

Fifty-fifth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2096**

Introduced by

Education Committee

(At the request of the Superintendent of Public Instruction)

1 A BILL for an Act to create and enact a new section to chapter 15-21 of the North Dakota  
2 Century Code, relating to mediation between school districts and parents of students.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 15-21 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Mediation - Procedure established by superintendent - Liability - Confidentiality**  
7 **and evidentiary exclusions.** The superintendent of public instruction may establish and fund,  
8 within the limits of legislative appropriation, a mediation procedure for the resolution of disputes  
9 between parents and their school districts concerning education of students with disabilities,  
10 rehabilitation, accommodation, and discrimination. School districts may participate in mediation  
11 under this section. Participation in a mediation procedure established under this section is  
12 voluntary, without cost to the parents, and must be consented to by both the parent and the  
13 school district. Persons acting as mediators under this section must be qualified and impartial  
14 and may not have been involved with the education or care of the student in question nor have  
15 any other personal or professional conflict of interest. Any procedure established under this  
16 section may not deny nor delay parents' access to administrative due process or other  
17 complaint or grievance resolution proceedings, and the parents or the school district may  
18 terminate mediation efforts at any time during the process. All mediated agreements under this  
19 section must be in writing.

20 Notwithstanding any other provision of law:

- 21 1. All discussions during mediation under this section are confidential.  
22 2. A statement or admission made during mediation under this section may not be  
23 offered or received into evidence in any subsequent administrative proceeding or  
24 civil action.

- 1           3.   A mediator is not competent to testify in any subsequent administrative proceeding
- 2                   or civil action as to any statement, conduct, admission, or agreement occurring at
- 3                   or in conjunction with mediation under this section.
- 4           4.   Evidence otherwise admissible outside mediation under this section is not
- 5                   rendered inadmissible solely because it was introduced or used during mediation.
- 6           5.   The superintendent of public instruction, officers and employees of the department
- 7                   of public instruction, and mediators are not subject to any liability arising from
- 8                   mediation procedures undertaken pursuant to this section.