

## **Frequently Asked Questions Mediation Requests**

### **Are discussions that occur in mediation confidential?**

Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal or District Court receiving assistance under Part B of the IDEA. Whether the mediation agreement should include a statement setting out this confidentiality requirement is not specifically addressed by the regulations.

### **Can attorneys participate in special education mediations?**

Attorneys are allowed to participate in special education mediations. Most of the time, the presence of attorneys is discussed prior to the actual mediation so neither party should be surprised. Because mediation is a voluntary process, any party that objects to the presence of an attorney may withdraw from the mediation.

### **What is the role of the mediator?**

Once the mediator is assigned, the mediator makes the conference arrangements, conducts and facilitates the conference, writes the agreement reached, assures that all copies are signed and given to both parties, and informs parties of their options if an agreement is not reached. If issues cannot be resolved, the mediator will declare that an impasse has been reached and the mediation will be terminated. Mediators use a variety of techniques to give the mediation structure. The mediator helps assists the parent and system representative to clarify the issues in disagreement and to find solutions that are satisfactory to both parties.

### **How long does mediation take?**

Many mediation sessions have been successfully completed in half a day. The mediator will determine whether progress is being made or whether additional time is needed to reach a resolution.