



Agreement to Mediate And Confidentiality Clause

File No. _____

Parents who have questions regarding this form or other special education related questions may call ODR's Special Education ConsultLine toll-free at 1-800-879-2301 or visit the web at www.odr-pa.org/consultline.

By signing this Agreement to Mediate and Confidentiality Clause, I, _____, understand and hereby agree to the following terms of the mediation process:

- Neither the Office for Dispute Resolution nor the assigned mediator is providing legal representation to any participant in the mediation process.
- The mediator is a neutral third party, who will work with each of us to develop an agreement that is mutually satisfactory.
- During the course of the mediation, the mediator may speak privately to the parent(s) and school district representatives (referred to as "caucus").
- The mediator may not be called as a witness in future proceedings regarding the child.

Regarding confidentiality of the mediation process:

- I understand and agree to abide by the law that says that discussions that occur during the mediation process are confidential, and are not to be used as evidence in any subsequent due process hearing or court proceeding. However, I also understand that there are rare situations where statements made during mediation will NOT be kept confidential. Examples of non-confidential statements would be those made by a person during the mediation process indicating that they intended to commit or had committed a crime; statements by a person during the mediation process that they intended to commit or had committed a fraudulent act; and/or statements by a person during the mediation process indicating that they were using the mediation process for improper



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purposes. I understand and agree that in those or similar circumstances, such statements may not be treated as confidential by the mediation participants listed below.

By signing this Agreement to Mediate and Confidentiality Clause, I agree to abide by all of the terms listed above.

File No. _____

Party Signature/Date

Mediator Signature/Date

Party Signature/Date

Mediator Signature/Date