

MEDIATION PROCEDURES

The following procedures are established, consistent with Section 303.419 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.

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) Bear the cost of the mediation process, including the cost of meetings;
- 3) Schedule the sessions in a timely manner and location that is convenient to the parties of the dispute;
- 4) Ensure an agreement reached by the parties to the dispute in the mediation process is set forth in a written mediation agreement;
- 5) Ensure that discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties may be required to sign a confidentiality pledge prior to the commencement of the process;
- 6) 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
- 7) Ensure that if the complaint involves an application for initial or new services, the child must receive those services that are not in dispute.