

**Wisconsin Special Education
Mediation System
Trends
(n=1204 for participant data; n=418 for mediator
data; n=83 for attorney data)
2000 - 2008**

This report utilized data from several trend reports (2000- June, 2005; 2005-2006; 2007-2008). Please refer to specific comprehensive 2000-2008 reports for quantitative data.

Data collected over the past 8 years indicates that mediation appears to be an efficient use of time as the number of mediation sessions continues to be approximately 1-2 sessions (M=1.43) and 4.5 hours in length. Most cases reached an agreement during the mediation process (85.7%) and 86% of the participants were satisfied with the agreement that was reached. Most of the participants (81.7%) indicated that the agreement that was reached will solve the problem leading to mediation. In addition, most believed that the outcome was better than they had expected (66.1%).

Participants continued to understand the mediation process (97.6%), believed it gave them the opportunity to be part of the decision making process (92.1%), and gave them the opportunity to voice their concerns (93%). The majority of participants (82%) believed that mediation provided a satisfactory outcome. They were satisfied with the process (88.2%), and 89.6% believed they would use mediation again. In addition, the participants overall were satisfied with the mediators and 87.8% would use the same mediator again in the future. The participants believed that the mediators were organized (93.6%), used time adequately (88%), created a comfortable environment (92.7%), were respectful (97%), did not use pressure (94.2%), remained neutral (87%) and were able to keep the meeting focused (86%).

A review of the data from cases where an agreement was not reached (22.6% of the cases) indicates that most of the participants believed the mediator was effective (79%), they did not feel pressured to make a decision (85.1%), felt their viewpoints were respected (76.3%), and believed that there could have been an acceptable resolution (74.7%). The participants' largest concern was that others were not willing to negotiate (71.6%), therefore, an agreement was not reached.

Numerous disciplines and family representatives continue to attend the mediation sessions. The mother of the child is present more often (95.2%) than the father of the child (59.2%). The Special

Education/Pupil Services Director is the academic representative who attends the mediation sessions most often (89.9%). Advocates attended 42.3% of the mediation sessions along with the attorney for the school 34% of the time and the attorney for the parent(s) 24% of the time. In review of the data, it indicates that the student is present at a mediation session approximately 21% of the time over the past 8 years.

There have been varied concerns that have led to mediation. Most cases involve multiple issues. Communication breakdown has been identified consistently as a major concern over the past 8 years in 57.5% of the cases. Other common issues continue to be IEP issues (47.5%) and disagreements over placement (40.9%).

The data indicates that few families are initiating legal action (due process hearing, IDEA complaint, class action lawsuit, individual lawsuits, OCR, resolution session, or other court actions) before mediation. Mediation appears to work as some type of agreement continues to be reached in most cases (85.7%).

There is an overwhelming trend that indicates that the participants, mediators and attorneys identify that mediation was helpful. Mediators consistently believe that issues were appropriate for mediation (97.2%). Participants and attorneys also report that they would use the same mediator again. All parties involved believe that adequate information is provided to the participants and allows participants to be a part of the decision making process. This suggests that the process is working for all people involved and that the mediators are performing their jobs well.

In conclusion, the mediation system provides adequate training for the mediator; is a helpful process for the participants, allows for involvement in the decision-making skills; and attorneys believe they would utilize mediation process again. Mediation appears to have decreased the number of post mediation litigation decisions and overall all parties are satisfied.