



SPECIAL EDUCATION RIGHTS: ILLINOIS EDITION



Mediation

This fact sheet answers:

- What Is Mediation?
- Does the School Have to Go?
- How and When Do I Ask For Mediation?
- And More

What Is Mediation?

When you and the school disagree about how to educate your child, you can ask for mediation by writing a letter to the Illinois State Board of Education (ISBE) and the school. If the school agrees to do mediation, you will go to a meeting with the school with the goal of getting the school to agree to do what you want. The mediator tries to help both sides agree on how to fix the problem.

Who Is the Mediator?

The mediator works for ISBE. Mediators do not work for the school. Mediators get special training to help two sides come to an agreement.

What Happens in Mediation?

Mediation is usually one meeting at the school that lasts a few hours. In mediation:

- The mediator sets the ground rules.
- The person who asked for mediation says why she asked for mediation, what the problem is and how she thinks it can be fixed.
- The other side listens and then responds.
- The mediator may ask questions to help him understand the problem.
- The mediator may ask to talk with both sides privately.
- If both sides reach an agreement, you will write out what each side will do. Each side has to sign the agreement for it to have power or be “binding.”

Does the School Have to Go?

No. Mediation is voluntary so the school cannot be forced to go.

Why Would I Ask for Mediation?

You can use mediation to get something new for your child in school or to ask that something be stopped. Maybe you think your child needs a new classroom or should take the bus to school. Or maybe you think the school is not following your child’s IEP (Individualized Education Program) or Behavior Intervention Plan (BIP).

Why Would a School Go to Mediation?

Your child’s school might want mediation:

- To stop the problem from getting bigger.
- To keep a good relationship with you.
- To have a mediator who can help both sides stay calm and work together.
- To stop you from filing due process. Due process is like having a trial. It can cost the school a lot of money and time. Mediation is faster and cheaper.

Who Goes to Mediation?

The parent, someone from the school, and the mediator all go. You can bring an attorney or advocate. The school can also bring an attorney, even if you do not. You can bring your child for all of, a part of, or none of the mediation.



When Do I Request Mediation?

You can request mediation at any time. Parents often ask for mediation when an IEP meeting does not fix the problem.

If you have an IEP meeting and something important is taken out of your child’s IEP that you do not agree with, you need to **ask for mediation within 10 business days** of that meeting. Do this in writing and say in your request that you want to get **“stay-put.”** This will keep the IEP as it was while you work out the problem with the school.

If the school says no to mediation, you will need to file for due process (**within 10 days of learning the district said no**) to keep the old IEP in place. See Equip for Equality’s **“What to Do When You Disagree with the School”** and **“Due Process”** fact sheets to learn more.



How Do I Ask For Mediation?

You request mediation from the Illinois State Board of Education. You can use the request form on ISBE’s website: www.isbe.net/Documents/34-15-mediation-request.pdf

You can also mail or fax your request to:

Mediation Coordinator
Illinois State Board of Education
Special Education Services Division
100 North First Street, N-253
Springfield, IL 62777-0001
Phone: 1-217-782-5589
Fax: 1-217-782-0372

Once ISBE receives your request, the mediation coordinator will ask the school if it wants to go to mediation. If the school agrees, ISBE will give you a mediator.

What Should I Write In My Mediation Request?

Give a brief history of your child’s needs, IEP, and schooling. Explain the problem. Explain what you and the school have done to try to fix the problem. Give a few ideas for how you want to fix the problem.

If you are requesting mediation to freeze your child’s IEP, you should write, “I am asking for stay-put.”

What If Mediation Doesn't Work?

If you cannot reach an agreement with the school in mediation, you can file for due process, file a complaint with the Office of Civil Rights, or file a complaint with ISBE.

See Equip for Equality's "**What to Do When You Disagree with the School**" fact sheet to learn more about your options if mediation doesn't work out.

Are There Any Special Rules with Mediation?

Mediation is confidential. This means that if mediation doesn't work, and you file for due process, you cannot use what the school said in mediation to prove they are wrong.

Mediation is binding. This means that both you and the school have to do whatever the agreement says. Both sides can be taken to court for not doing what was promised in the agreement you sign. ■



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Have More Questions?

Call our Special Education Rights Parent Helpline.

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www.equipforequality.org/helpline