
MEDIATION AND DUE PROCESS (SED-P014)

WENATCHEE SCHOOL DISTRICT

1.0 SCOPE:

- 1.1 This outlines the process for reaching an agreement on Special Education programs and/or placement between the parents of a student and the district.

The online version of this procedure is official; therefore, all printed versions are unofficial copies.

2.0 RESPONSIBILITY:

- 2.1 Director of Special Education

3.0 APPROVAL AUTHORITY:

- 3.1 Director of Special Education or Assistant Director

4.0 DEFINITIONS:

- 4.1 OSPI – Office of Superintendent of Public Instruction
- 4.2 ALJ – Alternative Law Judge

5.0 PROCEDURE:

- 5.1 Parent or district contacts OSPI requesting Mediation or a Due Process Hearing.
- 5.2 OSPI contracts with Sound Options Mediation to send a mediator to the district.
- 5.3 Mediator contacts both parties and sets date and time for mediation.
 - 5.3.1 Both parties present their case.
 - 5.3.2 Mediator works with the groups to mediate an agreement.
- 5.4 If a mediated agreement is reached, both parties:
 - 5.4.1 Discussion during mediation remains confidential and cannot be used in subsequent due process or civil action.
 - 5.4.2 One or both parties file(s) with OSPI for a Due Process Hearing.
- 5.5 If one or both parties file(s) for a Due Process Hearing:
 - 5.5.1 Must allege a violation no more than 2 years old unless school district withheld information.
 - 5.5.2 Due process request must be filed directly with the other party and OSPI. Filing must remain confidential.
 - 5.5.3 Filing must include:
 - 5.5.3.1 Student's name; address, school and school district
 - 5.5.3.2 Nature of the dispute
 - 5.5.3.3 Proposed resolution

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5.5.4 Request for Due Process must meet all requirements.

5.5.4.1 Receiving party must notify ALJ within 15 days of receiving request if they believe the request is insufficient.

5.5.4.2 ALJ has 5 days to determine whether request is sufficient.

5.5.4.3 Party may amend their due process request, timelines restart.

5.5.5 District must send a prior written notice containing all information including explanation of why the district proposed or refused to take the action raised in the due process hearing request (if it has not already done so).

5.5.6 Within 15 days of receipt of Due Process Notice, the District must convene a resolution meeting with the parent and relevant members of the IEP team, including a representative of the District with decision-making authority.

5.5.6.1 Failure of parent to attend a resolution meeting could result in delay of hearing. Parent may seek intervention of the ALJ to convene the Due Process hearing should school delay.

5.5.7 Due Process Hearing will begin in 30 days if no resolution is reached.

5.5.8 Resolution of the dispute will result in a legally binding agreement.

5.6 The ALJ shall hand-down a final decision not later than 45 days after the expiration of the 30-day resolution period.

5.6.1 Both parties adhere to the ALJ decision, or

5.6.2 One or both parties file in Superior Court.

6.0 ASSOCIATED DOCUMENTS:

6.1 Formal written request for Mediation

6.2 Formal written request for Due Process Hearing

7.0 RECORD RETENTION TABLE:

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
All documents listed in 6.0	Director of Special Education's file	Six years after services end	Destroy	Fireproof

