**24:05:30:09.01.  Mediator -- Qualified and impartial.** The mediation process shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques. The department shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services. Mediators shall be selected on a random, rotational, or other impartial basis. An individual who serves as a mediator:

 (1)  May not be an employee of:

 (a)  Any school district or state agency that is involved in the education or care of the child; or

 (b)  The department, if the department is providing direct services to a child who is the subject of the mediation process; and

 (2)  May not have a personal or professional interest that conflicts with the person's objectivity.

 A person who otherwise qualifies as a mediator is not an employee of a district or state agency solely because the person is paid by the department to serve as a mediator.

 **Source:** 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007.

 **General Authority:** SDCL 13-37-1.1.

 **Law Implemented:** SDCL 13-37-1.1.