

Other Options



Mediation is not the only way to resolve disputes. You can:

- Ask DPI to clarify your rights with the school.
- Seek help with early dispute resolution from the Pathfinder Parent Center.
- Ask for a Facilitated IEP
- Request a Complaint Investigation from NDDPI
- Consider a Due Process Hearing.

Early Dispute Resolution

If you

- Have read one thing about parent rights but are told another
- Believe the IEP is not working but aren't sure how to get what you need.
- Need a service for your child and are told they are not eligible.
- Tried to resolve the problem locally and can't get a meeting or a solution.
- Have questions or are unclear about what steps to take next.

Contact Pathfinder

1600 2nd Ave SW, Ste. 30
Minot, ND 58701-3459
Phone: 1.800.245.5840 or
701.837.7500

E-mail: info@pathfinder-nd.org
<http://pathfinder-nd.org>



Dispute Resolution

Using the ND Mediation Process to Resolve Disputes



*Help children with
special needs to reach
their goals*

Phone: 1.800.245.5840 or
701.837.7500

What is Mediation?

How Does Mediation Help?

Sometimes parents and schools don't agree on what services or procedures to use when they prepare for or try to develop an IEP. Tensions can rise.

Bringing in a specially trained mediator can help. Why?

- The mediator is neutral and doesn't take sides or make decisions for anyone.
- They assist both parties to move beyond emotion to effective communication and negotiation.
- They help both parties to think about issues and positions.
- They build parent and teacher capacity to better understand with each other.
- They give both parties an opportunity to create a win/win solution.

Contact NDDPI at 1.866.741.3519 or 701.328.2277 for more information about the Mediation process.

How Do I Get Mediation?

Follow These Steps

The parent or the school may ask for mediation.

- To start the process, send a letter or state form asking for mediation to both DPI and the local superintendent. Why?
- Mediation is voluntary and can be used only when both the parent and the school agree to use this strategy.
- Describe the impasse clearly. Do not blame or accuse others. Do let the school know you have serious concerns.
- Be aware that mediation is not binding unless both parties agree.
- Include a statement of what you believe would help to resolve any impasse.

Sign and date the letter or form.

<http://www.dpi.state.nd.us/forms/sfn58305.pdf> Send it to:

**Director of Special Education
ND Department of Public Instruction
600 E. Boulevard Ave. Dept. 201
Bismarck, ND 58505-0440**

What Happens Next?

Know What to Expect

- Both parties will be notified when a letter is received and asked to consent or decline to participate.
- If both parties do not agree to mediation then it will not take place.
- If the school declines you can ask to meet with the superintendent to discuss the basis for the decision.
- The NDDPI will contract with a trained mediator and pay for their time and travel.
- A meeting will be scheduled. Attorneys can be involved but not at the meeting.
- Both parties will have an *uninterrupted* chance to tell their story in a joint session.
- Each party will also have a chance to caucus with the mediator individually. This session will be confidential.
- The mediator will then propose an agreement which either party is free to accept or decline. Some negotiation may take place.
- If agreement is reached, each party will be asked to review and sign a written copy, agreeing to carry out all parts of the agreement.