



## Mediation

Mediation involves parents and schools actively working together to resolve a concern about your child's education. Mediation is part of "dispute resolution," or a problem-solving process, where all parties voluntarily come together to look at options for working out differences about a child's special education needs. Mediation is free of charge and coordinated and facilitated by a neutral (impartial) third party who is qualified and independent of parents and schools.

### Individuals With Disabilities Education Act

The federal *Individuals with Disabilities Education Act* (IDEA) designates mediation as a procedural safeguard, requiring every public school to make mediation available to resolve disputes on behalf of parents and schools. The IDEA requires mediation be funded by the state and free to those participating in the process. When successful, mediation can end in a binding (legal) agreement which can be incorporated with the individualized education program (IEP) or individualized family service plan (IFSP). Mediation is an informal dispute resolution option which can be used to resolve disagreements regarding identification, evaluation, IEPs, placement decisions, and defining a free appropriate public education. As an informal dispute resolution option, mediation can occur before or after filing a state complaint or requesting a due process hearing.

### Using Mediation

Mediation can be used any time there is an issue related to special education. Mediation is usually one of the early steps in the [special education problem solving process](#) and allows for flexible solutions and preserving relationships with schools and families. During mediation, all parties review options to meet student needs. Mediation is a private process and usually is completed quickly, but the length of time will vary by situation. Mediation focuses on identifying and meeting the child's current and future needs.

### Mediators

Mediators do not make decisions or give legal advice. Mediators are impartial professionals who organize and facilitate a mediation meeting. Mediators make sure all participants have an equal voice during the meeting and the opportunity to express their ideas. Mediators ensure rules are followed and the meeting stays focused on the issues. The mediator takes notes during the meeting and works to find an acceptable solution for both parties. Mediators are trained and knowledgeable in special education law and must remain neutral.

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Family Matters fact sheets are intended to enhance public understanding of Michigan's special education system and are not a substitute for official laws and regulations.



## Accessing Special Education Mediation Services (SEMS)

SEMS offers free mediation services to parents and school districts for collaborative problem solving. SEMS offers and will talk to parents about meeting facilitation, mediation, and other options to resolve special education disagreements. Parents can visit the [SEMS website](#) for more information or complete the [SEMS online form](#) to request more information or services.

## What Is Mediation?

- A collaborative approach to resolve special education concerns or issues, which does not delay a parent's right to a due process hearing.
- A voluntary process where both parties choose to participate in a guided discussion, facilitated by a neutral third party mediator, to resolve a special education concern. The mediator is trained in mediation techniques and has knowledge in special education law. A mediator is not an employee of the state or school.
- A way to improve communication between parents and schools which is not confrontational or one-sided.
- A confidential discussion focused on the topics of concern, where all parties have an opportunity to express their opinion equally. Those involved in the mediation process cannot be required to sign a confidentiality agreement prior to, or as a precondition of, mediation taking place ([OSEP Letter of Mediation Confidentiality](#)).
- A meeting scheduled when convenient and timely for all parties.
- Free of charge. Not fee based.
- If the parties come to agreement, the written agreement is binding and enforceable in any state 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 Alliance for Families \(Video\): Working Together When We Don't Agree With the IEP or IFSP](#)
- [Michigan Administrative Rules for Special Education \(MARSE\): MARSE 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**  
information, support, and education

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