



AEA Mediation

Iowa Area Education Agencies

AEA MEDIATOR GUIDE

(2017)

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PREFACE

Mediation Processes

AEA Mediation is a voluntary process using an AEA staff member trained in mediation to help resolve issues impartially and at the earliest level. Each AEA has at least one person designated to serve in this role. The process may be requested when disagreements arise between school officials and parents over educational issues. Additional information about this process is available through the AEAs.

Mediation by a State Mediator is a voluntary process designed to resolve disputes in the early stages of an agreement related to special education. An impartial mediator, who is assigned by the Iowa Department of Education, will help both parties come to a mutually agreeable solution. When both parties reach an agreement, a legally binding agreement is written and a “shepherd” is assigned to address any issues that may result during implementation of the agreement.

Question	AEA Mediation Process	State Level Mediation
Who provides?	The AEA staff who have received 8 days of mediation training. In some cases an AEA may request a mediator from another AEA. The AEA may also contact the Iowa Department of Education for assistance from a State mediator.	A trained mediator hired by the Iowa Department of Education (IDE).
What is it?	A form of mediation to resolve disputes. This is an AEA process and not a State process.	A voluntary process to resolve disputes. An impartial mediator is assigned by the IDE.
When can it be used?	Differences occur between: <ul style="list-style-type: none"> • General education • Special education • Section 504 • Other school related situations 	An option available to resolve special education disputes either outside of a request for a due process hearing, or after a due process hearing has been requested.
Who can request?	<ul style="list-style-type: none"> • Parents • AEA or LEA staff • Others involved in school setting 	AEA staff or parents.
If one party requests, does the process have to be provided, regardless?	No. The process is voluntary.	No. The process is voluntary.
Is there a required timeline for requesting or offering?	No.	No.
If an agreement between parties is reached is it considered to be “legally binding?”	No, unless stipulated legally binding by all parties.	Yes.

Summary of AEA Mediation Process

Preparation for the AEA Mediation

- Agency receives request for AEA Mediation.
- AEA Mediator is assigned to the case by the AEA Mediation Coordinator.
- The AEA Mediator calls the requesting party and the lead person for the other party to complete the “AEA Mediator Information Sheet.” The process is explained and questions are answered.
- Schedule the AEA Mediation with all parties and send a follow-up confirmation notice.

During the AEA Mediation

- Determine whether parties desire to hold a non-legally binding or a legally binding agreement. All parties sign the form: “Agreement to Hold AEA Mediation”. Distribute your evaluation form.
- AEA Mediator makes “opening statement” then facilitates the process while serving as the scribe.
- AEA Mediator asks the parties to appoint a “shepherd” to coordinate the implementation of the agreement and serve as a point of contact for all parties.
- The final agreement is printed, signed and distributed the same day if possible. The AEA Mediator closes the mediation session.
- At the close of the mediation session, participants are asked to complete an evaluation of the session. They are provided with the evaluation form and a stamped self-addressed envelope.

Completion of the AEA Mediation

- If the agreement isn’t signed on the day of the mediation, a notice is written and sent with a copy of the final agreement. If the final agreement is legally binding, signatures of the parties are obtained prior to distribution.
- Send Outcome Notification to Special Education Director (or Designated Person for Agency).
- Evaluation data are reviewed by the AEA Mediator and filed in the case folder. The AEA Mediator destroys personal notes after agreement is provided to the participants.
- The AEA Mediator contacts the parent and district approximately 3 months after the mediation to complete the “AEA Mediation Process Agreement Follow-up” form.

AEA Mediation

AEA Mediator's Guide

Preparation for AEA Mediation

1. Agency receives request for AEA Mediation.
2. This request is given to the AEA Mediation Coordinator.
3. Agency Mediator is assigned to the case by the AEA Mediation Coordinator
4. The assigned Mediator calls the requesting party and the lead person for the other party /parties to complete the "AEA Mediator Information Sheet". The process is explained and questions about the process are answered.
5. The assigned Mediator and parties determine who will participate in the AEA Mediation.
6. The secretary supporting the Mediator schedules the mediation.
7. All parties are asked for available dates with follow-up confirmation of selected date or conference call is held to schedule the mediation.
8. Complete and send the "scheduling memo" with the *Preparing for the AEA Mediation* document or brochure attached.
9. Send notification memo to _____ (designated person at AEA, typically person supervising AEA Mediation Coordinator).

During the AEA Mediator Process

1. All parties sign the form: "Agreement to Hold AEA Mediation". Determine whether parties desire to hold a non-legally binding or legally binding agreement. Have both sets of documents ready to use dependent upon their decision.
2. Evaluation forms are distributed with stamped, pre-addressed return envelopes. Emphasize the importance of returning evaluations.
3. Mediator makes "opening statement". (*Refer to AEA Mediator Opening Statements*)
4. Mediation follows the outline, with the Mediator providing guidance and taking notes.
5. Mediator serves as the scribe or secretary, using flip charts or an LCD projector, and produces a draft agreement (refer to template) in the words of participants, ensuring consensus on each statement.
6. Mediator asks the parties to appoint a "shepherd" to coordinate the implementation of the agreement and serve as a point of contact for all parties. (Refer to Shepherd Job Description form)
7. Once the agreement is ready to be written, determine who will transcribe and disseminate the agreement (e.g., a participant or clerical support).
8. A draft of the agreement is printed and distributed. The goal is to get an agreement written and signed on that day, if at all possible, even if it is only a "next steps" agreement.
9. Mediator closes mediation session. After thanking the parties for their hard work in coming to an agreement, ask: "Since you all will likely continue to work together in the future for the benefit of _____, is there anything, in closing, that you would like to say to each other?"

