

Mediation Agreements

Michigan's State Performance Plan
Indicator 19

www.michigan.gov/ose-eis

Mediation Agreements Matter for Students With Disabilities

 Mediation agreements allow involved parties to resolve disputes in a timely manner, ensuring that students receive appropriate programs and services.

 Mediation agreements are a vital part of alternative practices in the dispute resolution continuum.

Reporting Requirement: Mediation Agreements

Indicator 19 is a results measure.

Indicator 19—Percent of mediations held that resulted in mediation agreements.

Michigan Information on Mediation Agreements

Each state must ensure that districts comply with the requirements of the *Individuals with Disabilities Education Act (IDEA)* and its implementing regulations. Both state and federal law require districts to provide appropriate special education and related services. When disputes arise between educators, parents, and/or service providers, it is important that an impartial system is available to resolve disputes in a timely and equitable manner. Michigan's dispute resolution system includes mediation, state complaints, due process hearings, and resolution sessions.

The Michigan Special Education Mediation Program (MSEMP) provides mediation services at no cost to parents and educators across the state. MSEMP services can address any special education issue, including:

- Eligibility for services.
- Evaluation results.
- Educational placement.
- Discipline.
- Service offerings and delivery.
- Implementation of an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP).
- Communication barriers.
- Relationships.

Mediators are trained by specialists in early intervention law, special education law, and mediation. The MSEMP maintains a roster of more than 100 mediators statewide through a network of 20 local dispute resolution centers.

Michigan's Commitment to Education

Supporting the use of alternative, collaborative practices of dispute resolution remains an ongoing commitment of the Michigan Department of Education, Office of Special Education and Early Intervention Services (OSE-EIS). The MSEMP continues to focus on increasing the use of mediation throughout the state to help parents and educators avoid or resolve conflict relative to special education programs/services. Ensuring access to this service has been an IDEA funded initiative in Michigan for more than ten years.

Defining Mediation Agreements

Mediation is a voluntary, confidential process in which a neutral third party (mediator) helps the disputing parties reach their own resolution. The neutral third party has no authority to decide the case, and the parties have no obligation to reach an agreement. If an agreement is reached, however, the parties involved sign a written document expressing the terms of the agreement, and each party receives a copy. The written agreement is enforceable in court.

Michigan's Performance

Measurable and Rigorous Targets

Indicator Components	FFY 2006 Result	FFY 2007* Result	FFY 2007 Target	FFY 2007 Target Status
Percent of mediations held that resulted in mediation agreements.	80.0%	80.4%	76.0%	Target Met
2.1 (a)(i) Mediations related to due process that resulted in complete agreement.	2	1		
2.1 (b)(i) Mediations not related to due process that resulted in complete agreement.	46	73		
2.1 Total number of mediations held.	60	92		

Source: Michigan Mediation Database.

*Federal Fiscal Year (FFY) 2007=July 1, 2007 to June 30, 2008

Michigan met its target for this indicator, achieving an agreement rate of 80 percent. The number of mediations conducted by the MSEMP increased by 53 percent from the previous year.

For More Information

Michigan Special Education Mediation Program (MSEMP)
www.cenmi.org/msemp

Michigan Department of Education, Office of Special Education and Early Intervention Services (OSE-EIS)
www.michigan.gov/ose-eis

Policy and Guidance Updates— Building the Legacy: IDEA 2004
<http://idea.ed.gov>

Consortium for Appropriate Dispute Resolution in Special Education (CADRE)
www.directionservice.org/cadre

Michigan's State Performance Plan (SPP) and Annual Performance Report (APR)
www.michigan.gov/ose-eis

Michigan Can Improve

-  Coordinate mediator training with current special education issues.
-  Increase the use of IEP facilitation.
-  Implement statewide proposed OSE-EIS dispute resolution policy (when approved), encouraging early collaborative dispute resolution before and after the filing of a state complaint.