

What if the Mediation Does Not Result in an Agreement?

You may continue to pursue other avenues to settle outstanding issues, including continuing your negotiations, filing a complaint, or requesting due process. Often, mediation has clarified or focused the discussion in a way that encourages an agreement after people have left the meeting. This happens often enough to make it a good practice to leave the door open for further discussion.

How Can I Request Mediation?

Mediation will take place if the parent and school staff agree to try it. Once that decision is agreed to, the parties send a request form to the Virginia Department of Education. The Department will assign a mediator, who will contact the parties requesting mediation and schedule the mediation conference.

How Should I Prepare for Mediation?

The purpose of mediation is to seek productive negotiations between the parent and school staff over outstanding issues in special education for a student. Mediation provides the opportunity to discuss issues of mutual concern and re-examine conclusions that have been reached. For tips on preparing for your mediation, refer to the *Key Points* resource on the VDOE Special Education Mediation webpage: <https://www.doe.virginia.gov/home/showpublisheddocument/27484>.

Contact Us

If you need more information about conflicts that might arise over a child's special educational support, please contact:

Coordinator Mediation Services
Office of Dispute Resolution Virginia
Department of Education
P.O. Box 2120
Richmond, Virginia 23218-2120

- ☎ Phone: (804) 750-8143
Voice/Relay: 1 (800) 292-3820
Text users dial 711 for relay server
- ✉ Email: mediation@doe.virginia.gov
Fax: (804) 786-8520
- 🌐 Webpage: <https://doe.virginia.gov/programs-services/special-education/resolving-disputes/special-education-mediation>



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When Negotiations on Special Education Issues are Difficult



MEDIATION

Mediation makes discussion focused and productive, clarifies issues, helps to bridge the gap, and gets results!

**Virginia Department of Education
Department of Special Populations**

What is Mediation?

A neutral, impartial, trained mediator may be sought voluntarily by the parent and school staff to assist in their negotiations with each other. That assistance to convene and conduct a meeting to clarify issues, focus on the needs of a child, explore and evaluate possible solutions in a confidential setting is mediation.

Who is the Mediator?

Mediators are a trained neutral party, skilled in helping people to understand each other and to work jointly to find solutions to difficult issues in special education. Mediators do not take the role of anyone's advocate, but support and assist everyone in the negotiation process.

What are the Advantages to Choosing Mediation?

It provides a timely and effective intervention for people whose views of a child's special needs, progress, or appropriate program are in conflict, making joint planning difficult.

It is a simple and easily used process with proven effectiveness in helping people to focus on a child's current needs, explore the key issues, and develop workable solutions.

Mediation helps people to comprehend each other's interests and concerns. It uncovers new information and encourages new thinking. It engages people's best negotiating and problem-solving skills. Mediation seeks to re-establish or maintain productive working relationships among people in order to create circumstances where joint planning is possible.



Will the Mediator Decide What Should be Done?

Any decision will be in the form of a voluntary agreement between the parent and school staff. The mediator will be active in helping to identify possible points of agreement. When you opt to try mediation, you do not abandon your role to shape, choose, and consent to any settlement made.

What Happens at Mediation?

Each session will be different, based on the mediator's assessment of what is helpful and necessary, but all sessions will have the following elements in common:

- **An Introduction**, which describes the format, roles, and goals of the process
- **Definition of the Issues**, as the mediator elicits the main concerns of the parties
- **Processing Issues**, as the mediator asks questions that expand on the thinking behind the conclusions people have reached
- **Exploring Options**, as the mediator asks parties to examine possible outcomes before evaluating them
- **Closure**, or assessment of options that reveal agreement or honest disagreement

How is Mediation Different from a Hearing?

Mediation is a voluntary and confidential process, conducted in an informal manner. The mediator takes an active role in bringing out issues, helping people reexamine their own and others' ideas.

A hearing is designed to be a more formal, evidentiary process where parties provide testimony under oath to a hearing officer who then, as a judge, makes a decision about what happens next. Refer to the **Comparison of Both** on the Virginia Department of Education Special Education Mediation webpage.

Do I Need an Advocate or Lawyer at Mediation?

You should be well informed about your legal rights and be confident about your ability to represent the interests of the involved child. It is not necessary for you to bring an advocate or attorney to the mediation, but you are able to bring these individuals if you choose to do so.

What Will Mediation Cost?

The mediator's expense is paid by the Virginia Department of Education. If you use its mediation system, your only cost is the time spent at mediation.

What is the Status of a Mediated Agreement?

A written agreement, signed by both the parent and an authorized school representative, is a contract which is enforceable in any state court or competent jurisdiction or in a United States District Court.