Completing the Process

1. If the agreement isn't signed on the day of the mediation, a letter is written and sent with a copy of the final agreement. If final agreement is legally binding, signatures of parties are obtained prior to distribution.
2. Send Outcome Notification to Special Education Director (or Designated Person for Agency).
3. Evaluation data are reviewed by the Mediator and filed in the case folder. A year-end summary of the results will be provided to _____.
4. Case file is completed and stored in _____. Electronic documents are stored on the AEA's network by the _____ secretary.
5. Mediator destroys personal notes after final agreement is provided to participants.
6. Mediator contacts the parent and district approximately three months after conference to complete the "AEA Mediation Agreement Follow-up" form.
7. At the end of the school year, the AEA Mediation Coordinator will send a summary of mediations (number of mediations, number of those reaching an agreement) to the Iowa Department of Education.

Request for AEA Mediation

I, _____, am requesting a Child Specific AEA Mediation.

Child's name (if appropriate)

Parent's name

Address of child's residence

Parent's address

Child's resident district, school, and AEA

Parent's phone number

District child attends, if different from resident district.

Is there another parent at another address with parental rights? ___Yes ___No

Name and address of that parent

Describe the following (use additional sheets of paper if more space is needed).

1. The nature of your concern:

2. The facts relating to your concern:

3. Your proposed resolution of the concern:

4. What have you already tried to resolve your concern?

Send the completed form to: AEA Mediation Coordinator (Include Contact information.)

AEA Mediation Information Form

Person making request:

Request for an AEA Mediation form received or information taken.

YES NO

Conference with: _____ Date: _____

Identified issue(s):

Name of all individuals involved and their roles:

Has there been a meeting between parties to communicate and clarify the issues or concerns?

YES NO WHEN:

OUTCOME:

Do people consider themselves at impasse?

Name of all individuals to be a part of the AEA mediation (contact person for each party):

Name: Phone: E-mail:

This will be a non-legally binding AEA mediation (unless parties stipulate and agree that it will be legally binding).

Confirmation for Holding AEA Mediation

Date: _____
To: _____
From: _____, AEA Mediator
RE: AEA mediation regarding _____

This is to confirm arrangements for the AEA mediation scheduled for _____ (time & date) at _____. It is my understanding that all of those to whom this memo is being sent will be attending this session. If there are additions, please let me know.

Enclosed please find an explanation of the AEA mediation. It is important that you review the attached document (or brochure) in preparation for our session. Please feel free to contact me if you have questions.

I can be reached at:

Phone:
Fax:
Email:
Mail:

Thank you for your willingness to discuss issues related to _____. I look forward to our time together.

Enclosure: Preparing for the AEA Mediation (document) or Preparing for the AEA Mediation (brochure)

Preparing for the AEA Mediation

The AEA Mediation is a voluntary process in which a third party, a Mediator, assists individuals in disagreement by facilitating a dialogue intended to: (a) clarify the issues involved in the matter and (b) reach a final resolution or a “next steps” agreement intended to lead to a final resolution. Typically, the AEA mediation will take a few hours or less. When scheduling, we ask that you set aside the entire day in case that much time is needed.

The Role of the AEA Mediator

The Mediator’s job is to make it easier for you to talk to each other to gain a better understanding of what you can do together to change the situation which brings you to this process. The Mediator will:

- Explain the AEA mediation process and answer any questions you may have.
- Work with you to establish basic ground rules to be used in the session.
- Help you identify and clarify the issues to be addressed.
- Facilitate the discussion of each issue.
- Assist you in resolving your concerns.
- Make no decisions or judgments about the matter under discussion – all those decisions are the responsibility of the participants.

Ground Rules:

Experience tells us that ground rules are necessary to promote effective discussion when people have differences and feel strongly about them. The Mediator will suggest you keep the following guidelines in mind:

- Let others finish their thought before you speak.
- Be considerate of other’s feelings in speech and body language.
- Listen deeply as if your future and the future of everyone involved depends on understanding what is being said.

The AEA Mediation:

This is a general description of the AEA mediation. A particular session may proceed differently depending on the needs or wishes of the participants.

- Opening remarks by the Mediator.
- Each party shares his or her point of view regarding how he or she sees things – what brings us here today?
- Issues are identified and clarified.
- Solution options for each issue are jointly developed, discussed, and negotiated.
- When the parties reach an agreement, an agreement will be printed and signed following the mediation. (The agreement is written during the mediation, using a computer and projected for all to see.)

Brochure

“Preparing for the AEA Mediation”

Please insert your brochure here.

**Scheduling Memorandum for
Special Education Director or Designated Person for Agency**

Date: _____

To: Special Education Director (or appropriate designee)
AEA
Phone

From: _____, AEA Mediator

RE: Scheduled AEA Mediation

Student name: _____ Birthdate: _____

Student's School of Attendance: _____

Resident District: _____

_____ An AEA mediation has been scheduled

_____ An AEA mediation using an AEA Mediator after parent has requested due process hearing. The agreement will be legally binding under IDEA.

This mediation will be held at _____
(Date and Time)

at _____
(Location)

AEA Mediator's Guide

Persons Participating: _____ **Date:** _____

Mediator:

Introduction:

- Identify/indicate the amount of time available for the meeting.
- Review the format for the meeting.
- Review ground rules.
- Make sure there is a willingness to negotiate on the part of each person.
- Indicate you will take notes.
- Introduce those in attendance.

Review the situation (each tells story without interruption):

- Have the person who initiated the concern tell his or her story first, then the other person(s).
- Identify central themes, specific concerns and any potential solutions generated during their storytelling.
- Clarify INTERESTS (*why* they want what they want) rather than POSITIONS (what they want).
- Summarize and restate.

Brainstorm Solution Options (without critique):

- Invent options for mutual gain.

Evaluate the positive and negative implications of the brainstormed solution options:

- You may wish to acknowledge, validate, empathize, clarify, summarize and restate.
- Reality test the options: What would happen if
- Which solutions are acceptable?
- Which solutions are doable?

Select solutions:

- Decide on the basis of objective criteria.
- Come to an agreement.
- Make commitments – put them in writing.
- Determine how the agreement will be monitored.
- Establish a follow-up date(s) for necessary individuals.

AEA Mediator Opening Statements

_____ Welcome and thank you for coming. My name is _____. I would like you to call me _____. I will be your Mediator today. I am a trained and impartial mediator. [Disclosures]. Are we expecting anyone else?

