

POLICY

2018

7690
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STUDENTS

SUBJECT: SPECIAL EDUCATION MEDIATION

The District will offer mediation as an alternative to the impartial hearing process in disputes regarding the provision of a free, appropriate public education for students identified by the Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) as having a disability, or students suspected of having a disability. Such mediation shall be conducted by mediators furnished by a Community Dispute Resolution Center under 21-A of the Judiciary Law.

Parents or persons in parental relationship to students suspected of having disabilities will receive written notice of the availability of the mediation program each time they receive notice of their entitlement to the impartial hearing procedures in accordance with Federal and State law and regulations.

Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. An agreement reached by the parties to the dispute in the mediation process shall be set forth in written mediation agreement. The Committee on Special Education or Committee on Preschool Special Education shall immediately amend the student's individualized education program to be consistent with such mediation agreements. Discussions that occur in the mediation process shall be confidential and may not be used as evidence in any subsequent proceedings. The parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of the process.

Mediation will not operate to diminish or limit any rights provided for in law, including the right of the parent or person in parental relationship to request and impartial hearing subsequent to mediation. Parents or persons in parental relationship to students suspected of or having disabilities continue to have full access to all rights, including due process procedures, provided for in 34 Code of Federal Regulations Sections 300.500-300.515 and in 8 New York Code of Rules and Regulations Section 200.5(c). Similarly, mediation shall not be construed to limit a parent or person in parental relationship from requesting an impartial hearing without having first utilized mediation procedures set forth in Education Law.

Education Law Section 4404-a

Adopted: 3/15/18