

DDD-PI-083

To: Regional DD Program Administrators
Regional DD Case Managers
Infant Development Coordinators

From: Mark Kolling, Director
Developmental Disability Unit

Date: July 26, 1999

Subject: Mediation

Effective Date: August 1, 1999

The North Dakota Department of Human Services, as the Part C Lead Agency, assures that mediation services are available whenever a public agency or service provider proposes or refuses to initiate or change the identification, evaluation, placement of an infant or toddlers, or the provision of appropriate early intervention services to a child and the child's family.

Mediation is voluntary on the part of all parties, will not be used to deny or delay a parents right to a due process hearing, will not deny any other rights under the Department of Human Services, and will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and knowledgeable in laws and regulations relating to early intervention services. The Department of Human Services will maintain a list of individuals who are qualified to serve as mediators.

The Lead Agency ensures that all mediation sessions are scheduled in a timely manner and are held at a location convenient to all parties. Discussions that occur during the mediation process are confidential and will not be used as evidence in any subsequent hearings or civil proceedings without permission. If the mediation results in an agreement, the parties will document that agreement in writing.

The North Dakota Department of Human Services will pay for the cost of Early Intervention Mediation. The Lead Agency will not pay for attorney fees incurred by parties involved in mediation. Either party may request mediation services by contacting the Developmental Disabilities Unit of the North Dakota Department of Human Services by telephone or in writing:

Developmental Disabilities Unit
1237 W Divide Ave Ste 1A
Bismarck, ND 58501-1208
1-800-755-8529
(701) 328-8930

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