_____ Please introduce yourself, indicating what you wish to be called.

_____ *Housekeeping:* Restrooms, breaks, lunch

_____ I would like to thank both of you [or groups] for deciding to use this process. I realize you had other options. As you know we're here to seek resolution of some issues on behalf of _____.

Do each of you (referring to district and AEA representative) have the authority to make commitments here today?

_____ *Definition:* The AEA mediation is voluntary. It is an opportunity to clarify issues and come to your own best solution. It is not a court proceeding or an adversarial process. We are to approach the situation as a shared problem and an opportunity to create a mutually beneficial way to move forward.

_____ *Goals:* An agreement, but also greater clarity, and improved communication and relationships. Even if no agreement – better understanding of the entire situation and where to go next.

_____ *My responsibilities:*

Maintain confidentiality.

Be impartial, not a judge

Facilitate the process

Assist you to develop written agreement: I will take notes to help keep us on track.

After we have written the agreement, I will destroy all notes pertaining to this mediation.

Work together to address and resolve issues.

Speak and listen respectfully

Listen without interrupting

_____ In order to help the process moving forward, I have three ground rules for each of us to keep in mind:

1. Let others finish their thought before speaking yourself.
2. Be considerate of other's feelings in speech and body language.
3. Listen deeply as if your future and the future of everyone involved depends on understanding what is being said.

Do each of you agree to these guidelines? Are there any additional ones we need to help make the conversation here comfortable for you?

_____ *Agenda:*

1. Each of you will take a turn giving your perspective, beginning with the person who requested the process.
2. Questions and clarification.
3. We will identify issues and decide which issue to discuss first.
4. We will discuss the issue(s) and brainstorm solutions.
5. We will work on a mutual resolution or I will ask each party to propose a fair resolution.
6. We will work toward consensus regarding a resolution and draft a simple written agreement.

_____ *Begin the session:*

1. Distribute, discuss, and sign Agreement to Hold AEA Mediation (Note: Determine parties preferences regarding confidentiality).
2. To parents: "Can you tell me about_____."
3. To educators: "Is there anything you would like to add?"
4. To all: Let's continue our discussion by reviewing the issues that brought us together today. Could we begin by identifying those issues? (begin with the person who brought the request).

**AGREEMENT TO HOLD AEA
MEDIATION**

*Please Print Your Name, Role, and E-mail
address and then sign your name*

Date of mediation: _____

Beginning time: _____

Ending time: _____

1. I understand that the Mediator will not disclose anything about this AEA mediation that in any way identifies the parties. I also understand that the Mediator cannot be called to testify as a witness in any future hearing regarding this matter unless required by law.

2. I will not blame the Mediator or try to obtain compensation or reimbursement from the Mediator for anything connected to the session—including the agreement we reach.

3. Confidentiality is not a condition for participation but discussion occurring during this meeting may remain confidential if parties agree.
 _____ Discussion will not remain confidential
 _____ Due to the personal and private nature of the matters to be discussed in this meeting, all discussions that occur during this process shall be confidential. I understand this is not intended to prohibit any of us from discussing information, including any written agreement we reach, on a need-to-know basis, with appropriate staff, family members, counsel and professional advisors.

4. If we reach a written agreement, I will support it as written.
 _____ The agreement will be non-binding.
 _____ The agreement will be legally binding.

Printed name and role (Mediator)
Email
Signature
Printed name and role (Person with authority to bind LEA)
Email
Signature
Printed name and role (Person with authority to bind AEA)
Email
Signature
Printed name and role
Email
Signature
Printed name and role
Email
Signature

AEA Mediator's Outline

Element	Objectives	How
Opening	Provide a welcoming, safe and hopeful environment Clarify facilitator role, purpose & expectations Build trust in the mediator and the process	<ul style="list-style-type: none"> • Welcome • Explain purpose and process • Explain the value of the AEA mediation • Clarify role of mediator and parties • Explain impartiality • Explain confidentiality • Establish and/or elicit ground rules
Perspective Sharing	Share points of view Identify issues and feelings Model collaboration and impartiality Make it easier for parties to work together	<ul style="list-style-type: none"> • Ask each to briefly summarize the situation from his/her perspective. • Actively listen • Elicit and list issues • Identify commonalities and differences • Enforce ground rules
Facilitated Dialogue	Enable each to understand how the other experiences the conflict Discover new information affecting the situation Move from understanding to interest-base negotiation Help parties “see” and reflect on accomplishments Maintain a safe, positive environment	<ul style="list-style-type: none"> • Obtain agreement on which issue will be discussed first. • Confirm that each is ready to move to attempt an agreement • Facilitate discussion of the issues and brainstorm solutions. -Help them focus on specific issues and underlying concerns -Point out new information -Use active listening techniques. -Acknowledge positive and cooperative work -Enforce ground rules
Negotiation and Agreement	Facilitate negotiations Help parties jointly craft an agreement	<ul style="list-style-type: none"> • Ask each to describe a fair resolution • Assist with the negotiation of each issue • Help the parties reality-test any resolution • Help parties move beyond impasse • Draft agreement in parties’ own words (they approve and sign) • Affirm common understanding • Ask whether there is anything else that needs to be discussed • Identify a Shepherd to oversee the implementation of the agreement
Closing	Validate hard work and accomplishments End on a positive note	<ul style="list-style-type: none"> • Set number of Shepherd follow ups & dates • Set date & method of mediator follow-up • Make closing statement • Thank them for using the process and provide opportunity for parties to say one last thing to each other since they will be continuing to work together in the future.

AEA Mediator Note Taking Guidelines

A Mediator will take notes during the process and tell all parties *at the beginning of the session that the notes will be destroyed when an agreement is signed.*

The purpose of taking notes during the mediation is to remember and reflect on the key words, phrases or comments from the participants that may be useful in facilitating the conversation and drafting the agreement.

Note taking begins after the Mediator's opening comments when the parties begin sharing their perspectives on the situation. Note taking typically ends when the agreement is written.

