

**Wisconsin Special Education
Mediation System
Mediator Survey Report
2000 - 2008
(n=418)**

1. Attendance at the Mediation Sessions
Multiple people attend the meetings thus total % will exceed 100%

	%
Mother	95.2
Special Ed/Pupil Services Director	89.9
Father	59.2
Special Education Teacher	56.3
Principal	43.8
Advocate	42.3
Others	38.7
Regular Education Teacher	36.5
Attorney for school	34
School Psychologist	25.1
Attorney for parents	23.6
District Administrator	22
Student	20.7
Speech and Language Pathologist	17.1
Other family	14.3
Social Worker	11.8
Occupational Therapist	11.5
Physical Therapist	5.2

2. The case was settled before mediation.
(n=290; this item not completed on 128 surveys)

	%	n
Yes	.3	1
No	99.7	289

3. Average number of sessions used for case = 1.43
(n=414; this item not completed on 4 surveys)

4. Average length of sessions = 4.46 hours
(n=413; this item not completed on 5 surveys)

**5. The mediator communicated via telephone
(n=414; this item not completed on 14 surveys)**

	%	n
Constantly	3.3	14
Frequently	29.7	123
Often	28	116
Sometimes	19.6	81
Rarely	16.2	67
Never	3.1	13

**6. The mediator communicated via email
(n=414; this item not completed on 14 surveys)**

	%	n
Constantly	2.9	12
Frequently	20.5	85
Often	11.6	48
Sometimes	12.8	53
Rarely	12.3	51
Never	39.9	165

**7. Concerns that led to mediation
(more than 1 concern can be identified, therefore total %
will exceed 100%)**

	%
Communication breakdown	57.5
IEP issues	47.5
Disagreement over placement	40.9
Denial of FAPE	28.1
Other	24.6
IEP not being followed	23.3
Other personnel issues	21
Dispute with teacher or aide	19.9
Discipline	18.2
Disagreement over identification	17.3
Disagreement over accommodations	15.3
Safety issues	14.8
Extended school year	13.5
Related services	11.4
Transportation issues	10.6
Transition from high school	10.2
Assistive technology	9.7
Functional behavioral assessment	9.6
Request for an IEE	8.5
Reimbursement for private school	7.9

Transition from birth to three	1.7
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**8a. Due Process initiated before mediation
(n=110; this item not completed on 308 surveys as this item was not included on earlier surveys)**

	%	n
Not initiated	80.9	89
Dismissal	13.6	15
Amendment	.9	1
Unknown	.9	1
Process continuing	3.6	4

**8b. Formal IDEA Complaint initiated before mediation
(n=110; this item not completed on 308 surveys as this item was not included on earlier surveys)**

	%	n
Formal IDEA Complaint not initiated	91.8	101
Dismissal	4.5	5
Unknown	.9	1
Process continuing	2.7	3

**8c. Class Action Lawsuit initiated before mediation
(n=110; this item not completed on 308 surveys as this item was not included on earlier surveys)**

	%	n
Not initiated	100	110
Unknown	0	0

**8d. Individual Lawsuit initiated before mediation
(n=110; this item not completed on 308 surveys as this item was not included on earlier surveys)**

	%	n
Not initiated	98.2	108
Processing continuing	1.8	2

**8e. OCR complaint initiated before mediation
(n=110; this item not completed on 308 surveys as this item was not included on earlier surveys)**

	%	n
Not initiated	98.2	108
Unknown	.9	1
Moved to facilitation	.9	1

**8f. Facilitated IEP with WSEMS initiated before mediation
(n=110; this item not completed on 308 surveys as this
item was not included on earlier surveys)**

	%	n
Not initiated	96.4	106
Dismissal	.9	1
Unknown	.9	1
Move to mediation	1.8	2

**8g Resolution session was initiated before mediation
(n=104; this item not completed on 314 surveys as this
item was not included on earlier surveys)**

	%	n
Not initiated	96.2	100
Dismissal	1	1
Amendment	1	1
Unknown	1	1
Move to mediation	1.8	1

**8h. Other type of court action was initiated before mediation
(n=110; this item not completed on 308 surveys as this
item was not included on earlier surveys)**

