

Creative approach to mediation helps one family resolve a special education dispute

When disputes arise between a parent and a school district, mediation is not unusual. It is rare, however, for a young child to be directly involved in the process, as was the case with Susan, a mom from Minnesota whose 13-year-old son Bradley was at the table when an agreement was reached about his Individualized Education Program (IEP). “I really wanted Bradley to see how many people cared about him and how hard we were all working to resolve things,” said Susan.

After usual efforts to reach an agreement among members of the IEP team have been exhausted, mediation is one of the voluntary dispute resolution options available to families. In mediation, a neutral third party provided by the state helps parents and their child’s school district resolve disputes over identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE). At least one parent and a district staff person with authority to resolve the dispute (usually the special education director) must attend the conference.

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Bradley is one of seven siblings. He is creative and outgoing but has a processing disorder which causes him emotional stress and difficulty fitting in with his peers. Prior to mediation, Susan had worked with the school to develop Bradley’s IEP, but one key issue was unresolved — Susan wanted Bradley to attend a regular education language arts class so that he could be with his peers in a less restrictive environment. “We were really concerned about the social aspect of



Bradley’s education because he was struggling with that,” Susan said. “You need to try and understand where the teachers are coming from, but you can’t let go of what is important for your child.”

Susan worked closely with a PACER parent advocate to help resolve the issues and build trust with the school. She wanted the school to better understand Bradley’s learning challenges, and felt it would be best if her son was involved in the process. Having Bradley at the table helped the adults in the room grasp the scope of his needs and helped Bradley better understand what he needed to do to be successful. As a result, the IEP was changed to add more structure and additional supports for Bradley so that he could do well in the regular education language arts program. “I was happy that they listened to me,” Bradley said when the mediation was over. “I was really surprised to see everybody getting along, but I liked it.”

To help parents with the mediation process, PACER offers the resource, “Checklist: Preparing for and Attending Mediation” which is available for free download in English, Spanish, Somali, and Hmong at PACER.org/disputeresolution. Once the parties reach a resolution, the mediator puts the agreement in writing. The final document is confidential and legally binding.

“I really appreciated that the charter school was creative enough to allow some flexibility and move toward positive reinforcement,” Susan said. “In our case it was very helpful having Bradley participate in the mediation, and it helped him to better understand what he needed to do. Other families may want to consider this option, too.”

The family’s names have been changed in this story to protect their privacy. For more information on dispute resolution, visit PACER.org/disputeresolution or call (952) 838-9000 and ask to speak with a parent advocate.