

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.

Reporting Requirement: Mediation Agreements

Indicator 19 is a results measure. The United States Department of Education, Office of Special Education Programs (OSEP) 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.

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

(20 U.S.C. 1416 (a)(3)(B))

Mediation Agreements in Michigan

The Michigan Special Education Mediation Program (MSEMP) provides mediation services at no cost to parents and educators across the state. Mediators are trained by specialists in early intervention and 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. 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, 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.

The MSEMP activities continue to focus on the necessary elements to increase the use of mediation throughout the state in order to help parents and educators avoid or resolve conflict relative to special education programs/services.

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). Ensuring access to this service has been an *Individuals with Disabilities Education Act* (IDEA) funded initiative for more than ten years.

Additional Information

MSEMP services can address any special education issues, including:

- An individualized family service plan (IFSP) or an 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 OSE/EIS.

Defining Dispute Resolution

Effective Due Process Systems

Each state must 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 resolve disputes in a timely and equitable manner. Michigan's dispute resolution system includes mediation, state complaints, due process hearings, and resolution sessions.

Michigan's Performance

For More Information

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

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

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

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

Measurable and Rigorous Targets

Indicator Components	FFY 2005 Data	FFY 2006 Target	FFY 2006 Data	FFY 2006 Target Status
Percent of mediations held that resulted in mediation agreements	88%	75%	80%	Target Met
2.1 (a)(i) Mediations related to due process that resulted in complete agreement	2		2	
2.1 (b)(i) Mediations not related to due process that resulted in complete agreement	48		46	
2.1 Total number of mediations held	57		60	

Source: Michigan Complaints and Hearings Database

Explanation of Progress or Slippage That Occurred for Federal Fiscal Year (FFY) 2006*

There were 86 requests for MSEMP mediation in FFY 2006 and 88 in FFY 2005. The number of mediations conducted increased from 57 to 60.




While the MSEMP exceeded its targets for the past two years, the program's mediation agreement rate declined from FFY 2005 to FFY 2006. There are several possible reasons for this decline:

1. Because mediation is voluntary, agreement rates will fluctuate from year to year.
2. Anecdotal evidence from mediators, schools, and parent advocates suggest that cases referred to mediation are growing more complex and are often referred too late for mediation to be effective.
3. Mediator training sessions may be scheduled too far apart to help mediators maintain their skill levels.

It is important to note that the overall awareness of mediation is increasing, and new activities have been added, or steps included in existing activities, to address the need to intervene early and increase the skills of persons involved in IEP facilitation and mediation.

*FFY 2006=July 1, 2006 to June 30, 2007

Michigan Can Improve

-  Launch a newsletter to highlight MSEMP services and proposed policies at the MDE.
-  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.

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

www.michigan.gov/ose-eis