	%	n
Other type of court action was initiated before mediation	0	0
Unknown if other court action was initiated	99.1	109
Dismissal	.9	1

**9. Outcome of Mediation
(n=413; this item not completed on 5 surveys)**

	%	n
Agreement reached	74.1	306
Partial agreement reached	11.6	48
No agreement reached	14.3	59

Mediation Process: the following statements address the mediators' perception of the process of mediation

1. The mediator believed that the participants understood mediation.

(n=390; this item not completed on 28 surveys)

	%	n
Strongly agree	37.2	145
Agree	50.3	196
Slightly agree	7.4	29
No opinion	2.3	9
Slightly disagree	.8	3
Disagree	1.5	6
Strongly disagree	.5	2

Note: 94.9% of the mediators believed that the participants understood the mediation process.

2. The mediator believed that it is important for the participants to be a part of the decision making process.

(n=388; this item not completed on 30 surveys)

	%	n
Strongly agree	68.6	266
Agree	29.1	113
Slightly agree	1.5	6
No opinion	.3	1
Slightly disagree	.5	2
Disagree	0	0
Strongly disagree	0	0

Note: 99.2% of the mediators believe that it is important for the participants to be a part of the decision making process.

3. The mediator believed that the participants were given an opportunity to be a part of the decision making process.

(n=386; this item not completed on 32 surveys)

	%	n
Strongly agree	65.8	254
Agree	32.1	124
Slightly agree	1.3	5
No opinion	.3	1
Slightly disagree	0	0
Disagree	.3	1
Strongly disagree	.3	1

Note: 99.2% of the mediators believe that the participants understood the mediation process.

4. The mediator believed that mediation provided a satisfactory outcome.

(n=386; this item not completed on 32 surveys)

	%	n
Strongly agree	32.6	126
Agree	40.2	155
Slightly agree	6.5	25
No opinion	6.5	25
Slightly disagree	.8	3
Disagree	7.3	28
Strongly disagree	6.2	24

Note: 79.3% of the mediators believe that mediation provided a satisfactory outcome.

5. The mediator was satisfied with the mediation process

(n=387; this item not completed on 31 surveys)

	%	n
Strongly agree	40.3	156
Agree	42.6	165
Slightly agree	10.1	39
No opinion	.8	3
Slightly disagree	.8	3
Disagree	3.4	13
Strongly disagree	2.1	8

Note: 93% of the mediators believe that the participants were satisfied with the mediation process..

About the Mediator: the following statements address the participants' self-assessment.

1. The mediator believed that it is important for the mediator to be knowledgeable in special education.

(n=390; this item not completed on 28 surveys)

	%	n
Strongly agree	22.8	89
Agree	49.5	193
Slightly agree	12.1	47
No opinion	3.6	14
Slightly disagree	4.4	17
Disagree	7.7	30
Strongly disagree	0	0

Note: 84.4% of the mediators believe that it is important for the mediator to be knowledgeable in special education.

2. The mediator believed that he/she knew a lot about special education.

(n=389; this item not completed on 29 surveys)

	%	n
Strongly agree	34.7	135
Agree	42.4	165
Slightly agree	11.1	43
No opinion	2.1	8
Slightly disagree	2.1	8
Disagree	6.4	25
Strongly disagree	1.3	5

Note: 88.2% of the mediators believe that they knew a lot about special education.

3. The mediator believed that he/she explained the process thoroughly

(n=388; this item not completed on 30 surveys)

	%	n
Strongly agree	51	198
Agree	42.8	166
Slightly agree	4.6	18
No opinion	1.3	5
Slightly disagree	0	0
Disagree	.3	1
Strongly disagree	0	0

Note: 98.5% of the mediators believed that they explained the process thoroughly.

4. The mediator believed that she/he was neutral.

(n=388; this item not completed on 30 surveys)

	%	n
Strongly agree	68.3	265
Agree	28.4	110
Slightly agree	1	4
No opinion	.5	2
Slightly disagree	.3	1
Disagree	1	4
Strongly disagree	.5	2

Note: 97.7% of the mediators believe that they were neutral.

