



MEDIATION

- It's **free, statewide** and **effective**
- Can help preserve or repair relationships
- Can happen at any time during the relationship
- Does not impose a solution by an outside party
- Offers the opportunity to talk about the real issues, not just those that are deemed relevant in formal proceedings
- Does not delay or deny due process rights
- Allows parties to create their own agreements; people tend to keep agreements they create

To learn more about mediation and facilitated IEP meetings please contact



MEDIATION CLINIC

**William H. Bowen School of Law
Arkansas Special Education Mediation Project**

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IMPROVE COMMUNICATION

PROMOTE UNDERSTANDING



**ARKANSAS SPECIAL EDUCATION
MEDIATION PROJECT**

WHAT IS MEDIATION?

Mediation is a **voluntary** and **confidential** dispute resolution process. It offers families and providers the chance to **work with each other** and address a child’s developmental needs. Mediation **helps people talk** and work hard on the problem without being hard on the people. The focus is **working together** to find a solution that is in the **best interest of the student**.

WHO IS A MEDIATOR?

A mediator is an **independent** third party who helps identify, discuss and understand **different points of view and issues**. They help parties create options and find solutions that are **agreeable to everyone**.



WHAT A MEDIATOR IS NOT

Mediators **do not make decisions** for the parties. A mediator **will not give legal, financial, or professional advice**.



FACILITATION VS. MEDIATION

	FACILITATION	MEDIATION
OBJECTIVE	Improve the process for developing an IEP	Help the parties negotiate a resolution to a defined dispute
TIMING	Intervene when parties realize discussion will be difficult and complex; BEFORE any impasse is identified	Intervene AFTER parties have reached an impasse
PROCESS	Voluntary	Voluntary
METHOD	Agenda driven. The role of a neutral is to help with <i>meeting process</i>	Issue driven. The role of the neutral is to help with <i>collaborative problem solving</i>
ATTENDEES	IEP Team; Attorneys are allowed	Parties who are able to make decisions or have necessary information; Attorneys are NOT allowed
OUTCOME	IEP developed or not	Written agreement
FOCUS	Conflict Prevention	Conflict Resolution
WHO CAN REQUEST	School personnel, Parents/ Guardians, Children 18 years or older	School personnel, Parents/ Guardians, Children 18 years or older
COST	Free to parents & districts	Free to parents & districts
LENGTH	2 hours allotted	3 hours allotted

The Arkansas Special Education Mediation Project at the UA Little Rock William H. Bowen School of Law offers parents and educators the chance to work with each other and address a child’s special education needs without being hard on the people. Funding for these projects is provided by the Arkansas Department of Education.

WHAT IS AN FIEP?

An **FIEP** or **Facilitated Individualized Education Program** meeting is a resolution option **available to parents of children with disabilities** and school districts/ agencies when it would be valuable to have a **neutral person** facilitate the meeting

Generally, an **IEP facilitator** is requested when parents and school district personnel are experiencing **challenges communicating in regards to the student’s needs**. The product of FIEP meeting is an IEP developed by the entire team.



WHAT FACILITATORS DO

Facilitation **promotes satisfaction** for the group members. It is a process in which a person intervenes to assist the group’s effectiveness by helping to identify issues, **establishing common objectives** and help the group to achieve those objectives in a timely manner.

In an FIEP meeting, the basic outline is set by federal and state requirements and the facilitator will help the parties identify issues and **create a mutually agreed upon agenda** in advance of the meeting.