
Special Education – Procedural Safeguards**

1. Procedural Safeguards
 - a. The district provides procedural safeguards to:
 - 1) Parents/guardians (unless the guardian is a state agency) or persons in parental relationship to the student;
 - 2) Surrogate parent/~~guardian~~; and
 - 3) Students who have reached the age of 18 or are considered emancipated under Oregon law and to whom rights have been transferred by statute, identified as adult students (called “eligible students”); ~~Students whose rights have transferred (called “adult students”);~~
 - b. The district gives parents/~~guardian~~ and adult students a copy of the *Notice of Procedural Safeguards*, published by the Oregon Department of Education (ODE):
 - 1) At least once a year;
 - 2) At the first referral or parent/~~guardian~~ request for evaluation to determine eligibility for special education services;
 - 3) When the parent/~~guardian~~ (or adult student) requests a copy; and
 - 4) To the parent/~~guardian~~ and the student one year before the student’s 18th birthday or upon learning that the student is emancipated.
 - c. The *Notice of Procedural Safeguards* is:
 - 1) Written in the native language of the parent/~~guardian~~ (unless it is clearly not feasible to do so) and in language clearly understandable to the public.
 - 2) If the native language or other mode of communication of the parent/~~guardian~~ is not a written language, the district shall take steps to ensure that:
 - i) ~~That I~~ the notice is translated orally or by other means to the parent/~~guardian~~ in ~~his/her~~ their native language or other mode of communication;
 - ii) ~~That I~~ the parent/~~guardian~~ understands the content of the notice; and
 - iii) ~~That I~~ there is written evidence that the district has met these requirements.

2. Content of *Procedural Safeguards Notice*

The procedural safeguards notice includes all of the content provided in the *Notice of Procedural Safeguards* published by the Oregon Department of Education (ODE).

3. Parent/~~Guardian~~ of Adult Student Meeting Participation

- a. The district provides parent/~~guardian~~ or adult students an opportunity to participate in meetings with respect to the identification, evaluation, individualized education program (IEP) and educational placement of the student, and the provision of (FAPE) to the student.
- b. The district provides parent/~~guardian~~ or adult students written notice of any meeting sufficiently in advance to ensure an opportunity to attend. The written notice:
 - 1) States the purpose, time and place of the meeting and who is invited to attend;
 - 2) Advises that parent/~~guardian~~ or adult students may invite other individuals who they believe have knowledge or special expertise regarding the student;
 - 3) Advises that the team may proceed with the meeting even if they are not in attendance;
 - 4) Advises who to contact before the meeting to provide information if they are unable to attend; and
 - 5) Indicates if one of the meeting's purposes is to consider transition services or transition service needs. If so:
 - a) Indicates that the student will be invited; and
 - b) Identifies any agencies invited to send a representative.
- c. The district shall take steps to ensure that one or both of the parent/~~guardian~~ of a student with a disability are present at each IEP or placement meeting or are afforded the opportunity to participate, including:
 - 1) Notifying parent/~~guardian~~ of the meeting early enough to ensure that they will have an opportunity to attend; and
 - 2) Scheduling the meeting at a mutually agreed on time and place.
- d. If neither parent/~~guardian~~ can participate, the district will use other methods to ensure participation, including, but not limited to, individual or conference phone calls or home visits.
- e. The district may conduct an evaluation planning or eligibility meeting without the parent or adult student if the district provided meeting notice to the parent or adult student sufficiently in advance to ensure an opportunity to attend.
- f. The district may conduct an IEP or placement meeting without the parent/~~guardian~~ or adult student if the district is unable to convince the parent/~~guardian~~ that they ~~he/she~~ should participate.

Attempts to convince the parent/~~guardian~~ to participate will be considered sufficient if the district:

- 1) Communicates directly with the parent/~~guardian~~ to arrange a mutually agreeable time and place and written notice was sent to confirm the arrangement; or

- 2) Proposes a time and place in the written notice stating that a different time and place may be requested and confirms that the notice was received.
- g. If the district proceeds with an IEP meeting without a parent/~~guardian~~, the district must have a record of its attempts to arrange a mutually agreed upon time and place such as:
- 1) Detailed records of telephone calls made or attempted and the results of those calls;
 - 2) Copies of correspondence sent to the parent/~~guardian~~ and any responses received; and
 - 3) Detailed records of visits made to the parent/~~guardian~~ home or place of employment and the results of those visits.
- h. The district takes whatever action is necessary to ensure that the parent/~~guardian~~ understands the proceedings at a meeting, including arranging for an interpreter for parent/~~guardian~~ who are deaf or whose native language is other than English.
- i. The rights to parents/~~guardian~~ to participate in meetings transfers to the adult student under Oregon Administrative Rule OAR 581-015-2325.
- j. After the transfer of rights to an adult student at the age of majority, the district shall provide written notice of meetings to the adult student and parent/~~guardian~~, if the parent/~~guardian~~ can be reasonably located. A parent/~~guardian~~ receiving notice of an IEP meeting is not entitled to attend the meeting unless invited by the adult student or the district.
- k. An IEP meeting does not include:
- 1) Informal or unscheduled conversations involving school district personnel;
 - 2) Conversations on issues such as teaching methodology, lesson plans or coordination of service provision if those issues are not addressed in the student's IEP; or
 - 3) Preparatory activities that district or public personnel engage in to develop a proposal or response to a parent/~~guardian~~ proposal that will be discussed at a later meeting.

