



KENT COUNTY PUBLIC SCHOOLS

Family Dispute Resolution

What happens when I don't agree with something proposed or refused at the IEP meeting?

Discuss with the team your feelings and why a proposed action or something that was refused should be considered.

If the IEP team does not agree, the parent(s) or guardian(s) will be provided with the following, written in plain language:

- An oral and written explanation of the parent's right to request mediation
- Contact information including telephone numbers that the family may use to receive more information about the mediation process
- Information regarding low cost and pro bono representation and related services available in the area

What is mediation?

In special education, mediation is a voluntary process that can be used to resolve disagreements between the parent/guardian of a student with a disability and Kent County Public Schools (KCPS). If either the parent/guardian or KCPS declines to participate, then the mediation will not take place. Mediation is a component of the *Individuals with Disabilities Education Act*, a federal law.

How does mediation work?

The party requesting mediation should clearly describe the area(s) of disagreement on the Request for Mediation/Due Process Hearing form. To obtain a copy of this form, please call 410-778-5708 or [click here](#).

Mediations are conducted by an administrative law judge or staff attorneys assigned by OAH, which is an independent state agency. Any party to the mediation has the right to be accompanied and advised by an attorney, or to bring other representatives.

Mediations are confidential and may not be recorded. The details of the issues discussed and information presented may not be used as evidence at any future legal proceedings.

Participants who need an interpreter or who have special needs because of a disability may request an interpreter or an accommodation. Requests should be received at least 10 working days before the scheduled mediation.

Who can request mediation?

Either a parent/guardian or an KCPS representative may request mediation by completing an application and forwarding it to the KCPS Resolution and Compliance Unit, 5608 Boundary Ave, Rock Hall, MD 21661

Who will facilitate the mediation process?

A qualified and trained employee of the Office of Administration Hearings (OAH) conducts the mediation. This person will not have a personal or professional interest in either party.

What does a mediator do?

A mediator helps the parties:

- Identify issues
- Discuss viewpoints
- Generate options
- Create solutions agreeable to all

Who pays for the mediation process?

Mediation is of no cost to the parent or public agency responsible for the child's early intervention or education.

When will mediation happen?

The Maryland Office of Administrative Hearings (OAH) is responsible for scheduling the mediation. A reasonable effort is made to schedule the mediation within 20 days following receipt of the request for mediation. Mediation can occur prior to or along with a request for a due process hearing. Requesting mediation may not be used to deny or delay a parent's/guardian's right to a due process hearing or deny any other right under the law.

How do I request mediation?

A request for mediation can be made by completing the Mediation Request Form. Information on where to submit the request can be found on the request form.

[Click here for the Mediation/Due Process Request Form.](#)

For further assistance, contact Wendy Keen at 410-778-7164 in the Office of Special Education at Kent County Public Schools or wkeen@kent.k12.md.us.

Parents or guardians may also contact the Maryland State Department of Education, Division of Special Education/Early Intervention Services at 410-767-7770.

What happens after the parties come to an agreement?

Once the parties have resolved some or all issues, they will work together to write an agreement. Both parties will sign the agreement stating they agree to the resolution of the dispute.

Either party is welcome to have an attorney review the agreement before signing. If either party is not comfortable with the agreement, they should not sign it.

Once both parties have signed the resolution agreement, it is legally binding.

Can either party use mediation to delay or deny the right to a due process hearing?

Mediation does not deny or delay the right to a due process hearing. Mediation promotes communication in a mutually respectful manner contributing to a more positive working relationship in the future.