



# NEBRASKA

## DEPARTMENT OF EDUCATION

## Office of Special Education Mediation Guide

### **What is mediation?**

Mediation is a voluntary, confidential, problem-solving process that promotes respectful and constructive communication between two or more individuals experiencing a conflict. Each side is given the opportunity to explain the situation from their perspective, while the other side listens. A list of issues is developed and addressed one at a time. Solutions to each issue are explored by the parties. When solutions have been found that are satisfactory to both parties, and agreement is written.

### **What types of special education issues can be mediated?**

Disputes involving any matter under Parts B or C of the Individuals with Disabilities Act (IDEA), including matters arising prior to the filing of a due process petition.

### **How much does mediation cost?**

The Nebraska Department of Education has contracted with non-profit mediation centers to provide all services at no cost to parties.

### **Who are the mediators?**

The mediators are professionally trained, affiliated with one of the six non-profit mediation centers, and approved by the Nebraska Office of Dispute Resolution. Mediators attempt to assist the parties to reach a mutually acceptable resolution of their dispute.

Mediators are impartial, neutral, and unbiased, and make no decisions for the parties. Mediators do not provide legal advice or counsel. The mediators are not part of the Nebraska Department of Education.





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### **What will the mediators know about special education?**

Mediators are trained professionals, skilled in facilitating constructive dialogue to address disputes. While they possess specialized training in mediating special education matters, they are not experts in the field of special education itself. If specific expertise is required, the mediators will work with you to identify potential resources or options for incorporating the necessary expertise into the discussions.

### **What if I don't like the agreement?**

There will be no agreement unless you voluntarily accept it. Parties have a responsibility to express themselves during the mediation session. The mediators are skilled at managing dynamics and helping people discern what they really want. Agreements are reached through a powerful process; with numerous steps to assure all the parties are in fact satisfied that their issues and interests have been met. Those who agree to mediate have a very high probability of finding resolution.

### **How will mediation help us?**

Mediation gives all participants equal opportunities to solve their problems by developing an agreement which reflects the best educational interests of the child. If an agreement is not reached, you can still file a state complaint, request a due process hearing, or try mediation at another time.

#### **Mediation Option is...**

**VOLUNTARY** – It is optional to all parties.

**CONFIDENTIAL** – It is an open discussion in a private setting. All communication made during mediation is confidential and not subject to disclosure unless agreed to by the parties. When a mediation session is scheduled, all participants will be asked to sign a consent form.

**AT NO COST TO EITHER PARTY** – The Nebraska Department of Education bears the costs related to mediation. Parties will be responsible for any attorney fees they may incur.

**AN ALTERNATIVE** – Mediation may occur at any time – from early in a conflict, prior or concurrent with a state complaint or a request for due process hearing. It does not interfere with either the right to a state complaint or due process hearing or with state complaint or due process timelines.



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Visit the website: [education.ne.gov/sped/mediation](http://education.ne.gov/sped/mediation)

<p><b>Central Mediation Center – Kearney</b> 308-237-4692/800-203-3452 <a href="mailto:info@centralmediationcenter.com">info@centralmediationcenter.com</a> <a href="http://centralmediationcenter.com">centralmediationcenter.com</a></p>	<p><b>Mediation West – Scottsbluff</b> 308-635-2002/800-967-2115 <a href="mailto:info@mediationwest.org">info@mediationwest.org</a> <a href="http://www.mediationwest.org">www.mediationwest.org</a></p>
<p><b>The Mediation Center – Lincoln</b> 402-441-5740 <a href="mailto:info@themediationcenter.org">info@themediationcenter.org</a> <a href="http://www.themediationcenter.org">www.themediationcenter.org</a></p>	<p><b>The Resolution Center – Beatrice</b> 402-223-6061/800-837-7826 <a href="mailto:info@theresolutioncenter.org">info@theresolutioncenter.org</a> <a href="http://www.theresolutioncenter.org">www.theresolutioncenter.org</a></p>
<p><b>Nebraska Mediation Center – Fremont</b> 402-753-9415 <a href="mailto:nmc@nebraskamediationcenter.com">nmc@nebraskamediationcenter.com</a> <a href="https://nebraskamediationcenter.com">https://nebraskamediationcenter.com</a></p>	<p><b>Concord Mediation Center – Omaha</b> 402-345-1131 <a href="mailto:contact@concord-center.com">contact@concord-center.com</a> <a href="http://www.concord-center.com">www.concord-center.com</a></p>



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