators. Encourage family members to bring an individual to the mediation who can support them during the process.
- Suggest a location and time that is easily accessible and perceived as neutral, safe and comfortable for all participants. For example, participants might be asked for input about the location options for the mediation meeting. If necessary, scheduling outside of school hours might be a consideration for the mediator and participants. Also, ensure that the mediator does not arrive or leave with either of the parties or visit with one party before the other party arrives.
- Permit individual meetings (caucus) during the mediation, as appropriate, for venting, consultation with advisors, processing and understanding information, and evaluating options. Often, a 'reality check' such as, "*This appears to be heading for impasse. We need to either adjourn or schedule another session...*" will encourage the parties to increase their efforts to find a solution.
- Use evaluation data to pinpoint areas of mediation practice that need attention. Participant exit surveys can provide data that helps mediation program managers to identify systemic concerns and helps ensure that services are continually improved.

For more resources on dispute resolution in special education, visit the CADRE website at www.directionservice.org/cadre

These tips were developed by CADRE in collaboration with the Regional Resource Center General Supervision Priority Team's Dispute Resolution Workgroup. Workgroup members came from the Regional Resource Centers, Regional Parent Technical Assistance Centers, and the Office of Special Education Programs.

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