

- Mediation is a less formal process which allows the parties to discuss the issues and work together with a neutral party facilitating the discussion. The mediator, unlike the IHO, does not issue a decision but rather assists the parties to reach a mutually agreeable resolution to the problem and document that agreement in writing.

Can Mediation Be Requested Prior to a Request for An Impartial Hearing?

Yes. Mediation can be requested at any time including for matters arising prior to or at the same time as an impartial hearing request. Use of mediation to resolve a dispute cannot be used to deny or delay a parent's right to due process, such as the right to an impartial hearing.

If an impartial hearing is requested during mediation and more time is needed for mediation, a request can be made to the IHO to reschedule the impartial hearing. If a mediation agreement is not reached prior to the required initiation date of the impartial hearing, or if the parties inform the IHO that one of the parties has withdrawn from the mediation process, the impartial hearing process must proceed. An IHO may grant specific extensions of time beyond the decision due date upon a determination that a settlement is likely through the mediation process.

Who Must Attend the Mediation Session?

Both the parents and a representative of the school district attend the mediation session. The mediator will lead the mediation session and may discuss ground rules for participation. The main focus of the mediation process is to increase communication between the parties and find a workable solution, and to develop better ways to communicate in the future. The representative of the school district who attends the mediation session should be adequately informed and authorized by the school district to enter into an appropriate agreement on behalf of the school district.

Can Other People Attend a Mediation Session and What Are Their Roles?

State law and regulations do not address who may accompany a party at a mediation session. Either party may be accompanied by others or may consult with others before entering into a mediation agreement. Each party should enter the mediation process understanding and representing his or her rights and interests; however, there may be instances when a friend, family member, advocate or attorney is invited to provide advice and/or support. These invited individuals are, however, not the primary speakers at the mediation session and they are not the

