



# Tips for Participants: Preparing for Mediation

**Special education mediation is for parents and schools when they feel that their concerns are not being heard and understood.**

The Individuals with Disabilities Education Act (IDEA) requires states to have a dispute resolution system, which includes mediation as one of several dispute resolution options.

**Special education mediation is free of charge.**

Prior to and during mediation, the mediator guides the participants through a process that encourages open dialogue, helps clarify the issues, promotes understanding, and works to reach a mutually satisfying agreement that is in the best interest of the student.



Review this handout to understand the role of the mediator and participants **prior to and during the mediation.**

## Prior to Mediation...

### Mediator

- ❑ Explain the mediation process and the role of the mediator.
- ❑ Understand what has happened that led to the conflict.
- ❑ Confirm a list of issues that will be mediated.
- ❑ Uncover solutions to the problem and what they want from the other side going forward.
- ❑ Determine who will be attending mediation.
- ❑ Identify dates and times they are available for mediation and whether they prefer to meet in-person or via Zoom.
- ❑ Ask if they need any accommodations.

### Participant(s)

- ❑ Take notes and ask questions about the mediation process.
- ❑ Bring a list of concerns to the meeting to discuss.
- ❑ Try to write down or verbalize the issues you want to discuss at mediation.
- ❑ Confirm the mediator understands your concerns and what you want to address in mediation. For example, have them repeat the concerns/issues discussed to ensure your concerns were captured correctly.
- ❑ Share your ideas for how to solve the problem and what you need from the other side.
- ❑ Consider if you would like someone else to attend the mediation with you (family member, friend, advocate, etc.).
- ❑ Offer several dates and times that work for you that the mediator can offer to the other side.
- ❑ Share any assistance you might need to fully participate in the mediation process (for example, accommodations or translation/interpretation).

*This resource was developed in partnership between the Delaware Department of Education, the Parent Information Center of Delaware, Inc. and the Conflict Resolution Program at the University of Delaware.*



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## During the Mediation....

### Mediator

- ❑ Welcomes the parties and reviews the mediation process.
- ❑ Encourages the parties to talk about their concerns and desired outcomes.
- ❑ Assists with communication between the parties by acknowledging concerns and emotions and asking clarifying questions.
- ❑ Focuses on areas of disagreement and solicits possible solutions.
- ❑ Acknowledges areas of agreement and documents those in a legally binding agreement.

### Participant(s)

- ❑ Ask questions and seek clarification if you do not understand something.
- ❑ Take a deep breath and/or ask for a break, if needed.
- ❑ Bring paper and pen with you so you can write down questions or things you want to say if something comes to mind when someone else is speaking.
- ❑ Brainstorms possible solutions that work for both parties and are in the best interest of the student.
- ❑ Take time to review and clarify areas of agreement before signing.

If you're still unsure of the process, or have additional questions, contact the Conflict Resolution Program ([sparc-info@udel.edu](mailto:sparc-info@udel.edu)) or Parent Information Center of Delaware ([picofdel@picofdel.org](mailto:picofdel@picofdel.org)) for additional assistance.

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