



*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 .

## GUIDELINES

1. In order to ensure the availability of funds for all members, completed applications must be submitted electronically by May 1, via the [Fiscal Portal](#).
2. For claims incurred after May 1, reimbursement may be filed and must be submitted by August 1. Charters will be notified of the approved amount within one week of submission of the request. Reimbursement will occur in June, after a review of all requests and a determination of available funding.
3. A specific dollar amount is allocated each year for legal risk pool reimbursement. Should total Charter SELPA claims in exceed the allocated amount; reimbursements will be pro-rated according to funds available.
4. Successful applications will be funded based on meeting the legal risk pool criteria. Funding per Office of Administrative Hearings (OAH) due process filing may be requested up to \$18,000 with a match requirement of 60% paid by the Charter. For example, a charter must have \$30,000 or more in eligible expenditures to receive an \$18,000 reimbursement.
5. On an annual basis, the Charter SELPA will evaluate funding available in the pool and establish reimbursement parameters. As a result, funding could change annually.
6. A separate application must be submitted for each due process claim. A complete application package consists of the application form, copy of due process filing, and invoices for legal costs claimed.
7. Upon notification of an OAH due process filing, charters must contact the Charter SELPA for a SELPA case review.
8. An (OAH) due process case number will have been assigned in all instances of eligible activities.



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9. Eligible Costs:

- Charter member attorney fees associated with a due process fair hearing.
- Charter member attorney fees associated with a mediation or alternative dispute resolution that occurs as a result of a due process filing.
- When LEA is ordered to pay legal costs of opposing counsel.

10. Ineligible Costs:

***Ineligible*** criteria includes but may not be limited to:

- IEP meetings
- Research / tasks which are programmatic in nature
- Letter writing
- Clerical tasks
- Legal workshops (falls under professional development)
- Tasks that charters should be able to competently complete on their own
- Charter staff time
- Charter special education consultant time
- Mediation only where no due process filing has occurred
- Alternative Dispute Resolution for State Complaints