5. The mediator believed that he/she was respectful to all parties.

(n=388; this item not completed on 30 surveys)

	%	n
Strongly agree	60.1	233
Agree	37.9	147
Slightly agree	1.5	6
No opinion	0	0
Slightly disagree	0	0
Disagree	.3	1
Strongly disagree	.3	1

Note: 99.5% of the mediators believed they were respectful to all parties.

6. The mediator believed that she/he did not pressure the participants.

(n=390; this item not completed on 28 surveys)

	%	n
Strongly agree	52.3	202
Agree	41.5	160
Slightly agree	4.1	16
No opinion	.5	2
Slightly disagree	0	0
Disagree	0	0
Strongly disagree	.3	1

Note: 97.9% of the mediators believed that they did not pressure the participants.

7. The mediator believed that he/she created a comfortable environment

(n=384; this item not completed on 34 surveys)

	%	n
Strongly agree	44.5	171
Agree	48.7	187
Slightly agree	4.9	19
No opinion	1	4
Slightly disagree	.5	2
Disagree	.3	0
Strongly disagree	0	0

Note: 98.2% of the mediators believed that they created a comfortable environment.

**8. The mediator believed that he/she used time adequately.
(n=385; this item not completed on 33 surveys)**

	%	n
Strongly agree	37.9	146
Agree	53.8	207
Slightly agree	4.7	18
No opinion	.5	2
Slightly disagree	2.1	8
Disagree	1	4
Strongly disagree	0	0

Note: 96.4% of the mediators believed that they used time adequately.

**9. The mediator believed that he/she was organized.
(n=385; this item not completed on 33 surveys)**

	%	n
Strongly agree	39.5	152
Agree	54	208
Slightly agree	2.9	11
No opinion	1.6	6
Slightly disagree	.5	2
Disagree	1	4
Strongly disagree	.5	2

Note: 96.4% of the mediators believed that they were organized.

**10. The mediator believed that he/she kept the meeting focused.
(n=383; this item not completed on 35 surveys)**

	%	n
Strongly agree	45.7	175
Agree	46.7	179
Slightly agree	1.8	7
No opinion	1	4
Slightly disagree	1.8	7
Disagree	2.6	10
Strongly disagree	.3	1

Note: 93.2% of the mediators believed that they kept the meeting focused.

**11. The mediator believed that mediator training was helpful.
(n=385; this item not completed on 33 surveys)**

	%	n
Strongly agree	20.3	78
Agree	33.2	128
Slightly agree	15.3	59
No opinion	29.6	114
Slightly disagree	.5	2
Disagree	.8	3
Strongly disagree	.3	1

Note: 68.8% of the mediators believed that mediator training was helpful

**12. The mediator believed that additional training would be helpful.
(n=379; this item not completed on 39 surveys)**

	%	n
Strongly agree	.8	3
Agree	10.3	29
Slightly agree	7.4	28
No opinion	40.6	154
Slightly disagree	4.7	18
Disagree	26.6	101
Strongly disagree	9.5	36

Note: 18.5% of the mediators believed that additional training would be helpful

**13. An agreement was reached during the mediation process
(n=124; this item not completed on 294 surveys)**

	%	n
Yes	77.4	96
No	22.5	28

About the Agreement: the following statements address the mediators' perception about the agreement that was reached.

NOTE: The following items were only completed if an agreement WAS reached.

1. The mediator believed that each party was satisfied with the agreement.

(n=296; this item not completed on 122 surveys)

	%	n
Strongly agree	24.7	73
Agree	51.7	153
Slightly agree	16.2	48
No opinion	4.1	12
Slightly disagree	2.4	7
Disagree	.7	2
Strongly disagree	.3	1

Note: 92.6% of the mediators believed that each party was satisfied with the agreement that was reached.

2. The mediator believed that the agreement will solve the problem.

(n=319; this item not completed on 99 surveys)

Note: This item only answered by mediators when an agreement was reached.

	%	n
Strongly agree	22.6	72
Agree	42.9	137
Slightly agree	17.9	57
No opinion	8.5	27
Slightly disagree	5.6	18
Disagree	1.3	4
Strongly disagree	1.3	4

Note: 83.4% of the mediators believe that the participants were satisfied with the agreement.

