

RIDE Office of Student, Community and Academic Supports

Impartial Mediator for IDEA Dispute Resolution Process

The Rhode Island Department of Education (RIDE) Office of Student Community and Academic Supports is seeking applications for Impartial Mediators for the Rhode Island Special Education Dispute Resolution Process to provide a proactive approach to resolve disputes between families and schools.

**Required Qualifications:** Knowledge of the Individuals with Disabilities Education Act (IDEA) and RI Board of Education Regulations Governing the Education of Children with Disabilities; three or more years' experience with the implementation of IDEA and RI Board of Education Regulations Governing the Education of Children with Disabilities; ability to conduct mediations within established timelines; strong written and verbal communication skills; and willingness to participate in preparatory training. Bilingual in Spanish and/or Portuguese preferred.

**Ineligible:** Current RIDE employees and individuals employed within the last two years by the Rhode Island Department of Education or a RI public or private local education agency, charter school, state operated school, or non-public special education school.

**To apply:**

Submit of letter of interest, resume and two letters of reference to: J. David Sienko, Office of Student Community and Academic Supports, RIDE, 255 Westminster Street, Suite 500, Providence, RI 02903-3400

**Mediation as defined by the RI Regulations Governing the Education of Children with Disabilities.**

**300.506 Mediation.**

(a) *General.* (1) The SEA offers and implements a conflict resolution procedure called —mediation to allow parties to disputes involving any matter described in these regulations and the Act, including matters arising prior to the filing of a due process complaint, to resolve disputes through a mediation process.

(2) Each public agency must ensure that procedures are established to implement paragraph (a)(1) of this section, including referring a party seeking mediation under the section to the SEA.

(b) *Requirements.* The procedures must meet the following requirements:

(1) The procedures must ensure that the mediation process –

(i) Is voluntary on the part of the parties;

(ii) Is not used to deny or delay a parent's right to a hearing on the parent's due process complaint, or to deny any other rights afforded under Part B of the Act; and

(iii) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(2) A public agency may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party

(i) Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State established under § 671 or § 672 of the Act; and

(ii) Who would explain the benefits of, and encourage the use of, the mediation process to the parents.

(3)(i) The SEA shall 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.

(ii) The SEA shall select mediators on a random, rotational, or other impartial basis.

(4) The State must bear the cost of the mediation process, including the costs of meetings described in paragraph (b)(2) of this section.

(5) Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.

(6) If the parties resolve a dispute through the mediation process, the parties must execute a legally binding agreement that sets forth that resolution and that —

(i) States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and

(ii) Is signed by both the parent and a representative of the agency who has the authority to bind such agency.

(7) A written, signed mediation agreement under this paragraph is enforceable in any State court of competent jurisdiction or in a district court of the United States. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under this part

(c) *Impartiality of mediator.* (1) An individual who serves as a mediator under this part —

(i) May not be an employee of the SEA or the LEA that is involved in the education or care of the child; and

(ii) Must not have a personal or professional interest that conflicts with the person's objectivity.

(2) A person who otherwise qualifies as a mediator is not an employee of an LEA or State agency solely because he or she is paid by the agency to serve as a mediator.