

## **V. Legal Pool**

It is the intent of the SELPA to resolve disputes at the lowest level of concern, and at the same time, maintaining relationships among parents and school personnel. Nevertheless, due process is necessary from time to time, in order to resolve disagreements about a child's special education program. The SELPA maintains a financial pool for the purpose of funding costs associated with due process litigation.

### **V1. Accessing the Fund**

The Assistant Superintendent, SELPA administers the Legal Pool. Before a district can apply for Legal Pool funding, the LEA Director shall request a peer case review, in order to evaluate the strengths and weaknesses of the case, to explore options for service, dispute resolution that may have been previously overlooked and the level of financial support to be provided by the Legal Pool. At a minimum, this case review must include the LEA Director, another LEA Director, and the Assistant Superintendent, SELPA. If the LEA Director and Superintendent disagree with decision of the case review team, they may appeal the decision to the Council of Superintendents.

The SELPA maintains master contracts with a variety of firms, any of which are acceptable for pool funding. However, the SELPA funds the LEA attorney rate at the lowest of the contracted rates. If a district chooses to use an attorney with a higher rate, the district is responsible for the difference in cost. The Legal Pool may be used to finance district legal fees and parent attorney fees and authorize a portion of mediated agreement settlements, as appropriate.

The pool does not fund legal education, any legal opinions, or services initiated directly by districts without approval of the Assistant Superintendent, SELPA. Legal opinions requested by the Assistant Superintendent, SELPA, will be made available to all members of the SELPA.

### **V2. Budgetary Information**

The Legal Pool is funded annually by the Council of Superintendents during the subsequent year's budget adoption. Expenditures in excess of the legal pool are charged back to member districts, based on the proportion of the fund used by each member district.