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Highlights of Informal Third Party Discussion Led by Moderator

1. Free service provided by the NH Department of Education;
2. A non-adversarial means to discuss parent/guardian/LEA disagreements on a variety of matters including, but not limited to, special education, residency, manifest educational hardship, bullying, cyber-bullying; etc.
3. Participation is optional and voluntary;
4. If agreed to by both parties, the school district makes the request to the NH Department of Education, on behalf of both parties;
5. Prior to requesting an informal third party discussion, both parties to the dispute are requested to pick 2 or 3 specific days which are mutually convenient and state what the issue(s) is/are to be discussed and each party's view of what they want;
6. Parties may attend with a lawyer and/or advocate;
7. The Moderator's role is not to provide a decision, but, after listening to each party's perspective of the dispute, to offer options to think about as a way to possibly settle the dispute;
8. The Moderator, who is also an independent contracted Hearing Officer/Mediator, can give valuable insights into the how a Hearing Officer would view the matter;
9. The Moderator can offer his/her opinion as to whether the remedy a party wants is allowed under the law;
10. In general, the Moderators help the participants to open dialogue, search for possible solutions and present possible scenarios to resolve their own solution(s);

11. Informal Third Party Discussions can be held in Concord or telephonically. Some issues can be done telephonically, but some issues may require in-person conversation. The advantage of having the informal third party discussion in person is that non-verbal communication is often a large part of communication problems.
12. Informal Third Party Discussions are generally held Monday-Friday (9 a.m. – 5 p.m.),
13. Length of sessions varies, however, at the on-set, the matter is limited to ½ hour divided between 15 minutes for each party to talk about their perceptions. Afterward, the matter can take anywhere from 5 minutes to several hours to explore possible solutions;
14. All participants should be prepared to take whatever time is necessary to discuss the matter;
15. Informal Third Party Discussion sessions are confidential;
16. If the discussion results in a settlement, the Moderator can assist the parties in producing a written agreement, developed by them with the assistance of the Moderator, resolving the issue(s) satisfactorily to both sides;
17. Settlement agreements are legally binding and enforceable in a court of competent jurisdiction;
18. As an informal third party discussion may result in a settlement, each party comes to the session with authority to commit any resources (time, effort, funds, staff, equipment, services, etc.) under their jurisdiction to whatever they may agree to as a result of the discussion (i.e. parents have authority over their child; the school district representative brings written authority to commit the district's resources);
19. If the informal third party discussion does not result in settlement, parties are free to request an alternative dispute resolution (mediation and for IDEA matters, Neutral Conference) or an administrative hearing (for IDEA matters, a special education impartial due process hearing.)