

Lincoln Leadership Academy Charter School McKinney-Vento Program

PA Office of General Counsel (OGC) Mediation Program

How Does the Dispute Resolution Program Work?

The Dispute Resolution Program is a voluntary informal process through which a trained mediator assists in reaching a mutually acceptable resolution.

NOTE: The parent, guardian or an unaccompanied youth may file a complaint at any McKinney-Vento site, regional or state coordinator on the attached complaint form. However, the use of the attached form is not mandatory. Any dispute raised by a homeless family or youth concerning school enrollment or any other right under the McKinney-Vento Act whether received via phone, letter or any mode of communication shall be treated as a complaint.

The OGC Mediation Program is available at the request of any commonwealth agency under the Governor's jurisdiction, any OGC Attorney, any commonwealth employee, or any party engaged in a dispute with a commonwealth agency. If the parties agree to submit their case for mediation, the agency completes a Request for Mediation form and submits it to OGC. Once mediation is approved for a particular case, OGC will assign a mediator or provide the parties with a list of trained mediators from which they will select an individual to mediate their case.

The list will provide background information on each potential mediator to ensure that the individual has the expertise the parties are seeking and is not from an agency involved in the dispute. Once selected, OGC will send the mediator an Appointment Letter assigning them to the mediation.

Prior to the mediation, the mediator will send a letter to the parties providing them with Good Faith Ground Rules to guide their conduct during the mediation session. These ground rules include the need for the parties to agree to:

1. Be fully prepared to discuss the dispute and offer possible resolutions,
2. Take turns speaking and listening,
3. Try to understand the other party's interests,
4. Refrain from engaging in negative behaviors,

5. Explore creative resolutions and

6. Have a representative with settlement authority present or readily available.

The parties are also given an Agreement to Mediate, which they will be asked to sign at the first mediation session. The parties must agree to be bound by the conditions of the agreement. In addition, the parties are asked to provide a Mediation Statement in which they provide a description of the dispute.

The Mediation Statement, like other communications concerning the mediation, is confidential. At the mediation session, the mediator will work with the parties to assist them in understanding each other's point of view. The mediator will look for areas of agreement and work to build on those areas to reach a resolution the parties find satisfactory.

At the conclusion of the mediation, the mediator will complete a Mediation Summary form, which will be submitted to the OGC Mediation Coordinator and kept for statistical purposes. The summary form will document the parties involved in the mediation; their attorneys, if any; the mediator; the date, time and place of the mediation; and whether the mediation resulted in a settlement. All documents given to the mediator by the parties will be promptly destroyed.