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|  | POLICIES AND PROCEDURES State of Tennessee Department of Disability and Aging | Policy #: 60.7.2 | Page 1 of 4 |
| Policy Type: Administrative/Community | Effective Date: Dec. 10, 2025 | | |
| Approved by:  <hr/> Brad Turner, Commissioner | Distribution: A/B | | |
| | Supersedes: 60.7.2 (2/08/2022) | | |
| | Last Review or Revision: Sept. 23, 2025 | | |
| Subject: TEIS PROCEDURAL SAFEGUARDS – MEDIATION | | | |

- I. **AUTHORITY:** 20 United States Code Annotated § 1439; 34 Code of Federal Regulations (C.F.R.) § § 303.400, 303.431; Tennessee Code Annotated (“T.C.A.”) § § 4-3-2708, 52-1-105, 49-10-702.
- II. **PURPOSE:** To establish uniform procedures within the Department of Disability and Aging (“Department”) for the Mediation Process to be used with the Tennessee Early Intervention System (“TEIS”) procedural safeguards for the purpose of addressing disagreements related to any matter under Part C.
- III. **APPLICATION:** This policy applies to all Department of Disability and Aging (“Department”) workforce members who interface with Tennessee Early Intervention System (“TEIS”).
- IV. **DEFINITIONS:** For the purpose(s) of this policy, the following definitions apply.
 - A. **Early Intervention Services Provider (“EIS Provider”)** shall mean the Department-contracted entity responsible for providing early intervention services to qualifying children with disabilities.
 - B. **Part C of the IDEA (“Part C”)** shall mean the section of the Individuals with Disabilities Education Act (“IDEA”) which requires participating States to ensure infants and young children with disabilities and their families receive early intervention services. In Tennessee, the Part C program is the TEIS.
 - C. **Procedural Safeguards** shall mean a system of requirements designed to protect the rights of parents and their child with a disability and, at the same time, give families and service providers means by which to resolve their disputes.

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- D. **Tennessee Early Intervention System (“TEIS”)** shall mean the program that provides early intervention services for infants and young children with disabilities and their families through Part C of IDEA.
- E. **Workforce Member(s)** shall mean all persons whose conduct, in the performance of work for a covered entity or business associate, is under the direct control of such covered entity or business associate, whether or not such persons are paid for such work by the covered entity or business associate. Thus, employees, trainees, interns, students, contract workers, and volunteers are all part of the Department’s workforce.
- V. **POLICY:** The Department shall establish and maintain a mediation process to be used within the TEIS program for the purpose of addressing disagreements related to any matter under Part C.
- VI. **PROCEDURES:**
 - A. Initiation of Complaint
 - 1. A request for mediation shall be made in writing. The Department’s Mediation Request Form 60.7.2a may be used and the form shall be provided upon request. A written request for mediation shall not be denied solely because the request was not made using the Department’s form, if the request contains all required information.
 - 2. A mediation may be requested by a family member, EIS provider, the Department, and/or a public agency to address disagreements related to any matter under Part C.
 - 3. Upon receiving a request for mediation, the Department will initiate the mediation process.
 - B. Requirements: The mediation process must meet the following requirements:
 - 1. It shall comply with the provisions on confidentiality in 34 C.F.R. §§ 303.401 through 303.417, parental consent and notice in 34 C.F.R. §§ 303.420 and 303.421, and surrogate parents in 34 C.F.R. § 303.422;
 - 2. It shall be voluntary for all parties;
 - 3. It may not be used to deny or delay a parent’s right to a due process hearing or any other rights under Part C;
 - 4. It must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques;

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5. The Department shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of early intervention services;
6. The Department shall select mediators on a random, rotational, or other impartial basis;
7. The Department shall bear the cost of the mediation process;
8. Each session in the mediation process must be scheduled in a timely manner and must be held in a location which is convenient to the parties to the dispute;
9. If the parties resolve a dispute through the mediation process, the parties must execute a legally binding agreement which:
 - a. Sets forth the resolution;
 - b. States all discussions which occur during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - c. Is signed by both the parent and a Department representative who has the authority to bind the agency.
10. A written, signed mediation agreement is enforceable in a district court of the United States.
11. Discussions which occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under Part C.

C. Impartiality of Mediator

1. An individual who serves as a mediator under this policy:
 - a. May not be an employee of the Department or an EIS provider that is involved in the provision of early intervention services or other services to the child; and
 - b. Must not have a personal or professional interest that conflicts with the person's objectivity.

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2. A person who otherwise qualifies as a mediator is not an employee of the Department or an EIS provider solely because he or she is paid by the Department or provider to serve as a mediator.

D. Choosing Not to Participate in Mediation: Parents and EIS providers who choose not to participate in a mediation process shall have the opportunity to meet, at a time and place convenient to the parents, with a disinterested party who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State. The purpose of this meeting is to explain the benefits of, and encourage the use of, the mediation process.

VII. **REVISION HISTORY: February 8, 2022; March 19, 2024, May 21, 2025.**

VIII. **ATTACHMENTS:**

A. 60.7.2a TEIS Mediation Request Form