

**WAC 392-190-0751 Mediation.** (1) A school district or public charter school may offer mediation, at the district's or charter school's expense, to resolve complaints at any time during the complaint procedure set forth in WAC 392-190-065 through 392-190-075. The purpose of mediation is to offer both the complainant and the school district or public charter school an opportunity to resolve disputes and reach a mutually acceptable agreement concerning the complaint through the use of an impartial mediator.

(2) Mediation must be voluntary and requires the agreement of both parties. It may be terminated by either party at any time during the mediation process.

(3) Mediation cannot be used to deny or delay a complainant's right to utilize the complaint procedure set forth in WAC 392-190-065 through 392-190-075 or to deny any other rights afforded under this chapter or under chapters 28A.640 or 28A.642 RCW.

(4) Mediation must be conducted by qualified and impartial mediators. An individual who serves as a mediator:

(a) May not be an employee of any school district, public charter school, or other public or private agency that is providing education or related services to a student who is the subject of the mediation process; and

(b) Must not have a personal or professional conflict of interest.

(5) A person who otherwise qualifies as a mediator is not an employee of a school district, public charter school, or other public agency solely because he or she is paid by the school district, charter school, or agency to serve as a mediator.

(6) If the parties resolve a dispute through the mediation process, the parties may execute a legally binding agreement that:

(a) Sets forth that resolution;

(b) States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing, or civil proceeding; and

(c) Is signed by both the complainant and a representative of the school district or public charter school who has the authority to bind the district or charter school.

(7) The complainant and the school district or public charter school may agree to extend the timelines set forth in WAC 392-190-065 through 392-190-075 to pursue mediation.

(8) The office of superintendent of public instruction does not sign, approve, or endorse any mediation agreements reached by the parties. However, the office of superintendent of public instruction may assist both parties in understanding pertinent legal standards and possible remedies.

[Statutory Authority: RCW 28A.640.020 and 28A.642.020. WSR 14-23-072, § 392-190-0751, filed 11/18/14, effective 12/19/14.]