

Rules of Mediation

The following is a summary of pertinent rules of mediation.

1. The mediator is an impartial third party.
2. The mediator has no authority to compel any action by either party.
3. Mediation participants for both parties must include persons who have the authority to act on behalf of the student and local district or agency.
4. Mediation requires the full participation and commitment of both parties and can only begin or continue when parties agree.
5. The mediation conference is not recorded by any means. The only record that is kept of the mediation conference is the mediation agreement (either hand written or generated by a laptop computer) which includes a listing of participants and the date(s) and location(s) of the mediation session(s) and a summary of the outcome. A record of the mediation discussions will not be maintained, **and no recording (electronic or otherwise) is permitted.**
6. Efforts to mediate will not be admissible as evidence at a due process hearing except for the purpose of noting that the mediation occurred and the terms of any agreement(s) that were reached as a result of the mediation.
7. The mediator shall terminate the mediation at any point that, in the opinion of the mediator or either party to the mediation, no resolution of the disagreement(s) is forthcoming.
8. The number of participants for each party shall generally be limited to two or three persons.
9. A reasonable time should be set from the time of initiation to completion of mediation (generally within ten calendar days). If needed, the timeline could be extended by mutual agreement of all parties.
10. The mediator will chair all mediation conferences and assure that they are convened in a timely fashion, according to an orderly process, and with due regard to the rights and responsibilities of all parties to the mediation.
11. The content of the mediation conference is confidential and shall not be shared with outside parties.
12. The mediation will be present and future oriented; past problems will not be the focus of the mediation conference.
13. The mediation will be conducted with respect (e.g., name calling or interrupting will not occur).
14. A copy of the final agreement will become a part of the student's school records.
15. Both parties will show good faith and commitment to implementing the final agreement.