

Legal Fee Reimbursement

LEGAL FEE REIMBURSEMENT - CRITERIA AND PROCEDURE FOR USE OF SELPA DOLLARS TO SUPPORT LEGAL COSTS

Approved Program Advisory Council: 05-16-14

Approved by Consortium: January 21, 2010

Approved by Commission: December 12, 2009

Proposed Revisions: Presented to the Commission 9-18-97

Approved Commission: Resolution #93-30 2-10-94

CRITERIA

1. The issue has SELPA wide implications.
2. A district may contact the SELPA Director and request an early review of a case by a Legal Review Committee to determine if case meets eligibility criteria for possible reimbursement when case is completed.
3. The District met substantive requirements listed below
 - Program must be designed to meet the student's unique needs
 - Program must be reasonably calculated to provide meaningful educational benefit
 - Program provided must comport with IEP; AND
 - Program must be offered in the least restrictive environment
4. The district has followed all state and federal guidelines and requirements, plus SELPA Local Plan policies and procedures.
5. An application will be on a per child/per case basis.
6. Approval may be for possible hearing level or court action costs with consideration given to necessary attorney or consultant support during mediation and/or any attorney costs agreed upon to reach a mediated settlement. Alternative Dispute Resolution (ADR) and mediation must be requested by district in order to be considered for possible reimbursement
7. A district MAY be reimbursed up to the limit for attorney or consultant expenses incurred for complaints filed by parents if:
 - the district is found in compliance by the complaint investigation.
 - the district prevailed on the majority of issues addressed in ADR, mediation or Due Process
8. Appropriate costs are for outside consultant, attorney or court costs only, not for district support costs (psychologist, administration, phone, fax, etc.) or settlement agreements.

Shasta County Special Education Local Plan Area
Legal Fee Reimbursement

PROCEDURE

1. District may apply for reimbursement after the case is completed. The application may be submitted at any time, up to April 30, of the current fiscal year.
 - District may contact the SELPA Director and request a maximum extension of 30 days or until May 30.
 - Reimbursement request must be submitted in the current fiscal year

2. The District must document the following:
 - Example: SELPA wide implications
 - History of case
 - What offered/action taken
 - What parent wanted/action
 - What has been determined to date
 - Data to support substantive requirements were met
 - Educational benefit analysis

3. All requests will be brought before a legal review committee of SELPA members not seeking legal reimbursement.

4. For applications submitted by April 30, the Legal Fee Reimbursement committee will review and render a decision by or before May 30.