3. The mediator believed that the other parties will follow through with the agreement.

(n=322; this item not completed on 96 surveys)

Note: This item only answered by mediators when an agreement was reached.

	%	n
Strongly agree	27.3	88
Agree	50.3	162
Slightly agree	13	42
No opinion	5.6	18
Slightly disagree	2.2	7
Disagree	.9	3
Strongly disagree	.6	2

Note: 90.7% of the mediators believe that the agreement will solve the problem.

4. The mediator believed that the issue was appropriate for mediation.

(n=320; this item was not completed on 98 surveys)

Note: This item only answered by mediators when an agreement was reached.

	%	n
Strongly agree	60	192
Agree	353.9	115
Slightly agree	1.3	4
No opinion	1.6	5
Slightly disagree	.3	1
Disagree	.6	2
Strongly disagree	.3	1

Note: 97.2% of the mediators believed that the issue was appropriate for mediation.

Agreement not Reached: the following statements address the mediators' perception if an agreement was **NOT** reached.

- 1. The mediator believed that he/she could have been more effective**
(n=60; this item was not completed on 358 surveys)
Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	0	0
Agree	8.3	5
Slightly agree	10	9
No opinion	15	9
Slightly disagree	8.3	5
Disagree	38.3	23
Strongly disagree	20	12

Note: 18.3% of the mediators believed that they could have been more effective.

- 2. The mediator believed that other parties were unwilling to negotiate**
(n=58; this item was not completed on 360 surveys)
Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	27.6	16
Agree	13.8	8
Slightly agree	17.2	10
No opinion	8.6	5
Slightly disagree	3.4	2
Disagree	24.1	14
Strongly disagree	5.2	3

Note: 58.6% of the mediators believed that the parties were unwilling to negotiate.

- 3. The mediator believed that the participant felt pressured to make a decision**
(n=59; this item was not completed on 359 surveys)
Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	1.7	1
Agree	3.4	2
Slightly agree	8.5	5

No opinion	22	13
Slightly disagree	1.7	1
Disagree	40.7	24
Strongly disagree	22	13

Note: 13.6% of the mediators who completed this item believe that the participant felt pressured to make a decision.

- 4. The mediator believed that all viewpoints were respected. (n=57; this item was not completed on 361 surveys)**
Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	17.5	10
Agree	28.1	16
Slightly agree	0	0
No opinion	10.5	6
Slightly disagree	15.8	9
Disagree	22.8	13
Strongly disagree	5.3	3

Note: 45.6% of the mediators who completed this item believe that all viewpoints were respected.

- 5. The mediators believed that others would not follow through with agreement (n=56; this item was not completed on 362 surveys)**
Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	0	0
Agree	26.8	15
Slightly agree	10.7	6
No opinion	28.6	16
Slightly disagree	1.8	1
Disagree	14.3	8
Strongly disagree	17.9	56

Note: 37.5% of the mediators believed that others would not follow through with agreement.

- 6. The mediator believed that there is no acceptable resolution**
(n=60; this item was not completed on 358 surveys)
Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	18.3	11
Agree	15	9
Slightly agree	8.3	5
No opinion	13.3	8
Slightly disagree	0	0
Disagree	36.7	22
Strongly disagree	8.3	5

Note: 41.7% of the mediators believed that there was not acceptable resolution.

- 7. The mediator believed that the participants plan on taking legal action.**
(n=59; this item was not completed on 359 surveys)
Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	8.5	5
Agree	25.4	15
Slightly agree	6.8	4
No opinion	50.8	30
Slightly disagree	0	0
Disagree	8.5	5
Strongly disagree	0	0

Note: 40.7% of the mediators believed that the participants planned on taking legal action.

8. The mediator believed that the issue was not appropriate for mediation.

(n=57; this item was not completed on 361 surveys)

Note: This item was only answered by mediators when an agreement was not reached.

	%	n
Strongly agree	5.3	3
Agree	3.5	2
Slightly agree	5.3	3
No opinion	7	4
Slightly disagree	3.5	2
Disagree	57.9	33
Strongly disagree	17.5	10

Note: 14% of the mediators believed that the issue was not appropriate for mediation.