**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.

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

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**Prior to Mediation...**

<table>
<thead>
<tr>
<th>Mediator</th>
<th>Participant(s)</th>
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<tbody>
<tr>
<td>❑ Explain the mediation process and the role of the mediator.</td>
<td>❑ Take notes and ask questions about the mediation process.</td>
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<tr>
<td>❑ Understand what has happened that led to the conflict.</td>
<td>❑ Bring a list of concerns to the meeting to discuss.</td>
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<tr>
<td>❑ Confirm a list of issues that will be mediated.</td>
<td>❑ Try to write down or verbalize the issues you want to discuss at mediation.</td>
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<tr>
<td>❑ Uncover solutions to the problem and what they want from the other side going forward.</td>
<td>❑ 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.</td>
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<tr>
<td>❑ Determine who will be attending mediation.</td>
<td>❑ Share your ideas for how to solve the problem and what you need from the other side.</td>
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<tr>
<td>❑ Identify dates and times they are available for mediation and whether they prefer to meet in-person or via Zoom.</td>
<td>❑ Consider if you would like someone else to attend the mediation with you (family member, friend, advocate, etc.).</td>
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<tr>
<td>❑ Ask if they need any accommodations.</td>
<td>❑ Offer several dates and times that work for you that the mediator can offer to the other side.</td>
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<td></td>
<td>❑ Share any assistance you might need to fully participate in the mediation process (for example, accommodations or translation/interpretation).</td>
</tr>
</tbody>
</table>
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Review this handout to understand the role of the mediator and participants prior to and during the mediation.

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) or Parent Information Center of Delaware (picofdel@picofdel.org) for additional assistance.

*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.*