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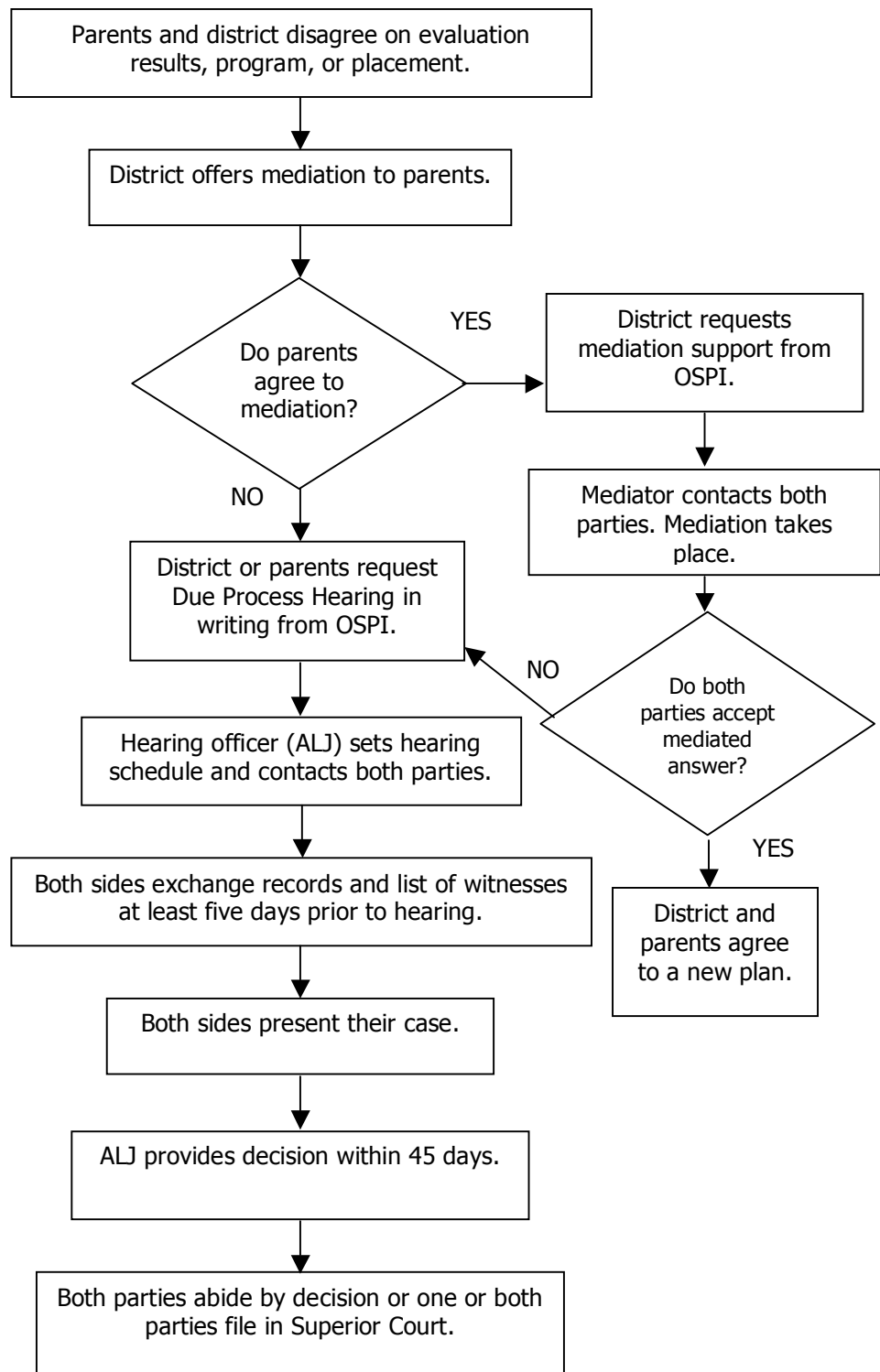
8.0 REVISION HISTORY:

<u>Date:</u>	<u>Rev:</u>	<u>Description of Revision:</u>
11-May-01	A	Original Release
16-Jan-03	B	Updated Approval Authority to include Assistant Director of Special Education; updated retention information in 7.0
12-Sept-03	C	Updated records retention data, replacing seven years with six
04-Nov-04	D	Changed "student leaves district" to "services end" in record retention table
07-Nov-07	E	Added 5.4.1, 5.4.2, 5.5.1 – 5.5.8, 5.7 – 5.7.2. Deleted 5.4.1 and 5.6.

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Exhibit "A"



**** End of procedure ****