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State Performance Plan Indicator 16: Mediation



Percent of mediations held that resulted in mediation agreements.

Who are the students included in this indicator?

Children with a disability or suspected of having a disability under Part B of the Individual with Disabilities Education Act, ages 3-21, who are the subject of a special education mediation.

What is the data source?

- Data is pulled from the New York State Education Department (NYSED) SED Monitoring database; data is entered into SED Monitoring by an outside contractor.

How are results calculated?

Numerator: Mediation agreements related to due process complaints + Mediation agreements not related to due process complaints	÷	Denominator: Mediations held	X 100	= Percent of mediations held that resulted in mediation agreements.
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What actions is New York State taking to improve the percent of mediations held that resulted in mediation agreements for students with disabilities?

Current improvement activities:

- Contracts, in response to Requests for Proposals, were awarded to:
 - increase awareness of and promote the Statewide use of mediation as a means to resolving special education related disputes;
 - provide more rigorous training to mediators on special education requirements, policies and procedures;
 - collect and report mediation data; and
 - provide reimbursement for mediation sessions.
- Outreach efforts have shifted to a systemic approach, in conjunction with the use of Statewide data to pinpoint regions/specific areas in need of support.
- The May 2019 Comprehensive Compliance Assurance Plan required the New York City Department of Education to increase the use of mediation.
- Provide ongoing training to ensure accurate and timely data collection.
- In collaboration with its contractor, NYSED developed an updated brochure on mediation.
- NYSED's website contains general information regarding mediation including a Sample Mediation Request Form; Mediation Question and Answer Document and Brochure; and the Procedural Safeguards Notice.

Recommended improvement activities:

- Allow attorney fees to be mediated.
- Allow co-mediation as a training tool for new special education mediators.
- Extend the Stay-Put protection to mediation.
- Re-evaluate the requirement that disputes at the subcommittee on special education level must be heard by the committee on preschool special education (CPSE) or committee on special education (CSE) prior to being able to be addressed through mediation.
- Revise the legal requirement that an Individualized Education Program be amended by the CPSE or CSE when a mediation agreement is reached.
- Re-evaluate the types of data collected to improve mediation performance and inform training needs.
- Provide training to parents, parent advocates and districts on the requirements and benefits of mediation.
- Provide training to district CPSE and CSE chairpersons on mediation as a dispute resolution option.