

## Kansas State Performance Plan: Indicator 16: Mediation Frequently Asked Questions

### What is mediation?

Mediation is a process conducted by a qualified, trained, and impartial mediator to resolve a disagreement between a parent and a school district involving any special education issue. Discussions that occur during the mediation process are confidential and may not be used as evidence in any due process hearing or court proceedings. The mediation process is voluntary for both parties, and may or may not result in agreement.

More information about mediation can be found in the [Kansas Special Education Process Handbook](#)<sup>1</sup>, Chapter 10.

### What is a mediation agreement?

A mediation agreement is a legally binding written document arrived at in mediation, signed by the parent and a representative of the school district, specifying the resolution of any issues in the dispute that were reached through the mediation process. State statute sets forth the minimum information that must be included in a mediation agreement at [K.S.A. 72-3438\(f\)](#)<sup>2</sup>. The agreement is enforceable in state or federal district court.

### What does Indicator 16 measure?

Indicator 16 measures the percent of mediations held in a school year that result in mediation agreements. For the purposes of reporting to the U.S. Department of Education, a mediation is counted as resulting in agreement if the written mediation agreement fully or partially resolves issues in dispute.

### How is the data collected for Indicator 16?

After the mediation process ends, the mediator appointed to conduct the mediation process submits a report to the Kansas State Department of Education (KSDE) Dispute Resolution Coordinator. The school district has no reporting responsibility for Indicator 16.

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<sup>1</sup> <https://www.ksde.org/Default.aspx?tabid=598>

<sup>2</sup> [https://www.ksrevisor.org/statutes/chapters/ch72/072\\_034\\_0038.html](https://www.ksrevisor.org/statutes/chapters/ch72/072_034_0038.html)



## Is the data reported to the U.S. Department of Education at the state level or the school district level?

States are not required to report Indicator 16 data at the school district level. Therefore, KSDE reports the percent of total mediations held state-wide that result in mediation agreements. KSDE does not calculate or report this percent for individual school districts.

## Where can I find the Indicator 16 data that KSDE collects and reports to the U.S. Department of Education?

The data for all Kansas State Performance Plan indicators, including data for Indicator 16, are published both on the [KSDE State Performance Plan & Annual Performance Report webpage](#)<sup>3</sup> and the [U.S. Department of Education Individuals with Disabilities Education Act \(IDEA\) webpage](#)<sup>4</sup>.

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<sup>3</sup> <https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Special-Education/KIAS/SPP-and-APR>

<sup>4</sup> <https://sites.ed.gov/idea/spp-apr-letters?selected-category=sppapr-part-b&selected-year=&state=Kansas>