The Mediator does not keep verbatim notes. Rather the Mediator records selected statements from both parties as they share information and perspectives. For example, one party may bring new information to the table. After the party finishes speaking, the Mediator may wish to refer to their notes before probing for the meaning and implications of this information for the benefit and understanding of all.

Another purpose served by note taking is for clarification. Perhaps a suggestion has been made quickly in the context of a longer set of thoughts and feelings. After the party has spoken the Mediator can then request additional information so that all parties may be on the same page as they move toward resolution and be aware of their respective responsibilities if they were to commit to the recommendation.

Some Mediators have found it useful to underline comments which reflect INTERESTS (why a party wants what they want) and separate these from POSITIONS (what the party wants).

It can be helpful to scan one's notes to see areas or points of agreement. Identifying and naming these common perspectives to all present can prime the discussion on yet-to-be resolved differences.

Because of the nature of the notes there is no required form or outline to follow. Some Mediators use blank sheets of paper with a heading prepared in advance with the date, location and the first name of the party initiating the mediation. If there is more than one issue to be discussed, there may be separate sections for notes regarding each issue.

It may be helpful to describe or code your intended action next to a comment. For example, you may want to ask for clarification, note that both parties agree with a particular viewpoint, or note that a specific recommendation may be part of the draft agreement.

It may also be helpful to have the AEA Mediators Outline (p. 19) next to your note taking pages so as to guide your work through the various elements of the session.

Remember to reiterate that all notes will be destroyed after the agreement is signed.

AEA Mediator Notes
(Sample)

Date _____ Time _____

Issue # 1

Speaker	Comments from Speaker	Mediator Action (e.g., clarify, incorporate in agreement, request more information, follow-up on interests expressed.)

Non-binding Agreement for AEA Mediation

Date: _____

Re: _____

Agreement between the _____ Community School District and _____, parent. Prepared by _____, AEA Mediator on _____.

The parties listed below met on _____ to resolve issues on behalf of _____.

The agreement between parties is as follows:

Resolution

Description of action to resolve issue identified	Person or agency responsible to initiate and complete an action	Timeline for action
Issue: Action: What has to happen so that parties know this part of the agreement has been met? Describe:		
Issue: Action: What has to happen so that parties know this part of the agreement has been met? Describe:		
Issue: Action: What has to happen so that parties know this part of the agreement has been met? Describe:		
Issue: Action: What has to happen so that parties know this part of the agreement has been met? Describe:		

The following individual(s) will take primary responsibility for ensuring this agreement is carried out:

_____	_____
Shepherd	Position

_____	_____
Name	Position

_____	_____
Name	Position

Those present, in addition to the Mediator were:

_____	_____
_____, Parent	
_____	_____
_____, Director of Special Education	
_____	_____
_____, Principal	

Responsibilities of the Shepherd:

- Serve as point of contact for all parties.
- Monitor the completion of all actions in this agreement.
- Work with parties to resolve any difficulties which arise during the implementation
- Communicate to all parties when the agreement has been completed.

Legally Binding Agreement for AEA Mediation

Date: _____

Re: _____

Agreement between the _____ Community School District and _____, parent. Prepared by _____,
AEA Mediator on _____.

The parties listed below met on _____ to resolve issues on behalf of _____.

The agreement between parties is as follows:

Resolution

Description of action to resolve issue identified	Person or agency responsible to initiate and complete an action	Timeline for action
Issue: Action: What has to happen so that parties know this part of the agreement has been met? Describe:		
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Issue: Action: What has to happen so that parties know this part of the agreement has been met? Describe:		

The following individual(s) will take primary responsibility for ensuring this agreement is carried out:

_____, _____
Shepherd Position

_____, _____
Name Position

_____, _____
Name Position

Responsibilities of the Shepherd:

- Serve as point of contact for all parties.
- Monitor the completion of all actions in this agreement.
- Work with parties to resolve any difficulties which arise during the implementation
- Communicate to all parties when the agreement has been completed.

Contingency Plan: Is a contingency plan needed for any part of the agreement because of something that has the potential to be outside the control of any party in the dispute? (Please include the name of a specific person who may be included during any part of the agreement.)

_____No _____Yes

If yes, describe the plan:

Suggested Next Steps

1. If a final written agreement becomes available on the day of the mediation, the Mediator will provide copies to all parties and request signatures on that date, if possible, from those individuals whom signatures are required.
2. If an agreement was reached but a written agreement was not available for distribution on the day of the mediation, the Mediator will send or e-mail the written agreement to all parties, with separate signature pages for each party from whom signatures are required.

**Mandated Signatures for Legally Binding Written Agreement
(To be completed after the agreement is finalized)**

The undersigned parties agree:

1. This is a legally binding agreement enforceable in any state court of competent jurisdiction or in a district court of the United States.

2. This agreement is in force for the period _____ unless changed by the IEP team or by mutual written consent of the parties.

3. _____ is the shepherd of this agreement. As such she/he is the person others may contact with questions or concerns about the agreement's implementation.

Print and Sign (Parent)

Date

Print and Sign (Parent)

Date

Print and Sign (Designated representative of LEA)

Date

Print and Sign (Designated representative of AEA)

Date

Job Description for Shepherd

Brief description of the nature of the job, its scope and responsibilities.

A shepherd guides the implementation of an agreement and is the person any of those involved in an AEA mediation will contact with questions or concerns about the agreement being followed. A shepherd is also the point of contact for any of those involved who believe that additional effort is needed to resolve differences. As a general rule the shepherd is a LEA or AEA staff member, is present at the AEA mediation and is named shepherd by agreement of the others present. Exceptions to this rule are possible with the consent of the parties to a given AEA mediation.

1. Essential job functions.

Item	Responsibility
1	Reviews the agreement to see who is responsible for taking specific actions and by what date those actions are to be taken.
2	Checks with persons identified in #1 above to see whether they have done what was agreed to do by the date agreed upon.
3	If an agreed upon action has not been accomplished, works with the person(s) responsible for the action on the specific steps that need to be taken to comply with the agreement.
4	If a specific action agreed upon turns out to be unworkable for any reason, contacts the parties to seek an appropriate written modification of the agreement and/or a return to the AEA Mediator Process.
5	If an agreement is modified repeats functions 1-4 as needed.
6	Responds to inquiries and/or concerns from parties to the agreement about implementation and takes corrective action as needed.

