

*Disagreements
can be resolved
informally and
cooperatively
through
mediation.*

Mediation

Mediation can help schools and families resolve conflict using a neutral third party called a mediator. The mediator's job is to help parents and the school come to an agreement through informal negotiation and compromise.

Mediation is a tool for resolving disagreements regarding a child's special education needs. In Vermont, mediation (which is voluntary) can also be used to resolve a dispute regarding a child's 504 plan.

Often the mediator will speak with the family and school before the mediation to gain knowledge of the issues. In some mediation sessions, the family and school meet together but in others they do not. Sometimes everyone will meet together and later separate to strategize. Usually the school will have two to three persons involved. This group might include the case manager, director of special education and an administrator. Most mediations involve confidential discussions between the mediator and the family, and the mediator and the school. The mediator uses this discussion process to help parties reach an agreement.

The written agreement that results from mediation becomes part of your child's education record. It is legally binding and enforceable in state or district court.

Information that parents and the school share during mediation is confidential. What you and the school say cannot be repeated during future due process or court proceedings.



The Vermont Agency of Education (AOE) will provide mediation services at no cost to you and the school.

Parents have the right to:

- Request mediation if you disagree with school about your child's special education eligibility, program, placement, related services, evaluation, or Section 504 issue.
- Bring an advocate, support person, or family member.
- End mediation at any time.



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1 800-800-4005

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FAQ

Should I bring documentation to support my disagreement?

Doing so is optional. While it is important to review and prioritize your concerns, mediation is not a hearing where you have to submit evidence.

How do I know what to ask for?

Only you can decide what should be on your "wish list." Be confident advocating for what you believe is an acceptable settlement.

Must I file a due process complaint to get mediation?

No, you can get to mediation two ways. One is by requesting mediation through the Agency of Education, and the other is by filing a Due Process complaint with the AOE at which point it will offer both you and school a resolution session or mediation.

Do I have the right to change my mind after signing the agreement?

Yes, both you and school have an agreement review period. Both parties may agree to void this review period.

How long does it take to get a mediation appointment?

A mediator will be assigned to your case by the AOE no later than 5 days from receipt of a joint written request for mediation or upon receipt of one party's written request and telephone or other confirmation by the other.

Do I need an attorney?

No, you do not need an attorney and the school may not have their attorney present unless you bring one. However, either party may consult with their attorney. Some families use the agreement review period to have an attorney review the agreement.

Preparing for mediation

- Prioritize your concerns and think about what you can settle for.

- Organize any documents you wish to bring. Because mediation is not an IEP meeting or a due process hearing, you do not need the same level of documentation to "make your case."

You can request a break at any time. When scheduling mediation, you can ask for a half day or full day session, two half days or any combination that fits your and the school's schedule.

To request mediation

Write to:

Agency of Education
Special Education Mediation Service
1 National Life Drive, Davis 5
Montpelier, VT 05620-2501

Resources

[Center for Appropriate Dispute Resolution in Special Education \(CADRE\)](#)

Encouraging the use of mediation and other collaborative strategies to resolve disagreements about special education and early intervention programs.
541-359-4210

[Vermont Agency of Education](#)
Special Education Technical Assistance.
802-828-1256

[Vermont Legal Aid: Disability Law Project](#)

The project provides counsel and advice, brief service, and full representation to eligible clients and their family members.
800-889-2047