

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 and are a no-cost option to the parties involved.

Mediation Agreements Reporting Requirements

Indicator 19 is considered a performance measure of the *Individuals with Disabilities Education Act* (IDEA 2004). The Office of Special Education Programs (OSEP), United States Department of Education (USDOE), has allowed each state to set targets for indicators other than compliance measures in the State Performance Plan (SPP). The target for this indicator was set by the state, represents input from a stakeholder group, and addresses the reporting requirement below.

"Percent of mediations held that resulted in mediation agreements..."

See "Measurable and Rigorous Target" table on the following page to view target data (2005-2010).

Mediation Agreements in Michigan

The Michigan Special Education Mediation Program (MSEMP) provides mediation services at no cost to parents and educators across the state through a network of local dispute resolution centers. Mediators are trained by specialists in early intervention and special education law and mediation. The MSEMP maintains a roster of more than 50 mediators statewide. Mediation is a voluntary process in which a neutral third party 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, 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 Baseline Data

(2.1)	Mediated with agreement:	24
(2.1)	Mediated without agreement:	9
(2.2)	Mediations not held (including pending):	17
(2.0)	Total requests for mediation:	50

Percent: $24 \div 33 \times 100 = 73$ percent

Source: Michigan Complaints and Hearings Database

Michigan's Commitment to Education

Supporting the use of alternative practices of dispute resolution remains an ongoing commitment of the Office of Special Education and Early Intervention Services (OSE/EIS). Ensuring access to this service has been an *Individuals with Disabilities Education Act* (IDEA) funded initiative for over ten years.

Dispute Resolution

Effective Due Process Systems

The IDEA 2004 requires each state to ensure that school districts and other publicly funded educational agencies in the state comply with the requirements of the IDEA 2004 and its implementing regulations. Both state and federal law require local school districts to provide appropriate special education and related services. When disputes arise between parties, it is imperative that an impartial system is available to quickly resolve disputes in a timely and equitable manner.

Michigan's Performance

The OSE/EIS established the targets below based on discussion and input from broad stakeholder groups.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	74% of mediations that result in mediation agreements.
2006 (2006-2007)	75% of mediations that result in mediation agreements.
2007 (2007-2008)	76% of mediations that result in mediation agreements.
2008 (2008-2009)	77% of mediations that result in mediation agreements.
2009 (2009-2010)	78.5% of mediations that result in mediation agreements.
2010 (2010-2011)	80% of mediations that result in mediation agreements.

Actual Target Data (2005-2006)

Michigan exceeded its target with 88 percent of mediations resulting in agreement.

2.1(a)	Mediations related to due process that resulted in complete agreement =	2
2.1(b)	Mediations not related to due process that resulted in complete agreement =	48
2.1.	Total number of mediations held =	57

Percent: $(2 + 48) \div 57 \times 100 = 88$ percent of mediations resulting in complete agreement.

Source: Michigan Complaints and Hearings Database

For more information-

Policy and Guidance Updates- Building the Legacy: IDEA 2004

The U.S. Office of Special Education Programs has created a "one-stop shop" for resources related to *Individuals with Disabilities Education Act* (IDEA 2004) and its implementing regulations.
<http://idea.ed.gov>

Michigan Department of Education, Office of Special Education and Early Intervention Services

Visit this site to learn about compliance, monitoring, and due process.

www.michigan.gov/ose-eis

Consortium for Appropriate Dispute Resolution in Special Education (CADRE)

CADRE, the national center on dispute resolution, encourages the use of mediation and other collaborative strategies to resolve disagreements about special education and early intervention programs.

<http://www.directionservice.org/cadre>

Michigan Special Education Mediation Program (MSEMP)

MSEMP helps parents, educators, and service providers develop productive relationships for resolving issues in early intervention and special education.

<http://www.cenmi.org/msemp>

Additional Information

The MSEMP services are provided at no cost to families and educators for early intervention or special education disputes at any time.

Services can address issues relating to:

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

The MSEMP is a federally funded project of the Michigan Department of Education, Office of Special Education and Early Intervention Services.

Michigan's Efforts to Improve

-  Build capacity of parents and educators to maximize the use of mediation through skill building workshops.
-  Research and introduce new collaborative problem-solving techniques for use in mediation.
-  Improve mediator trainings held to emphasize techniques for reaching agreements.
-  Identify and target areas of the state in particular need of assistance.
-  Use the new compliance database to increase opportunities for use of mediation and track progress in mediation.
-  Increase coordination with the OSE/EIS complaint and hearing staff.

Michigan's complete State Performance Plan (SPP) can be viewed and downloaded at:

www.michigan.gov/ose-eis.