

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED 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 relating to the education of students with disabilities
10 and with respect to rehabilitation, accommodation, and discrimination. School districts may
11 participate in mediation under this section. Participation in a mediation procedure established
12 under this section is voluntary, without cost to the parents, and must be consented to by both
13 the parent and the school district. Persons acting as mediators under this section must be
14 qualified and impartial and may not have been involved with the education or care of the
15 student in question nor have any other personal or professional conflict of interest. Any
16 procedure established under this section may not deny nor delay parents' access to
17 administrative due process or other complaint or grievance resolution proceedings, and the
18 parents or the school district may terminate mediation efforts at any time during the process.
19 All mediated agreements under this 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.