
**Arkansas Special Education
Mediation Project
U.A.L.R. Bowen School of Law
1201 McMath Avenue
Little Rock, AR 72202-5142
(501) 324-9939
FAX (501) 324-9911 or
Bpwittenberg@ualr.edu**

Arkansas Special Education Mediation Project*

**UALR Bowen
School of Law
Clinical Programs**

***Sponsored by the Arkansas
Department of Education
Special Education Unit**

WHAT IS SPECIAL EDUCATION MEDIATION?

Mediation brings together parents and educators to work with each other to resolve disagreements about a child's special education needs. Special education mediation is voluntary and confidential. The focus is to find a solution that is in the best interests of the child. A neutral party, the mediator, helps parents and school districts resolve their disputes in an informal meeting. The mediator does not make a decision for the parties like a judge or a due process hearing officer. The mediator helps the parties on the following: identify issues, discuss viewpoints, generate options and create solutions agreeable to all.

IS SPECIAL EDUCATION MEDIATION REQUIRED?

No, mediation is voluntary on the part of both parents and local education agencies (schools) and education service centers (co-ops).

WHO ATTENDS THE MEDIATION?

The only people at a mediation are people connected with the problem and the mediator.

WHAT IS A MEDIATOR?

A mediator is an open-minded third person who guides a conversation between the various participants to make sure that it runs smoothly. A mediator helps the parties reach an agreement on their own.

A mediator is **not** a judge. A mediator does not decide how the parties will work out their problem. A mediator will not give legal, financial or professional advice.

HOW DO YOU PREPARE FOR MEDIATION?

List the issues that you want to discuss. Focus on the student's needs, list several solutions that you feel may resolve the issues.

WHAT IF THE MEDIATION DOES NOT WORK?

Mediation does not delay or deny the right to a due process hearing. Mediation encourages mutual respect, promotes communication and contributes to a more positive working relationship in the future.

WHAT IF THE PARTIES REACH AN AGREEMENT?

When parties resolve all or some of the issues, then they work together to write and then sign an agreement. The signed agreement is a contract that is legally binding.

HOW DO I KNOW THE SCHOOL WILL FOLLOW THROUGH WITH THE AGREEMENT?

All parties sign a contract outlining the terms of the agreement that reflects their commitment to their decisions. The signed agreement is a contract that is legally binding. People tend to follow the terms of mediated agreements because they participated in developing them.

WHAT IF I HAVE QUESTIONS ABOUT MEDIATION?

Before you get to mediation, you may call the Program Coordinator to ask any questions and to request mediation. The telephone number is (501) 324-9939. The following website will be very helpful and will provide forms for requesting mediation:
<http://arksped.k12.ar.us>

During a mediation, you can ask the mediator questions at the beginning or at any other time.

HOW LONG WILL THE MEDIATION TAKE?

Mediation may take as long as the parties need to reach an agreement or decide an agreement is not possible. Usually mediations last 1 1/2 – 3 hours.

HOW DO I REQUEST MEDIATION?

School and co-op representatives or parents may request mediation whenever communication has broken down or there is a dispute that can't be resolved. Please call the UALR Mediation Clinic at (501) 324-9939 to schedule this with the Program Coordinator. You may also access materials from this website:
<http://arksped.k12.ar.us>