AEA MEDIATION EVALUATION

Date _____

Please take a few minutes to respond to the following questions. Your views are very important to us, and will be treated confidentially. A return envelope is provided for your convenience.

Preparing for the AEA mediation

1. What did you expect to achieve from participating in the AEA mediation?

2. What concerns, if any, did you have about participating in the AEA mediation?

3. In preparing for you AEA mediation, how helpful were the following:

Scheduling Memo ___Helpful ___Not helpful ___Not received ___Not needed

Preparing for AEA mediation ___Helpful ___Not helpful ___Not received ___Not needed

Phone call with AEA Mediator ___Helpful ___Not helpful ___Not received ___Not needed

4. Did you feel prepared to participate in AEA mediation?

During the AEA Mediator process:	Strongly Agree	Agree	Disagree	Strongly Disagree
5. The AEA mediation was explained adequately by the Mediator.				
6. I was given the opportunity to discuss and explain the issues important to me.				
7. My views were considered before any solutions or agreements were made.				
8. I was treated fairly by the Mediator involved in the case.				

9. Comments on my experience with the AEA mediation:

Outcome of the AEA mediation

10. I was satisfied with the outcome of the AEA mediation.

Agree Undecided Disagree

11. On how many issues did you reach an agreement All Some None

If none or only some of the issues were resolved, is there anything else that could have been done to help reach an agreement on additional issues?

12. Regardless of whether or not an agreement was reached:

Did you get a better understanding of the issues? Yes No

Did you get a better understanding of your own interests? Yes No

Did you get a better understanding of others' interests? Yes No

Did you feel that communication between participants improved? Yes No

13. What is your overall evaluation of the AEA mediation?

Excellent Good Average Poor

14. Comments about your AEA mediation experience with this Mediator.

OPTIONAL: What role did you have at the AEA mediation?

Parent/Student AEA School Other

Advocate for _____

After the Meeting Reminders

After the meeting a few activities are recommended prior to closing the file:

1. If the agreement isn't signed on the day of the process, a memo is written and sent with a copy of the final agreement. If final agreement is legally binding, signatures of parties are obtained prior to distribution.
2. Complete and submit Outcome Notification to Special Education Director (or Designated Person for Agency).
3. Evaluation data are reviewed by Mediator and filed in the case folder. A year-end summary of the results will be provided to _____.
4. Case file is completed and stored in _____. Electronic documents are stored on the are stored on the AEA's network by the _____ secretary.
5. Mediator destroys personal notes after final agreement is provided to participants.
6. The AEA Mediation Coordinator completes documentation of the case in the agency's mediation database
7. Mediator contacts the shepherd approximately 1 month after conference (or as scheduled) to complete the "AEA Mediation Follow-up" form.

Final Agreement Letter

(This will only be used if agreement was not signed on day of mediation)

[ADDRESS]

[DATE]

RE: AEA Mediation Agreement for _____

Dear _____,

Attached please find a copy of the signed agreement. I was impressed by your hard work during the time we were together and the respect demonstrated by all parties. The completion of this agreement ends the formal part of the AEA mediation.

Mark one:

This agreement is legally binding and should be carefully followed by responsible parties (if parties agreed the agreement was legally binding). or

Although this agreement is not legally binding, I am confident that it will be honored as the consensus of the group.

I will now destroy my notes for this session. Please do not hesitate to call on me if I can be of further assistance.

(your name)

AEA Mediator

AEA

Street Address

City, State, Zip

Phone, ext. _____ (your extension)

**AEA Mediation Outcome Notification to
Special Education Director or Designated Person for Agency**

Date: _____

To: Designated Person at AEA

From: _____, AEA Mediator

RE: Mediation Agreement

The AEA mediation was held for _____
(student) (birthdate)

On _____
(attending school) (date)

- _____ Agreement was reached in _____ session(s).
- _____ Some progress was made, but all issues are not yet resolved.
- _____ Agreement was not reached.

Comments:

AEA Mediator

Phone Number

**AEA Mediation Agreement Follow-Up
(Three-month follow-up)**

This form would be sent to the parent only.

AEA Mediation: _____
Date of mediation: _____

Today's Date: _____
Mediator: _____

You recently participated in an AEA mediation on behalf of your child. The AEA would like to know how things are going after all parties reached an agreement. A copy of the agreement is enclosed. The district is being sent a similar questionnaire. Please take a few minutes to complete this questionnaire, use the back of this form if you need more space. Thank you for taking the time to complete this form.

1. Are all parts of the agreement being followed? _____ Yes _____ No (If you marked no, indicate directly on the enclosed copy of the agreement what part of the agreement is not being followed.) What is your understanding of why this part of the agreement is not being implemented?

In case of dissatisfaction, did you contact the designated shepherd? _____ Yes _____ No

What resources/services would be needed to help implement the agreement?

2. What positive or good things have come about because of the agreement?

3. Has anything negative or disappointing happened because of the agreement?

4. Do you have any other comments about the agreement of the process?

Please return this form and a marked copy of the settlement agreement (in the envelope provided) in order to help us monitor the process.

Your response will not be shared with the district unless you indicate that you would like us to do so.

No, don't share. _____

Yes, please share. _____

AEA Mediation Agreement Follow-Up
(Three-month follow-up)

This form would be sent to the district only.

AEA Mediation: _____
Date of mediation: _____

Today's Date: _____
Mediator: _____

You recently participated in an AEA mediation on behalf of a child in your district. The AEA would like to know how things are going after all parties reached an agreement. A copy of the agreement is enclosed. The parent is being sent a similar questionnaire. Please take a few minutes to complete this questionnaire using the back of this form if you need more space. Thank you for taking the time to complete this questionnaire.

