

NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION  
Exceptional Children Division

**STATEWIDE SPECIAL EDUCATION MEDIATION PROGRAM**

<b>AGREEMENT TO MEDIATE FORM</b>
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Case # \_\_\_\_\_ Case Name: \_\_\_\_\_

1. The parties agree to participate voluntarily in mediation in an effort to resolve the issues to this dispute. Any agreement reached will be reached by mutual consent. **The mediators are not decision-makers in this process.**
  
2. The parties agree that all matters discussed during the mediation are confidential, unless otherwise discoverable, and cannot be used as evidence in any subsequent administrative or judicial proceeding. Confidentiality, however, will not extend to threats of imminent physical harm or incidents of actual violence that occur during the mediation.
  
3. The parties agree not to subpoena the mediator(s) or compel the mediator(s) to produce any documents in any pending or future administrative or judicial proceeding. The parties further agree that the mediator(s) will be held harmless for any claim arising from the mediation process.
  
4. Mediation sessions will not be tape-recorded or transcribed by the mediator or any of the participants. All information or materials provided to or created by the mediator, including all notes generated during the course of the mediation shall be destroyed by the mediator after conclusion of the mediation. Parties or their representatives are not prohibited from retaining their own notes.
  
5. If settlement is reached by all the parties, the agreement shall be reduced to writing and when signed shall be binding upon all parties to the agreement. If the issues are not resolved through mediation, it is

understood by the parties that the issues may be transferred to the state complaint investigation process or to a due process hearing.

_____ Parent	_____ Date	_____ School Representative	_____ Date
_____ Parent	_____ Date	_____ School Representative	_____ Date
_____ Participant	_____ Date	_____ Participant	_____ Date