Illinois State Board of Education
Special Education Mediation
The Individuals with Disabilities Education Act (IDEA) entitles children with disabilities to a free, appropriate public education (FAPE) in the least restrictive environment (LRE).

Parents and school officials sometimes disagree on what special education services and placement a child should receive under this right.

Recognizing the potential for disputes, the IDEA provides several dispute resolution mechanisms to help parents and school officials resolve differences of opinion.
Mediation is the process of conducting a meeting led by a trained mediator to resolve a disagreement between a family and a district about the services and supports needed by a student with disabilities.

Mediation is a voluntary process designed to help parties reach agreements to resolve special education disputes. As a voluntary process, both the parent and the district must agree to participate in a mediation.

Mediation is administered and supervised by the Illinois State Board of Education (ISBE) and provided at no cost to parents or school districts.
When can mediation be requested?

- Mediation may be requested at any time a parent or a school district spokesperson has an interest in working out issues related to a student’s special education program and have been unable to resolve the issues at the local level.

- Mediation can be requested without filing for a due process hearing or a state complaint.
Who can request mediation?

- Parents, including guardians and educational surrogate parents, of a child with a disability (or suspected of having a disability)
- An adult student (18 years old or older) with a disability
- A school district spokesperson
- An attorney or advocate acting on behalf of a parent
- An attorney acting on behalf of a school district
Who can attend mediation?

- Parent(s) and school personnel may choose who they bring to mediation.
- Mediation participants for both parties **must** include persons who have the authority to act on behalf of the student and the school district.
- Participants should include persons who have knowledge of the student.
- Participants may include attorneys, advocates, interpreters and other relevant parties.
- The number of participants is approximately three or four persons per party.
**Are discussions in mediation confidential?**

- Yes. All discussions that occur during the mediation process are confidential and cannot be used as evidence in any later due process hearing or civil proceeding.

- Mediation participants are required to acknowledge and sign a pledge prior to the beginning on mediation which states they will maintain the confidentiality of all discussions.
Who pays for mediation?

- The services of the mediator are provided by the Illinois State Board of Education (ISBE).
- ISBE will not pay for any advocate or attorney fees or any other costs of the parties associated with the mediation. (For example, mileage, lodging, loss of wages, etc.)
What is the role of the mediator?

- The mediator’s role is to help the parent(s) and school employees understand each other’s concerns, then consider and develop options to resolve the dispute.

- The mediator helps the participants talk about the issues, encourages them to identify and clarify areas of agreement and/or disagreement, and helps them to identify solutions that will be agreeable to both parties.
Are the mediators impartial?

- Yes. A mediator “must not have a personal or professional interest that conflicts with the person’s objectivity”.

- If a mediator has a conflict of interest with respect to a particular case, another impartial mediator will be assigned.
What are the mediator’s qualifications?

- Mediators must have, at minimum:
  - A Bachelor’s Degree from an accredited university;
  - Completed 40 hours of Basic Mediation Training;
  - Experience in mediating disputes; and
  - Basic knowledge of special education federal and state laws.
Agreements include, but are not limited to:

- Actions to be completed;
- Responsibilities of each party;
- Timelines for agreement;
- Agreement to withdraw a complaint or due process hearing, if one exists;
- Agreement to confidentiality of discussions; and
- Notice that the agreement is a legally binding document and is enforceable in any State court of competent jurisdiction or in a district court of the United States. [20 USC Sec 1415 (e)(2)(F)]
If an agreement is reached, what happens next?

- The agreement is signed by the parent(s) and authorized district representative.
- Upon completion of authorized signatures, mediation agreements are legally binding.
- The parent(s) and school district each receive a copy of the Mediation Agreement, Mediation Record (sign in sheet), Mediation Waiver and any other related paperwork.
- The mediator forwards the original copies of all mediation documents to the ISBE for their records.
Role of the parent and school staff:

- Approach mediation in good faith with an intent of reaching an agreement;
- Recognize and respect the ground rules for mediation;
- Present their perspective, including all relevant information;
- Ask for clarification whenever needed;
- Be active participants; and
- Try to understand the dispute and discuss ways of resolving the problem.
More ISBE Resources

Parent Guide – Educational Rights and Responsibilities
Understanding Special Education in Illinois:

Conflict Resolution chapter:
ISBE Resources

- Complaint Investigation
  http://www.isbe.net/speced/html/complaint_investigation.htm

- Mediation

- Due Process
Further questions?

You may contact Sherry Colegrove, Mediation Coordinator, in one of the following ways:

- (866)262-6663 toll-free for parents
- (217)782-5589 main number
- Illinois State Board of Education, Special Education Division, 100 North First Street, N-253, Springfield, IL 62777-0001
- E-mail: scolegro@isbe.net