

X, the mediator, has thought about how to engage people in her introduction and talks about “coming here with open ears, open minds and open hearts.” She goes on to say: “We want to be very clear about our language and all leave here with the same picture in our minds.” This is a lucid use of metaphor. Mediators can be overly clinical and legalistic in their introductions.

The student is a fourteen year old, eighth grader with seizures and a history of serious behavioral problems. He had been in a regional program before and in an alternative program at his home school division. After suspensions, he had been on a homebound program since March. He lives with a guardian.

I’d advise against literal summaries. The guardian expected that a BIP would result in controlled behavior in school. She accused the teachers of letting behaviors escalate and the principals as lacking control. X’s summary: “Thank you for sharing. The teachers are letting the behaviors escalate and there is a lack of control by the assistant principals.” I’d suggest: “You’re concerned with how B---’s behavior is going to be consistently addressed when he’s in school.”

Later in the mediation, X did this well. The guardian said: “Why are people telling lies on me?” X’s response was: “So, we’ve got some communications issues.”

The guardian was adamant in refusing to consider the school’s offer of a regional program. X underlined the changes the supervisor spelled out, in order to help the guardian distinguish the failed experience he had there from her point of view from the changed prospects he might now encounter.

Allegations about procedural violations were brought up by the guardian. Since mediators are not fact-finders, there is little we can do except to transmit claims to the school staff and raise questions. X’s response was to say to the guardian: “You feel that there were procedural violations. Would it be appropriate to hear what you would like to have?” This redirection resulted in the guardian talking about a private school she had heard about. X seized on the opening and generalized it: “You’re not opposed to a different, more therapeutic program, but not the current regional program?”

There were red herrings thrown into the discussion by the guardian. She claimed to have been threatened by an assistant principal. Later in the discussion, it emerged that he had recommended that the student return to the regional program, which she chose to interpret as a threat. She claimed that his current placement was politically based and had to do with the Standards of Learning. X wisely ignored these discussion threads and stayed focused on developing placement options.

X pressed the supervisor on the length of time that the student had been left in a homebound program. She also explored the procedural confusion about the placement. She pressed for alternatives to the regional program, which the guardian was unwilling to explore, changed circumstances or not. A true wish of the guardian was to have the student in a residential program. X raised the possibility of the school staff initiating that referral. In short, she tried to provide motivation and a fresh perspective.

The guardian changed her objective during the mediation. X was always able to discern the change and to ask clarifying questions. At one point, the apparent goal seemed to be any day placement except the current regional program. When X followed up to clarify this goal, the guardian said that she wanted the student to have a job. X's tenacity and patience serve her well as a mediator.

In the end, X was able to gain commitment to holding an IEP meeting immediately, having the guardian visit the regional program and providing a consultation with the behavioral specialist. This was an accomplishment, given the attitude and suspicions of the guardian.