

MEDIATION PROCEDURES

The following procedures are established, consistent with Section 303.431 of IDEA Part C, to allow parties to resolve disputes through a mediation process.

The mediation process:

- 1) Is voluntary on the part of the parties;
- 2) Is not used to deny or delay a parent's right to a due process hearing or to deny any other rights under Part C of IDEA; and
- 3) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

Early Intervention Section (EIS) shall:

- 1) Maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of early intervention;
- 2) Select mediators on a random, rotational, or other impartial basis;
- 3) Bear the cost of the mediation process, including the cost of meetings;
- 4) Schedule the sessions in a timely manner and held at a location that is convenient to the parties of the dispute;
- 5) Ensure any agreement reached by the parties to the dispute in the mediation process is set forth in a legally binding agreement and:
 - States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings;
 - Is signed by the parent and a representative of EIS who has the authority to bind such EIS;
- 6) Ensure that a written, signed mediation agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States;
- 7) Discussion that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal court or State court;
- 8) Ensure that the child shall continue to receive the appropriate early intervention services currently being provided during the duration of these proceedings, unless EIS and the parents of the child otherwise agree; and
- 9) Ensure that if the complaint involves an application for initial or new services, the child must receive those services that are not in dispute.