

TULARE COUNTY/DISTRICT SELPA

POLICY #

7200

**STUDENT IDENTIFICATION –
RECORDS – SERVICES – MISC.
SRP**

Adopted:

12/6/00

Revised:

8/22/00

Due Process Hearing

It shall be the policy of the Tulare County/District Special Education Local Plan Area to provide for a free and appropriate public educational opportunity for pupils identified as individuals with exceptional needs. An expeditious and effective due process shall be implemented for the resolution of complaints regarding any alleged violations of the Individuals with Disabilities Education Act.

It is the intent of the SELPA that parties to special education disputes be encouraged to seek resolution through a voluntary mediation conference prior to filing a request for a due process hearing. In addition, it is the intent of the SELPA that the mediation meeting be an informal one conducted in a non adversarial atmosphere to resolve issues relating to the identification, assessment or educational placement, or the provision of a free and appropriate public education to the child, and to the satisfaction of both parties. Attorneys or other independent contractors used to provide legal advocacy services shall not attend or otherwise participate in the pre-hearing request mediation conference. The parent or public education agency may be accompanied and advised by non attorney representatives. Nothing in the policy shall preclude the parent or local education agency from consulting with an attorney prior to or following a mediation conference.

Requesting or participating in a mediation conference is not a prerequisite to requesting a due process hearing.

All requests for a mediation conference shall be filed with the State Superintendent of Public Instruction. The party initiating the request for a mediation conference shall file a written request and shall provide the other party to the mediation with a copy at the same time the request is filed with the State Superintendent of Public Instruction. The pre-hearing mediation conference shall be scheduled and conducted in a time and manner consistent with Education Code 56500.3. Any resolution as a result of a mediation conference will be consistent with State law as well.

Notwithstanding any procedure set forth in this policy, a public agency and a parent may, if the party initiating the medication conference so chooses, meet informally to resolve any issue(s) to the satisfaction of both parties prior to the mediation conference.

The procedures and rights contained in this policy shall be included in the notice of parents rights attached to the assessment pursuant to State and Federal law.

Procedures for the administrative due process hearing are established in the Education Code 56501-56508 including the right of appeal to the Superintendent of Public Instruction.

References: EC 56500-56508; 56205 (a)(6)