1. Are all parts of the agreement being followed? _____ Yes _____ No (If you marked no, indicate directly on the enclosed copy of the agreement what part of the agreement is not being followed.) What is your understanding of why this part of the agreement is not being implemented?

In case of dissatisfaction, did you contact the designated shepherd? _____ Yes _____ No

What resources/services would be needed to help implement the agreement?

2. What positive or good things have come about because of the agreement?

3. Has anything negative or disappointing happened because of the agreement?

4. Do you have any other comments about the agreement or the process?

Please return this form and a marked copy of the settlement agreement (in the envelope provided) in order to help us monitor the process.

Your response will not be shared with the parents unless you indicate that you would like us to do so.

No, don't share. _____

Yes, please share. _____

Appendices

AEA Mediator Coordinator Job Description

1. Brief description of the nature of the job, its scope and responsibilities.

An AEA Mediator Coordinator is the AEA contact person for those interested in having the assistance of AEA Mediators to assist with resolving differences.

There are at least four options that may involve arranging for a Mediator by the Coordinator:

- To make arrangements for using mediation,
- To arrange for an AEA Mediator to act as an IEP Facilitator **at an IEP meeting**,
- To arrange for an AEA Mediator to facilitate a “resolution meeting” to resolve issues after a parent has filed a due process hearing notice to the district and AEA, or
- To appoint an AEA Mediator to assist at **any other type of meeting** to serve as a facilitator when conflict may be anticipated.
- Other.

The Coordinator makes individuals throughout the AEA and its service area aware of the AEA mediation process, answers general and specific questions about mediation and Mediators, and receives requests for using Mediators.

Using the AEA’s intake process the Coordinator determines whether particular situations are appropriate for using Mediators, assigns Mediators, receives evaluations if using mediation (and other possible follow-up forms), and debriefs the Mediators following their assignments. The Coordinator is also a Mediator and may assign himself or herself to given cases. If a situation is deemed not to be appropriate for mediation the Coordinator makes referrals to an appropriate resolution option.

The Coordinator arranges training for AEA Mediators and maintains the AEA’s roster of qualified Mediators.

In addition, when the Coordinator is initially contacted, he/she may offer problem solving that may assist with resolution without using mediation.

2. Essential job functions.

	Responsibility
(1)	Promote AEA mediation.
(2)	Receive and respond to requests for information.
(3)	Gather information from persons making requests for mediation.
(4)	Assign Mediators when appropriate.
(5)	Provide required forms to parties and to Mediators.
(6)	Receive evaluation and other required forms following the mediation and maintain files on each case.
(7)	Debrief and/or coach Mediators.
(8)	Maintain and update as needed AEA’s mediation procedures, manual and forms.
(9)	Arrange for introductory, advanced and refresher mediation training and maintain AEA’s roster of qualified Mediators.

3. Job qualifications.

Necessary education or work experience:

- Introductory and advanced mediation training, experience in administering or coordinating of policy and procedures, experience in working with a diverse set of persons in a wide range of roles in PreK-12 settings, including persons with differences, and experience in program design and promotion.

Required knowledge and skills:

- Mediation and collaborative negotiation, program design, administration and marketing skills.
- Knowledge of human and organizational behavior, and knowledge and understanding of a range of appropriate conflict resolution options.
- Working knowledge of the IEP and 504 processes if facilitating actual IEP or 504 meetings.

Other qualifications:

- Collaborative problem solving ability.
- Appreciation of the importance of, and attention to, detail and timeliness.
- Patience, tolerance for ambiguity, a caring attitude and the ability to convey that attitude to others.
- A commitment to confidentiality.
- A passion for helping persons with differences find the most appropriate means of addressing and resolving those differences.

Note: It is important that all parties understand who the AEA Mediator Coordinator reports to when acting in this role.

Summary of Mediator Activities

AEA _____ Mediator Coordinator(s) _____

Request received by Coordinator – enter date and ID#	Type of action -a party declined -complaint to DE -AEA mediation -Resolution meeting -Other action such as Coordinator facilitating an IEP meeting. Specify other. enter one of these 5	Coordinator assigned to case – enter date and name of Mediator	Mediation held – enter date and location	Key issues and other comments	Outcome of mediation (e.g., agreement signed, move to state level mediation hearing, etc.)	Evaluations received– enter date and number of evaluations -enter date that evaluations were shared with Mediator

AEA Mediation Statewide System

Question #1. What does having a statewide AEA Mediation system mean?

AEA mediation is a statewide mediation and conflict resolution process available through each of Iowa's 9 intermediate agencies (area education agencies). Each AEA has a designated person (or persons) known as the AEA Mediation Coordinator. The major goal of the AEA mediation is to have an option available to help resolve differences at the earliest possible time. Another goal is to have individuals receive mediation training so that individuals will enhance their skills to address differences and meaningfully resolve conflicts in a collaborative manner.

Question #2. What type of circumstances may involve the use of an AEA Mediator?

The conflict or concerns may involve general education, Section 504, special education, Early ACCESS, or any school-related issue. The conflict may be between educators and parents, educators and educators, or any other employee hired by the district or AEA.

There are several reasons a Mediator may be involved:

- To explore the dispute resolution options, including *AEA mediation*, due to a conflict.
- To act as an IEP Facilitator at an *IEP meeting* if there is potential for an adversarial meeting;
- To facilitate a "resolution meeting" to resolve issues following a parent filing of a due process hearing notice to the district and AEA; or
- To assist at *any other type of meeting* to serve as a facilitator when conflict may be anticipated.
- Other

Question #3. How does someone request a Mediator?

Step One. Contact the designated AEA Mediation Coordinator.

Step Two. Inform the Coordinator reason this is desired (from Question #2 above).

Step Three. The Coordinator will determine whether the request can be approved and act accordingly. Use of mediation will be at the discretion of the parties involved.

Question #4. What if the AEA does not have a Mediator available?

If the AEA Mediation Coordinator does not have a Mediator available or the Coordinator believes the conflict is of a magnitude greater than the AEA is willing to attempt to resolve, the Coordinator should contact the Iowa Department of Education Consultant assigned to State Mediators for assistance. The State of Iowa has agreed to use its state mediators when the Coordinator seeks assistance from the State.

