



PEPP, INC

Parents Educating Parents and Professionals

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MEDIATION

The education for all handicapped children act, P.L.94-142, suggests mediation as a possible step before a due process hearing. In Georgia, school systems are required to offer mediation and wait for the hearing. If a parent accepts mediation, it does not affect the twenty (20) day time-line from the time a due process hearing is requested.

Mediation is a process of resolving conflict. An impartial third party, the mediator, attempts to help parents and school personnel to reach an agreement satisfactory to both parties. The mediator does not decide who is right, but facilitates the discussion by the parents and school personnel until a mutually agreeable solution has been reached. The mediator then rights **Out** the agreement for both parties to sign. This agreement is not a legally binding document, but the decision reached may later be transferred onto the IEP at a meeting called for such a purpose.

The Individuals with Disabilities Education Act (IDEA) Amendments of 1997 outlines the states' obligations for creating a mediation process in which parents and LEAs may voluntarily participate. Section 615(e) of the IDEA amendments of 1997 lists the following requirements for the mediation process:

(2)(A) The procedures shall ensure that the mediation process

- (i) Is voluntary on the part of the parties;
- (ii) Is not used to deny or delay a parent's right to a due process hearing under subsection (f) or to deny any other rights afforded under this part; and
- (iii) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(B) A local education agency or a state agency may establish procedures to require parents who choose not to use the mediation process to meet, at a Time and location convenient to the parents, with a disinterested party who Is under contract with

- (i) A parent training and information center or community parent Resource center in the state established under the section 682 or 683; or
- (ii) An appropriate alternative dispute resolution entity; to encourage The use, and explain the benefits, of the mediation process to the Parents.

(C) The state shall maintain a list of individuals who are qualified mediators And knowledgeable in laws and regulations relating to the provisions of special education and related services.

(D) The state shall bear the cost of the mediation process, including the costs, Of the meetings described in subparagraph (B).

(E) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

(F) An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

(G) Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings and the parties to the mediation process may be Required to sign a confidentiality pledge prior to the commencement of such process.

In Georgia, the mediation can be anyone requested by the superintendent. Parents are free to invite anyone with knowledge of the case to participate. Parents and school systems may request that the justice center of Atlanta provide mediation services. The justice center has received a Hewlett grant for this purpose and the services are provided at no charge to parents and schools.

To request Mediation by The Justice Center of Atlanta, call (404) 523-8236.

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