

This mediation concerned a ten year old, fourth grader with chromosomal dislocation, heart murmur, a club foot, who experienced 40-50 seizures per day. Attending the mediation were both parents, their educational consultant, an Elementary SPED Coordinator and the Director of Special Education.

I'd suggest that the mediator, A sharpen her introduction. She opened with: "What's important is... my role in the process." Introducing the exceptions to confidentiality can be a little jarring. I've best seen them prefaced as common sense exceptions.

The mother described Private Day Program Y as a place where her son started to recognize letters and to complete words. He was home-schooled and then placed at Program Y at parent expense from February 2010 to May 2011, when the (regional interagency) FAPT team took responsibility for the placement.

The mother felt that the SPED Director had reduced expectations for her son, which led to her subsequent placement decisions. She had complained to some of the school staff who worked with her son, but, prior to removing him, had apparently never requested an IEP meeting. The SPED Director felt that discussions with the parent were headed toward a more inclusive placement for the student.

The focus of the mediation turned quickly into a reimbursement claim, as the SPED Director supported the current placement, funded by the FAPT team. He claimed that he had lost track of the student once the home schooling had begun. A asked the Director if he had a feeling for the legal side of the case. He responded that due process was "a crapshoot," but sometimes necessary. The parents were claiming \$15,000 in tuition and travel expenses, twice what had been claimed prior to the mediation. The SPED Director was prepared to offer \$2,000.

A held separate caucuses which resulted in the parents revising their claim to \$9,000 and the SPED Director raising his offer to \$3,000.

A noted the frustrations which the parent had and offered that everyone can be in the same room and walk away with different perceptions, capturing the difference in expectations held by parties before the home schooling began. She emphasized the good relationship which the school staff sought, but unfortunately ended that with: "and they want to move forward and be done with this."

In the joint session, the father kept repeatedly pressing for what legal obligation the school had to describe the continuum of services available. A could have blunted this quite aggressive approach by offering that the placement decisions are based on individual student needs as determined by the IEP team, not selected from a menu.

The mother engaged in circular arguments in the interest of extracting a change in the school's offer. I think that A could have summarized what was said and called for a final determination, rather than letting the discussion range from a claim that the student was taught by a teacher with postpartum psychosis to requesting that SPED processes be changed for all special needs students.

In the end, there was a signed agreement for reimbursement in the amount of \$3,300.

I have seen A in previous mediations effectively provide more focus when parties wandered or sermonized.