

Mediation

- I. **Newport News Public School Division shall ensure that the parent or parents of a child with a disability are informed of the option of mediation to resolve any dispute involving the Division's proposal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, at a minimum, whenever a due process hearing is requested.**
- II. **The Division uses the Virginia Department of Education's mediation process to resolve such disputes. The operational guidelines ensure that the process is:**
 - A. Voluntary on the part of both the Division and parents;
 - B. Not used to deny or delay a parent's or parents' right to a due process hearing or to deny any other rights under Virginia regulations or these operational guidelines; and
 - C. Conducted by a qualified and impartial mediator who is trained in effective mediation techniques and is knowledgeable in laws and regulations relating to the provision of special education and related services, from a list maintained by the Virginia Department of Education.
- III. **In accordance with the Virginia Department of Education's Regulations:**
 - A. The Virginia Department of Education will maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services;
 - B. The mediators shall be chosen on a rotation basis; and
 - C. The Virginia Department of Education shall bear the cost of the mediation process.
- IV. **The mediation process shall:**
 - A. Be scheduled in a timely manner and held in a location that is convenient to the parties to the dispute;

- B. Conclude with a written mediation agreement signed by all parties if an agreement is reached by the parties to the dispute; and
- C. Guarantee that discussions that occur during the mediation process are confidential and are not to be used as evidence in any subsequent due process hearings or court actions. Parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of the mediation process.
- D. Be enforceable in any state court of competent jurisdiction or in federal district court.

V. An individual who serves as a mediator:

- A. May not be an employee of any school division or the Virginia Department of Education if it is providing direct services to a child who is the subject of the mediation process;
- B. Must not have a personal or professional conflict of interest; and
- C. Is not an employee of the Newport News Public Schools Division or the Virginia Department of Education solely because the person is paid by the Division to serve as a mediator.

VI. Requests for mediation shall be directed to the Director of Special Education and Assessment Services.

VII. Option to consider mediation

- A. Newport News encourages mediation, but does not require parents to consider mediation to resolve disputes related to the Newport News Public Schools and

special education issues. Those issues include proposals to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child, or, at a minimum, whenever a due process hearing is requested.

1. The purpose of the meeting would be to explain the benefits of and encourage the parents to use the process.
2. Newport News Public Schools may not deny or delay a parent's or parents' right to a due process hearing if the parent or parents choose not to participate in such a meeting.