

VOLUNTARY AGREEMENT TO MEDIATE

Mindful of the fact that _____ (Parents) have filed a state complaint (Complaint) against _____ (District/BOCES) in case number _____, the parties wish to engage in voluntary mediation concerning the alleged Complaint allegations identified by the State Complaints Officer (SCO) as detailed below:

In conjunction with this mediation, the parties voluntarily agree to extend the 60-day Complaint investigation timeline, pursuant to 34 CFR § 300.152(b)(ii), in order to engage in mediation and request that, pursuant to 34 CFR § 300.506, the SCO assign an independent mediator (Mediator) to mediate these Complaint allegations.

The parties further agree that the only persons who will be permitted to engage in mediation of the Complaint allegations are: _____

The parties understand and agree that in conjunction with this Voluntary Agreement to Mediate:

- a) The SCO, shall extend the 60-day Complaint investigation timeline to a date and time certain, to wit: _____ at _____ .m. in order for the mediation to occur and during this time period the investigation, including timelines on filing of any response or reply, shall be tolled;
- b) Prior to the start of mediation, the parties shall review and execute the Mediator’s Agreement to Mediate which sets forth the standard terms of mediation (i.e., confidentiality, the mediator’s role, etc.);
- c) If either party stops mediation or the parties reach impasse, the Mediator shall promptly notify the SCO by telephone in order to have the regulatory timelines reactivated;
- d) The parties (i.e., Parent at _____ and District/BOCES at _____) agree to be available to the SCO on _____ between the hours of _____ and _____ .m. so that the SCO can contact each party to determine whether they voluntarily agree to continue to mediate the Complaint allegations and, if so, request an additional extension of the timelines to a new date and time certain;
- e) Any Settlement Agreement reached by the parties through mediation shall be reduced to writing and signed by the parties;
- f) Neither party shall supply the SCO with a copy of the Settlement Agreement; and
- g) At the conclusion of mediation, the Mediator shall promptly notify the SCO of any allegations remaining unresolved so that the Complaint investigation timelines can be reinstated as to any unresolved Complaint allegations.

I have read, understand and agree to the terms of this Voluntary Agreement to Mediate.

Date

Date