Question #5. Other than the trainings that are available to assist with mediation skills are there other technical assistance opportunities to help the AEA Mediators refine and enhance their skills?

Yes, the Iowa Department will provide mentoring and coaching for the AEA Mediators for any of the four reasons listed above in the answer to Question #2. For more information contact the Iowa Department of Education Consultant assigned to State Mediators at the Iowa Department of Education.

Question #6. What type of training have the AEA Mediators received?

This cadre is made up of people who have successfully completed both Introductory and Advanced Mediation training.

Question #7. What happens if a party considering using mediation does not perceive the AEA mediator can be impartial?

The party should indicate to the AEA Coordinator that he/she would participate in the process if the Mediator was not from the resident AEA. The coordinator could contact an AEA that is willing to participate in an exchange system or the Coordinator could contact the Iowa Department of Education Consultant assigned to State Mediators for consideration of a state level mediator. In addition, the coordinator could also review other mediation options that could be used if the issue involves special education.

Question #8: How are costs handled for exchange programs, using AEA mediation?

The service is exchanged without cost, although the agency using the service may reimburse the sending AEA expenses such as mileage, meals, and motel. When the State mediators are used, the State will cover the costs.

Question #9: How do people know the process is available?

Each AEA is responsible for promoting and disseminating information about AEA mediation, such as disseminating brochures or including the information on district and AEA website. The State is also instrumental in promoting its use.

Question #10: Since mediation is used by the entire AEA and is not just for special education issues, how do other AEA divisions promote it?

Each AEA Special Education Director has spoken before his/her administrative group. Someone from the AEA may also want to speak at one of the AEA monthly superintendent meetings. Other ways to promote this service could include: (1) through school counselor contacts, (2) through AEA newsletters and publications (3) through information specialists at the AEA and (4) at the principal meetings.

Question #11: What training is available statewide for resolving conflict?

- **RESPECT in the IEP Process:** Recognizing Everyone's Strengths by Peacebuilding, Empathizing, Communicating and Trust building. The goals of the course are to teach IEP team members how to honor and resolve differences that arise among families and educators and how to think and act like facilitators/coaches in IEP meetings even though that may not be their formal role. (4 days spread over 9 - 12 weeks to allow participants to practice new skills and concepts between training sessions).
- **Introductory Mediation** (4 days)
- **Advanced Mediation** (4 days)
- **Refresher courses** for those who have completed any of the above (typically, one day)

Guidelines for Mentoring AEA Mediators

Introduction

The coach's or mentor's role is to help AEA Mediators (referred to hereafter as Mediators) improve their practice. It is, therefore, a developmental opportunity for the Mediator and a mentoring opportunity for the coach. When giving feedback, the coach must be both honest and supportive.

The coach's responsibilities include:

1. Telephone consultation to coach the Mediator in his or her preparation for the facilitation.
2. Co-mediation or observation at the Mediator's discretion.
3. Debriefing immediately following the mediation.
4. Follow-up telephone coaching of up to one hour within a week following the mediation to address any questions or concerns the Mediator (or coach) may have.
5. A written confidential report given only to the Mediator providing assessment and suggestions for further development. This report is to be provided no more than two weeks after the mediation.

Coaching the Preparation

This is both an open-ended conversation in which the coach first, responds to questions the Mediator might have about an upcoming session, and second, inquiries about aspects of mediation that the Mediator believes he or she especially needs to work on. Additionally, the coach could provide some guidance to the Mediator regarding best practices that the state mediators have put in place over the years.

The coach may address some or all of the following questions to help the Mediator prepare for the session:

1. What are the issues to be mediated?
2. What have the parties done already to resolve matters?
3. Do you have any special concerns about the matter?
4. What are your goals for the session?
5. Have the parties agreed to have me present and how will you introduce me?
6. How many people will be at the table and how do you plan to seat them?
7. Are there cross-cultural factors involved? If so, how will you address them?
8. Do any of the parties have any special needs that must be accommodated?
9. Have you sent each person written information on preparing for a mediation, including an Agreement to Participate Form?
10. Have you spoken with the parties to explain the process and to answer any questions they have?
11. Are you confident that the parties understand your role and responsibilities as well as their own?
12. Is your opening statement ready to go?
13. Do you have some ground rules in mind?
14. Have you given any thought as to what the form of any agreement reached might be? Have you spoken with the parties about this?
15. What are your expectations of me during the session?

16. If you should want to confer with me during the session, how would we handle that?
17. What time would you like me to be there?

There are several best practices the coach might let the Mediator know about including:

1. The concept of the shepherd, and the current language pertaining to the shepherd, that appears in the mediation agreements.
2. The value of having signed agreements and of having them signed the day of the mediation when at all possible.
3. The idea that some state mediators have found it helpful to type agreements on a laptop during the session and to display them using an LCD projector.
4. The idea that some state mediators, rather than typing the agreements themselves, thus distracting them from their ability to facilitate, have found it useful to have someone else available to do the actual typing.

Debriefing Immediately Following the Session

First, have a conversation about how the Mediator feels the session went and give your general observations. Next, discuss those things the Mediator said he or she wanted to work on; ask how that went. Third, go through your specific observations to provide feedback on what went well and what the Mediator might have done differently. In giving this feedback, be specific about the point in the session to which you are referring and refer to specific words the Mediator spoke or specific techniques the Mediator used. It is sometimes helpful to ask the Mediator about his or her thinking behind a question that he or she asked or an intervention he or she attempted. Finally, close the debriefing on a positive note.

Follow-up Telephone Coaching

While the laptop/LCD approach to agreement writing may be good practice, there are other approaches. For example, a mediation might result in a rough draft agreement, written on flip chart paper and later transcribed by the Mediator and sent out to the parties for their review. In such a situation, the follow-up telephone coaching could focus on the draft agreement and any questions the Mediator or the coach might have before it is sent to the parties.

