

## **Wisconsin Special Education Mediation System Mediation Trends Report 2000 - 2013**

**Total Surveys = 2,502**

Participant surveys = 1899

Mediator surveys = 660

Attorney/Parent Advocate surveys = 153

Mediation appears to be an effective and efficient way to resolve disputes. The average number of mediation sessions was 1.5 sessions (n=622) lasting approximately 4.3 hours each (n=600). In a significant majority of cases, the participants believed that the mediator was focused (74%; n=1763), used time adequately (88%; n=1759), was impartial (81%; n=1756), and created a comfortable environment (83%; n=1757).

A full or partial agreement was reached in 87% (n=655) of the cases reported by the mediators. Since the start of the mediation system in August 1998, the following data has been collected:

- A formal IDEA complaint had been dismissed in 44 cases as a result of mediation.
- Due Process Hearing requests were dismissed in 133 of the cases due to a mediation agreement.
- 2 individual lawsuits were dismissed due to mediation agreements.
- 8 OCR complaints were withdrawn due to agreement in mediation.

Communication breakdown (60%; n=395/660 and IEP issues (47%; n=308/660) were the most common concerns leading to the need for mediation. Other common concerns included: disagreement over placement (41%; n=271/660), denial of FAPE (29%; n=192/660) and disagreement over identification (15%; n=197/660).

When the mediators identified that the student was receiving services for one disability (n=348/660), they identified autism (30%; n=105/348) followed by emotional behavioral disability (23%; n=79/348). When two disabilities were identified (n=260/660) the most common pair was emotional behavioral disability and autism (15%; n=40/260) followed by learning disability and speech and emotional behavioral disability (1%; n=32/260).

The mediators identified the mother of the child (94%; n=618/660) as well as the director of pupil services/special education (81%; n=533/660) as the most likely to attend mediation. Other people commonly attending the mediation sessions included: father (59%; n=387/660), parent/family advocate (42%; n=275/660), and principal/assistant principal (40%; n=263/660).

An attorney for the parent(s) attended 21% (n=139/660) of the cases and an attorney for the district attended 30% (n=199/660) of the cases.

The majority of the participants (88%; n=1895) were satisfied with the mediation process, and 89% (n=1895) would use the process again. Approximately 88% (n=1889) of the participants would use the same mediator again.

Of the participants who reported they reached an agreement, 88% (n=1581) were satisfied with the agreement and 84% (n=1590) believed the agreement would resolve the problem.

Looking at the participants' view of the mediator, 96% (n=1891) believed that the mediator was able to explain the process thoroughly, was impartial (82%; n=1892), and used time adequately (90%; n=1895). 74% of the participants did not feel pressured by the mediator to reach an agreement (n=1893).

In the cases identified by the participants when an agreement was not reached, participants believed the mediator was effective (61%; n=421) and 69% (n=420) believed that the other parties were not willing to negotiate.