

## AGREEMENT TO MEDIATE

Mediation Reference # \_\_\_\_\_

Student Name: \_\_\_\_\_

**THIS DOCUMENT SHOULD BE READ BY THE PARTIES AND SIGNED  
AT THE BEGINNING OF THE MEDIATION SESSION**

1. I understand that participation in mediation is voluntary and cannot be used to deny or delay a parent's right to a due process hearing.
2. I understand that an administrator, parent or guardian, or the mediator may stop the mediation at any time.
3. I understand that the mediator is here to help the parties see both sides, think about solutions, and write an agreement. The mediator is not serving as a legal representative, hearing officer, advocate, or counselor and will not make decisions regarding the educational placement or special education services to be provided to the student.
4. I understand that the mediator does not have to protect my interests and will not provide legal advice.
5. I understand that the mediator will not testify about the mediation in any subsequent proceedings and the mediator's records are not accessible to the parties.
6. I understand that discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding.
7. I understand that any recording (electronic or otherwise) of a mediation session is not permitted, and that any notes taken during the session will be collected and destroyed. The only written record will be the agreement that we jointly develop and agree upon in the mediation process.
8. I understand that if the parties are able to reach a resolution in the mediation session, the agreement must be in writing and signed by both parties.
9. I understand that all parties must follow any written and signed agreement reached in mediation and that the signed mediation agreement is enforceable in any State court of competent jurisdiction or in a federal district court.
10. I understand that if I am unsure about my legal rights or how signing a mediation agreement may affect my rights, I may seek advice from an attorney or an advocate, but I also understand that neither an attorney or an advocate are required for a mediation.

\_\_\_\_\_  
PEA Authorized Representative's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent Representative Signature

\_\_\_\_\_  
Date