

State Lead Agency Internal Procedures Checklist

Tracking and Processing A Request for Mediation

Mediation Log #: _____

When a formal written request for mediation is received regarding the resolution of a dispute concerning the identification, evaluation, or placement of the child, or the provision of appropriate early intervention services to the child and the child's family, the state lead agency staff will implement and document completion of the following activities, procedures, and timelines:

The thirty (30) calendar day timeline (Mediation Only Requested)

Begins _____ Ends _____

If mediation is requested as part of filing for a due process hearing, mediation must be completed within the same 30 calendar day timeline for a hearing.

If mediation is requested as part of an administrative (citizens) complaint, the mediation must be completed within the 60 day timeline for investigating a complaint by staff.

Day 1 - Log In Mediation Request and Create File.

Program Specialist completes the following procedures:

(Name) _____

Procedure	Date Completed	Comments
1. Stamp date the written request for mediation with the date received		
2. Log request in the <i>Mediation Log</i> with the appropriate information and assign the request a case number		
3. <u>Develop and maintain</u> a mediation case file to contain the following records:		
a. Individual <i>Mediation Log</i>		
b. Original copy of the written request		
c. Additional information/documents submitted by the parties, as applicable		
d. Written correspondence sent to and received from parent and agency/individual involved in the mediation		
e. Copy and distribute written request to Program Administrator		
4. Program Administrator assigns Program Consultant to coordinate and track the mediation		

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Day 2 - Verify Issue(s) and Document Consent

Program Administrator works with Program Consultant assigned to the mediation to complete the remaining procedures:

(Names) _____

Procedure	Date Completed	Comments
1. Verify that issue(s) pertain to Part C requirements:		
a. Clarify issue(s) with parties, as necessary		
b. If issue(s) is not a Part C matter (e.g. discrimination, personnel issues), notify both parties and provide additional resources to pursue matter, if applicable		
c. Staff close case pending the parent's right to file a request for a due process hearing		
2. Obtain consent to proceed from the party who did <i>not</i> request mediation		
a. Staff document receipt of consent to proceed		
b. If consent is not received, mediation is not possible		
c. Staff close case pending notification to parent of their right to file an administrative (citizen) complaint or request a due process hearing		

Day 5 - Select and Appoint Mediator

Procedure	Date Completed	Comments
1. Staff assign a qualified, impartial and trained mediator to the case		
2. Mediator notifies both parties of logistics and procedures for conducting mediation		

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Day 10 -30 Complete Mediation

Procedure	Date Completed	Comments
1. Mediation agreement reached:		
a. Copies of written and signed agreement are provided to all parties, documented in the file, and placed in child's early intervention record		
b. If mediation was part of a due process hearing, staff notify hearing officer and request dismissal of case		
c. If mediation was part of administrative (citizens) complaint, staff document agreement in log and case closed		
d. Agreement is implemented, monitored and documented in log		
e. Agreement is enforceable in state or district court		
2. Mediation agreement not reached:		
a. Staff document results in log and notify all parties in writing that no agreement was possible (notification must include statement on confidentiality)		
b. If mediation was part of a due process hearing, staff notify the hearing officer that no agreement was reached and to proceed with hearing		
c. If mediation was part of an administrative (citizens) complaint and no agreement was reached, staff complete investigation process		
d. If mediation was filed for alone, staff notify the parent of their right to file a request for a due process hearing or an administrative (citizen) complaint.		

Day 31 - Implement Additional Dispute Resolution Procedures, as Applicable

If mediation was requested alone, with no agreement reached, and the parents request a due process hearing or administrative (citizen) complaint, staff create a new file and implement the appropriate procedures for the dispute resolution option selected.