



Empowering Charters to Succeed

Due Process Legal Risk Pool

It is the intent of the El Dorado County Charter SELPA to resolve disputes at the lowest level of concern, while maintaining relationships among parents and school personnel. Nevertheless, in order to resolve disagreements about a child's special education program a due process hearing may be necessary on occasion. The Charter SELPA maintains a legal risk pool for the purpose of mitigating the costs associated with due process litigation.

Accessing the Pool

Before a charter can apply for legal risk pool reimbursement, the charter must request a SELPA case review. This review will evaluate the strengths and weaknesses of the case and explore options for service and dispute resolution that may have been previously overlooked. The Charter SELPA will evaluate the case relative to the adopted pool funding criteria. The pool funding criteria shall be established annually (by CEO Executive Committee) and will include shared pro-ration of costs, maximum reimbursement per charter/per case, and identification of eligible costs. An Office of Administrative Hearings due process case number will have been assigned in all instances of eligible activities. The Executive Director of the SELPA will notify the charter in writing of the amount approved for reimbursement.

Approved requests will be reimbursed at 50% of costs up to \$10,000.00 (\$20,000 in approved/eligible costs, with a 50% match by the charter).

- A. **Eligible** criteria includes but may not be limited to:
 - a. Charter member attorney fees associated with a due process fair hearing.
 - b. Charter member attorney fees associated with a mediation or alternative dispute resolution that occurs as a result of a due process filing.
 - c. When LEA is ordered to pay legal costs of opposing counsel.

- B. **Ineligible** criteria includes but may not be limited to:
 - a. IEP meetings
 - b. Research / tasks which are programmatic in nature
 - c. Letter writing
 - d. Clerical tasks
 - e. Legal workshops (falls under professional development)



Empowering Charters to Succeed

- f. Tasks that charters should be able to competently complete on their own
- g. Charter staff time
- h. Charter special education consultant time
- i. Mediation only where no due process filing has occurred
- j. Alternative Dispute Resolution for State Complaints

Guidelines

1. Applications for access to the due process legal risk pool will be received by the El Dorado County Charter SELPA no later than June 15th of each year.
2. Successful applications will be funded based on meeting the legal risk pool criteria. Funding will be up to \$10,000.00 with a match requirement of 50% Charter and 50% Risk Pool.
3. A separate application must be submitted for each legal risk pool request.
4. Submit a completed application, copy of the due process filing paperwork and documentation of legal cost.
5. All completed applications with the appropriate signatures must be submitted electronically by June 15th to charterselpabusiness@edcoe.org.
6. If your Charter LEA has unspent special education funds, use these funds prior to applying to the legal risk pool.



Empowering Charters to Succeed



Empowering Charters to Succeed

RISK POOL APPLICATION

NAME OF CHARTER SCHOOL: _

MAILING ADDRESS: _

SPECIAL EDUCATION CONTACT PERSON: _

CONTACT NUMBERS: () _ () _

EMAIL ADDRESS: _

STUDENT NAME: _

SEX:

DATE OF BIRTH: _

DATE STUDENT ENROLLED IN CHARTER LEA: _

SCHOOL ATTENDED: __

INDICATE THE AMOUNT OF FUNDS APPLIED FOR:

Total Costs: \$ _____ Requested Amount (50% of total costs): \$ _____

Checklist of documents to submit to charterselpabusiness@edcoe.org:

- Signed and Completed Legal Risk Pool Application
- Copy of Due Process Filing
- Documentation to Substantiate Legal Costs (include copies of invoices)



Empowering Charters to Succeed

RISK POOL APPLICATION (continued)

1. DOES THE CASE INVOLVE LEGAL QUESTIONS OR A SITUATION THAT IS NOT ADDRESSED BY SELPA POLICIES/PROCEDURES? _

2. HAS THE PARENT OBTAINED LEGAL COUNSEL AND INITIATED ACTION REQUIRING THE CHARTER TO DEFEND ITS SPECIAL EDUCATION PROGRAM FOR AN INDIVIDUAL CHILD OR CLASS OF CHILDREN? _

—

3. TO WHAT EXTENT DID THE CHARTER RESEARCH/OFFER ALTERNATIVE OPTIONS? _

4. EXPLAIN MITIGATING CIRCUMSTANCES:

RISK POOL ASSURANCES: Applicant agrees to the following assurances by placing a check mark in the check box BELOW.



Empowering Charters to Succeed

I certify that I have the authority to submit this application and that all information contained herein is accurate and complete, realizing that any misrepresentation could result in disqualification from the application process or revocation after award.

Signature of Person Submitting

Print Name, Title and Date

Signature of CEO

Print Name, Title and Date