



# MONTGOMERY COUNTY PUBLIC SCHOOLS

## Special Education Mediation Process

### • **WHAT is mediation?**

In special education, mediation is a voluntary process that can be used to resolve disagreements between the parent/guardian of a student with a disability and Montgomery County Public Schools (MCPS). If either the parent/guardian or MCPS declines to participate, then the mediation will not take place. Mediation is a component of the *Individuals with Disabilities Education Act*, a federal law.

### • **WHO can request mediation?**

Either a parent/guardian or an MCPS representative may request mediation by completing an application and forwarding it to the MCPS Resolution and Compliance Unit, 850 Hungerford Drive, Room 208, Rockville, Maryland 20850-1747.

### • **WHEN will mediation happen?**

The Maryland Office of Administrative Hearings (OAH) is responsible for scheduling the mediation. A reasonable effort is made to schedule the mediation within 20 days following receipt of the request for mediation. Mediation can occur prior to or along with a request for a due process hearing. Requesting mediation may not be used to deny or delay a parent's/guardian's right to a due process hearing or deny any other right under the law.

### • **HOW does mediation work?**

The party requesting mediation should clearly describe the area(s) of disagreement on the Request for Mediation/Due Process Hearing form. To obtain a copy of this form, please call 301-517-5864.

Mediations are conducted by an administrative law judge or staff attorneys assigned by OAH, which is an independent state agency. Any party to the mediation has the right to be accompanied and advised by an attorney, or to bring other representatives.

Mediations are confidential and may not be recorded. The details of the issues discussed and information presented may not be used as evidence at any future legal proceedings.

Participants who need an interpreter or who have special needs because of a disability may request an interpreter or an accommodation. Requests should be received at least 10 working days before the scheduled mediation.

### • **WHERE will mediation take place?**

Mediation is generally conducted at MCPS, Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland 20850-1747. The specific room number is provided once the mediation date is scheduled and confirmed by OAH.

*For additional information about the mediation process, please contact the MCPS Resolution and Compliance Unit at 301-517-5864. Additional information is located on the MCPS website at [www.montgomeryschoolsmd.org/departments/special-education/compliance/](http://www.montgomeryschoolsmd.org/departments/special-education/compliance/).*

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STEP 1 Introduction	STEP 2 Fact Finding	STEP 3 Collaboration	STEP 4 Caucusing	STEP 5 Resolution
<ul style="list-style-type: none"> <li>All participants are introduced.</li> <li>Mediator explains the ground rules.</li> <li>Mediator explains the rights and responsibilities of the participants.</li> <li>All participants sign the Agreement to Mediate.</li> </ul>	<ul style="list-style-type: none"> <li>Each participant is asked to describe the dispute and their concerns.</li> <li>Each participant is asked to describe any proposals for resolving the conflict.</li> </ul>	<ul style="list-style-type: none"> <li>Mediator promotes discussions between the participants, relating to their feelings and concerns.</li> <li>Mediator reviews the proposed solutions.</li> <li>Through collaboration, the problem may be resolved.</li> </ul>	<ul style="list-style-type: none"> <li>If necessary, the mediator meets with each participant one on one to resolve any concerns.</li> </ul>	<ul style="list-style-type: none"> <li>Once an agreement is reached, the mediator puts the terms in writing. All participants sign this agreement, which is enforceable in a court that has the authority under state law to hear this type of case.</li> <li>If the participants are unable to come to an agreement at the mediation session, they may request, in writing, a due process hearing, if one has not been requested already.</li> </ul>

• **The following is a list of attorneys and advocacy organizations that may provide legal and other services to individuals in special education disputes.<sup>1</sup>**

**Legal Aid Bureau, Inc.**  
229 Hanover St.  
P.O. Box 907  
Annapolis, MD 21404  
410-263-8330  
800-666-8330

500 East Lexington St.  
Baltimore, MD 21202  
410-951-7777  
800-999-8904

103 S. Hickory Ave.  
Bel Air, MD 21014  
410-879-3755  
410-836-8202  
800-444-9529

110 Greene St.  
Cumberland, MD 21502  
301-777-7474  
866-389-5243

106 N. Washington St.  
Ste. 101  
Easton, MD 21601  
410-763-9676  
800-477-2543

22 South Market St.  
Ste. 11  
Frederick, MD 21701  
301-694-7414  
800-679-8813

P.O. Box 249  
Route 231  
Hughesville, MD 20637  
301-932-6661  
410-535-3278  
877-310-1810

6811 Kenilworth Ave.  
Calvert Building  
Ste. 500  
Riverdale, MD 20737  
301-927-6800  
888-215-5316

111 High St.  
P.O. Box 4116  
Salisbury, MD 21801  
410-546-5511  
800-444-4099  
29 W. Susquehanna Ave.  
Ste. 305  
Towson, MD 21204  
410-296-6705  
[www.mdlab.org](http://www.mdlab.org)

**Maryland Disability Law Center (MDLC)**  
1500 Union Ave.  
Ste. 2000  
Baltimore, MD 21211  
410-727-6352  
410-727-6387 TDD  
800-233-7201  
<http://disabilityrightsmd.org/>

**Kennedy Krieger Institute**  
Maureen van Stone,  
Esq., M.S. Director  
Project HEAL  
716 N. Broadway  
Office 106  
Baltimore, MD 21205  
443-923-4416  
443-923-4414 (INTAKE LINE)  
[vanstone@kennedykrieger.org](mailto:vanstone@kennedykrieger.org)

Mallory Finn, Esq.  
Staff Attorney,  
Project HEAL  
716 N. Broadway  
Office 111  
Baltimore, MD 21205

**Parents' Place of Maryland**  
801 Cromwell Park  
Drive Suite 103  
Glen Burnie, MD 21061  
410-768-9100  
[www.ppmmd.org](http://www.ppmmd.org)

**University of Maryland Clinical Law Office**  
500 West Baltimore St.  
Baltimore, MD 21201  
410-706-3295  
[www.law.umaryland.edu](http://www.law.umaryland.edu)

<sup>1</sup> Maryland State Department of Education, Family Support & Dispute Resolution Branch. (June 2015). *Listing of Free or Low-Cost Assistance for Special Education Disputes*. Retrieved June 22, 2016, from [http://marylandpublicschools.org/msde/divisions/earlyinterv/complaint\\_investigation/docs/Free-and-Low-Cost-092015.pdf](http://marylandpublicschools.org/msde/divisions/earlyinterv/complaint_investigation/docs/Free-and-Low-Cost-092015.pdf).

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