**24:14:14:16.  Appointment of mediator.** 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 Part C 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 the department, a public agency, or a nonpublic service provider that is involved in the provision of early intervention or other services to the child; 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 the department, a public agency, or a nonpublic service provider solely because the person is paid by the department to serve as a mediator.

 **Source:** 20 SDR 223, effective July 7, 1994; 26 SDR 153, effective May 22, 2000; 35 SDR 82, effective October 22, 2008.

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

 **Law Implemented:** SDCL 13-1-23, 13-14-1, 13-37-1.1.