

FACT SHEET: BENEFITS OF MEDIATION



Defining Mediation

- Voluntary process to resolve a disagreement between families and school districts about a child's Special Education program
- A skilled and impartial mediator assists the parties to communicate openly and respectfully about their differences and to come to an agreement
- The decision-making power always resides with the participants in mediation

IMPORTANT POINTS

- Families may bring an advocate or attorney to support them at mediation.
- Families or school districts have the right to refuse mediation
- Once a request for mediation is made, the student's classification, program or placement cannot be changed
- The mediation agreement must be written, signed and dated by both parties
- A written, signed mediation agreement is enforceable in court

MEDIATION IS CONFIDENTIAL

- Information shared during mediation **cannot** be used later in due process hearings or civil proceedings.
- Discussions that occur during the mediation process are required to remain confidential.



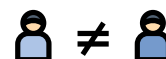
BENEFITS OF MEDIATION

1. Financial and emotional costs are reduced
2. Complex issues can be resolved by people who are closely involved with the student
3. All parties are invested in the outcome and can devise their own solution.
4. Families and schools maintain an ongoing, positive relationship
5. Solutions are reached in a timely manner
6. People tend to follow the terms of their mediated agreements



Mediation Agreements are:

- tailored to the specific situation
- easier to implement since both parties are involved in developing the specific details
- better than a compromise or win/lose outcome
- broad and can cover more than legal issues



RESOURCES FOR FAMILIES

- [SPAN Parent Advocacy Network](https://www.state.nj.us/education/specialed/due/)
- <https://www.state.nj.us/education/specialed/due/>
- [New Jersey State regulations governing mediation](#)
- [Center for Appropriate Dispute Resolution \(CADRE\)](#)

See our companion
Fact Sheet about
Tips for Creating
Agreement