Given that both the coach and the Mediator have had time to reflect on the session, it might also be a good time to deal with any questions or concerns either may have about any aspect of the process or the Mediator's approach. It would be good to also ask the Mediator if there are any areas of the mediation process or his or her handling of the session that he or she would like the coach to focus on, or to give advice on, in the written confidential report to follow.

One size will not fit all, so what follows should serve only as general guidance as to the specifics the coach could focus on in the report.

These guidelines are arranged in terms of the elements of the mediation that the Mediators are familiar with from their training. They have to do with how effective the Mediator was in facilitating and in managing each element of the process.

Again, these are guidelines. They are comprehensive and are not meant to suggest that each individual question below ought to be addressed in a written report. Each element of the mediation process should be addressed, however, as should the Mediator's effectiveness in handling certain factors that might arise

such as strongly or quietly expressed emotions, one party's attempt to exert power over the other, an impasse, cultural factors, and/or ethical dilemmas. The coach might also comment on mediator techniques he or she observed being used, such as specific questioning techniques, reframing, and specific impasse-handling techniques. Finally, the coach could comment on the Mediator's presence such as the qualities and personal characteristics he or she brought to the room that contributed to, or detracted from, an atmosphere conducive to meaningful conflict resolution.

The Mediator's Opening

How effective was the Mediator in:

1. Creating a safe, positive, and hopeful environment?
2. Setting a collaborative tone?
3. Helping the parties begin to develop trust in the process and in the Mediator?
4. Explaining the purpose of the session and how it typically unfolds?
5. Clarifying the roles and tasks of the Mediator and the parties?
6. Clarifying what is to happen in terms of any agreement reached in the session?
7. Eliciting and/or establishing ground rules?
8. Handling the matter of confidentiality?
9. Answering any questions the parties may have had?
10. Transitioning to perspective sharing?

Perspective Sharing

During this element of the process, how effective was the Mediator in:

1. Eliciting the parties' perspective on the situation and how each has been affected by what has happened?
2. Listening to the perspective of each as evidenced by acknowledging, validating, empathizing, clarifying, and summarizing?
3. Exhibiting impartiality?
4. Advancing each party's understanding of the other's perspective?
5. Identifying both the presenting problem and the interests underlying the positions of each party?
6. Identifying commonalities and differences?
7. Presenting reminders about ground rules?
8. Clarifying and framing the issues to be mediated?
9. Laying the groundwork for a conversation between the parties?
10. Transitioning to that conversation?

Facilitated Dialogue

During this element of the process, how effective was the Mediator in:

1. Helping each party understand how the other experiences the conflict?
2. Bringing to the surface any new information that affects the situation between the parties?
3. Maintaining a safe, positive, and hopeful environment?
4. Making it possible for the parties to engage in dialogue, listen to each other, and understand what the other is saying?
5. Facilitating dialogue in emotion-laden situations?
6. Facilitating dialogue on each of the issues to be mediated?
7. Facilitating dialogue on both positions and interests?
8. Presenting reminders about ground rules as needed?
9. Helping the parties reflect on what they have accomplished so far in the process?
10. Helping the parties to transition from understanding each other to interest-based negotiation?

Negotiation and Agreement

During this element of the process, how effective was the Mediator in:

1. Facilitating interest-based negotiation?
2. Help the parties move beyond impasse?
3. Helping the parties make their own decisions, including in situations where a power imbalance might have interfered with one party's ability to decide for him or herself?
4. Helping the parties brainstorm and reality-test possible solutions?
5. Helping the parties craft a mutually beneficial written agreement? An agreement will be tightly written, making it clear who is responsible for what actions and when, and which would pass the stranger test.
6. Helping the parties think through whom they will contact, or what they will do, if something they agreed to does not work out?
7. Helping the parties identify a shepherd as a first point of contact with questions or concerns about implementation?

Closing the Session

1. Did the Mediator validate the parties' hard work and their accomplishments?
2. Did the Mediator make a closing statement that ended the session on a positive note?

Mentor's Notes: The Process

<p>Mediator's Opening: safe positive environment • collaborative tone • trust in process and facilitator • purpose & structure of session • roles and tasks of facilitator and parties • agreement procedure • communication guidelines • confidentiality • questions • transition</p>	
<p>Perspective Sharing: eliciting perspectives and effects • listening actively • impartiality • advancing understandings • presenting problem and underlying interests • commonalities and differences • reminders regarding ground rules • framing issues • reframing • groundwork for parties' dialogue • transitioning to dialogue.</p>	
<p>Facilitated Dialogue: parties understand how the other experiences the conflict • surfacing new information • safe, positive, hopeful environment • facilitating dialogue on each issue & facilitating listening & understanding • handling emotions • facilitating dialogue on positions and interests • reminders about ground rules • reflect on accomplishments • transitioning from understanding to negotiation.</p>	

<p>Mediator's Opening: safe positive environment • collaborative tone • trust in process and facilitator • purpose & structure of session • roles and tasks of facilitator and parties • agreement procedure • communication guidelines • confidentiality • questions • transition</p>	
<p>Negotiation and Agreement: facilitating interest-based negotiation • handling impasse • handling power imbalance • brainstorm and reality-test solutions • serve as scribe for written agreement that is tightly written, passes the stranger test, addresses contingencies as appropriate, and identifies a shepherd as appropriate.</p>	
<p>Closing: validation • closing statement ends on a positive note.</p>	

Mentor's Notes: Additional Comments

<p>Facilitator's Presence: qualities and personal characteristics contributing to, or detracting from, atmosphere conducive to meaningful conflict resolution</p>	
<p>Questions and Questioning Techniques: open and closed, non-judgmental, probing, etc.</p>	
<p>Handling Emotions, Power and/or Impasse:</p>	
<p>Cultural Factors and/or Ethical Dilemmas:</p>	
<p>Areas the Mediator wanted to work on:</p>	

<p>Facilitator's Presence: qualities and personal characteristics contributing to, or detracting from, atmosphere conducive to meaningful conflict resolution</p>	
<p>Other comments:</p>	