

DISPUTE RESOLUTION PROCEDURE

- A. The Sponsor and the School agree that the existence and details of a dispute notwithstanding, both parties shall continue without delay their performance hereunder, except for any performance which may be directly affected by such dispute.
- B. Either party shall notify the other party that a dispute exists between them. Such notification shall be in writing and shall identify the article and section of the Contract that is in dispute and the grounds for the position that such article and section is in dispute. The matter shall be immediately submitted to the Sponsor's Office of School Choice and the School's Director for further consideration and discussion to attempt to resolve the dispute.
- C. Should the representative named in paragraph B be unable to resolve the dispute within ten (10) days of the date of notification by one to the other of the existence of such dispute, then the matter may be submitted by either to the Sponsor's Superintendent of Schools and to the School's Chairman of the Governing Board, for further consideration and discussion to attempt to resolve the dispute.
 - 1. The choice of local mediation does not affect the parties right to an administrative hearing, mediation services offered by the Department of Education, or other legal or equitable remedies available under the law, but is included as an alternative remedy for an impasse.
 - 2. If the parties agree to such local mediation, it shall be conducted with a court approved mediator from the Tenth Judicial Circuit in and for Polk County, Florida.
 - 3. Once the parties agree upon local mediation, it shall be concluded within 60 days of such agreement to mediate unless otherwise agreed by the parties.
 - 4. The parties agree to bear their own costs and attorneys' fees for local mediation and to equally split the mediator's fee. Local mediation shall be held in Polk County, Florida.
 - 5. If local mediation results in a settlement of the dispute, the Sponsor acting in its official capacity of "the agency" shall enter a final order incorporating the parties' mediation agreement.

D. The matter may be submitted to mediation in accordance with the following provisions.

1. The parties may avail themselves of mediation services offered by the Department of Education pursuant to section 1002.33(6)(g), Florida Statutes. Alternatively, the parties may elect to use non binding local mediation as an alternative dispute resolution process.
2. The parties may resume with administrative and/or other available remedies.
3. If the Commissioner determines that the dispute cannot be settled through Department of Education sponsored mediation, the dispute shall be brought to the Division of Administrative Hearings for appointment of an administrative law judge and resolution in accordance with Section 1002.33(6)(g), Florida Statutes 2003.