



CONFIDENTIALITY AGREEMENT

Child's Name _____ File Number _____
For department use only

Local Early Steps _____

1. The parties agree to participate voluntarily in mediation in an effort to resolve the complaint filed regarding child _____.
2. The parties, including all participants at the meeting, 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. Any communications between the mediator(s) and the parties will be kept confidential.
4. The parties agree not to subpoena the mediator(s) or compel the mediator(s) to produce any documents provided by a party in any pending or future administrative or judicial proceeding. The mediator(s) will not voluntarily testify on behalf of a party 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.
5. 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, records, or documents generated during the course of the mediation shall be destroyed by the mediator after conclusion of the mediation.
6. **In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth such resolution and that (i) states that all discussions that occurred during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding, (ii) is signed by both the parent and a representative of the agency who has the authority to bind such agency, and (iii) is enforceable in any State court of competent jurisdiction or in a district court of the United States.**

Parent/Guardian DATE

Local Early Steps Representative DATE

Participant's Signatures

