

# Bureau of Special Education Appeals

## Mediation Check-List

### Request/Setting-Up Mediation

- If District wants to request mediation, did I either email or call the mediator directly?
- Did I respond to mediator in a timely manner?
- Have I given the mediator the relevant and pertinent information?
- Have we held all Team Meetings necessary before mediating?
- Have we confirmed the date/time/location for mediation?
- Did I set aside 2-4 hours for the mediation?
- Do we have two confidential spaces reserved for the mediation?

### Preparation (Director)

- Does the District want to Accept or Decline the Mediation Request?
- Am I coming to mediation in good faith?
- Am I willing to be flexible?
- What are the issues that I want to resolve?
- Are there areas that I do not want to address in mediation?
- What are the strengths and/or areas of vulnerability in this case?
- Have I reviewed the *Preparing for BSEA Mediations* worksheet?

### Preparation (Staff)

- Who do I need at the mediation in order to make a decision?
- Have I notified all staff I need to be present?
- Have I explained the “mediation mindset” to my staff?
- Did I let School Team Members know that they can continue working with the family while we wait for the mediation?
- Have the staff and I considered what compromise might look like?
- Have I worked with any potentially defensive or emotional staff about utilizing mediation?
- Have I talked with staff about the flexibility of a Mediation Agreement (settlement, separate from IEP, revising/amending IEP)?
- Have we discussed what the District would like to share in the joint session and what we would like to save for caucus?

### Preparation (Attorney)

- Do I need to review this case with our attorney?
- Do I want our attorney present at the mediation?
- Is there particular language I want in my Mediated Agreement?
- If our attorney will be present, have I notified the mediator with ample notice?
- What if I want to consult my attorney during mediation?

### Post Mediation

- Have I notified relevant staff about the agreement?
- Have I given copies of the agreement to everyone who needs a copy?
- Is the agreement stored in the appropriate location?
- Have I assigned staff specific tasks to ensure all components of the agreement are followed?
- Are we abiding by the timelines we established in mediation?
- Have I reviewed any confidentiality language with staff to ensure their understanding?
- Do I have questions about FOIA related to the Mediation Agreement?
- Is the status of the IEP clear? Do I have questions about “stay-put”?
- If we did not reach an agreement, what is our next step?
- Do we need a follow-up mediation?
- Do we want to use Facilitated Team Meetings?

## Contacts

### **Marc Sevigny, Coordinator of Mediation, FIEPs**

- 617-626-7291
- Marc.sevigny@state.ma.us

### **Leslie Bock, Mediator**

Boston+

- 617-626-7293
- Leslie.bock@state.ma.us

### **Myrto Flessas, Mediator**

Metro Boston Suburbs

- 617-626-7294
- Myrto.flessas@state.ma.us

### **Matthew Flynn, Mediator**

South, Cape and Islands

- 617-626-7295
- Matthew.flynn@state.ma.us

### **Steve Lilly-Weber, Mediator**

Worcester County

- 617-626-7296
- Steven.lilly-weber@state.ma.us

### **Susan Singleton, Mediator**

Western Mass

- 617-626-7297
- Susan.singleton@state.ma.us

### **Rebecca Stone, Mediator**

North Shore

- 617-626-7298
- Rebecca.stone@state.ma.us