4. Surrogate Parents

- a. The district ensures that the rights of a student with a disability, or suspected of having a disability, are protected by appointing a surrogate parent ~~not more than 30 days after a determination by the district that the child needs a surrogate~~ when:
- 1) The parent/~~guardian~~ cannot be identified or located after reasonable efforts;
 - 2) The student is a ward of the state or an unaccompanied homeless student and there is reasonable cause to believe that the student has a disability; and there is no foster parent or other person available who can act as the parent of the student; or
 - 3) The parent or adult student requests the appointment of a surrogate parent.
- b. The district secures nominations of persons to serve as surrogates. The district appoints surrogates within 30 days of a determination that the student needs a surrogate, unless a surrogate has already been appointed by juvenile court.
- c. The district ensures that each person approved to serve as a surrogate:

- 1) Is not an employee of the district or;
 - 2) Is not an employee of [the Oregon Department of Education](#) or any other agency involved in the education or care of the student;
 - 3) Is free of any conflict of interest that would interfere with representing the student's special education interests; and
 - 4) Has [the necessary](#) knowledge and skills that ensure adequate representation of the student in special education decisions. The district will provide training, as necessary, to ensure that the surrogate parent has the requisite knowledge.
- d. The district provides all special education rights and procedural safeguards to an appointed surrogate parent.
- e. A surrogate will not be considered an employee of the district solely on the basis that the surrogate is compensated from public funds.
- f. The duties of the surrogate parent are to:
- 1) Protect the special education rights of the student;
 - 2) Be acquainted with the student's disability and the student's special education needs;
 - 3) Represent the student in all matters relating to the identification, evaluation, IEP and educational placement of the student; and
 - 4) Represent the student in all matters relating to the provision of a FAPE to the student.
- g. A parent/~~guardian~~ may give written consent for a surrogate to be appointed.
- 1) When a parent/~~guardian~~ requests that a surrogate be appointed, the parent/~~guardian~~ shall retain all parental rights to receive notice and all of the information provided to the surrogate. When the district appoints a surrogate at parent request, the district will continue to provide to the parent copy of all notices and other information to the surrogate.
 - 2) The surrogate, alone, shall be responsible for all matters relating to the special education of the student unless the parent/~~guardian~~ revokes consent for the surrogate's appointment.
 - 3) If a parent/~~guardian~~ gives written consent for a surrogate to be appointed, the parent/~~guardian~~ may revoke consent at any time by providing a written request to revoke the surrogate's appointment;
 - (4) In the case of a child who is a ward of the court and who has been placed in foster care, the foster parent can serve as a parent. The district need not appoint a surrogate parent.
- h. [An adult](#) student to whom rights have transferred at age of majority may give written consent for a surrogate to be appointed. When an adult student requests that a surrogate be appointed, the adult student shall retain all rights to receive notice and all of the information provided to the surrogate. The surrogate, alone, shall be responsible for all matters relating to the special education of the adult student unless [and until](#) the student revokes consent for the surrogate's appointment. If an adult student gives written consent for a surrogate to be appointed, the adult student may revoke consent at any time by providing a written request to revoke the surrogate's appointment.
- i. The district may change or terminate the appointment of a surrogate when:

- 1) The person appointed as surrogate is no longer willing to serve;
 - 2) Rights transfer to the adult student or the student graduates with a regular or modified diploma;
 - 3) The student is no longer eligible for special education services;
 - 4) The legal guardianship of the student is transferred to a person who is able to carry out the role of the parent;
 - 5) A foster parent is identified who can carry out the role of parent;
 - 6) The parent/~~guardian~~, who previously could not be identified or located, is now identified or located;
 - 7) The appointed surrogate is no longer eligible;
 - 8) The student moves to another school district;
 - 9) The student is no longer a ward of the state or an unaccompanied homeless youth;
 - 10) An adult student rescinds consent for appointment of a surrogate.
- j. The district will not appoint a surrogate solely because the parent/~~guardian~~ or student to whom rights have transferred is uncooperative or unresponsive to the special education needs of the student.

5. Transfer of Rights at Age of Majority

- a. When a student with a disability reaches the age of majority, marries or is emancipated, rights previously accorded to the student's parents under the special education laws, transfer to the student. A student for whom rights have transferred is considered an "adult student" under OAR 581-015-2000(1).
- b. The district provides notice to the student and the parent that rights (accorded by statute) will transfer at the age of majority. This notice is provided at an IEP meeting and documented on the IEP:
 - 1) At least one year before the student's 18th birthday;
 - 2) More than one year before the student's 18th birthday, if the student's IEP team determines that earlier notice will aid transition; or
 - 3) Upon actual knowledge that within a year the student will likely marry or become emancipated before age 18.
- c. The district provides written notice to the student and to the parent at the time of the transfer.
- d. These requirements apply to all students, including students who are incarcerated in a state or local adult or juvenile correctional facility or jail.
- e. [After transfer of rights of the student, the district provides any written prior notices and written notices of meeting required by special education laws to the adult student and to the parent if the parent can be reasonably located.](#)
- f. After rights have transferred to the student, receipt of notice of an IEP meeting does not entitle the parent to attend the meeting unless invited by the student or the district.
- g. [To promote self-determination and independence, the district shall provide the student and the student's parents with information and training resources regarding supported decision-making as a less restrictive alternative to guardianship, and with information and resources regarding strategies to remain engaged in the student's secondary education and post-school outcomes. The district shall provide this information at each IEP meeting that includes discussion of post-secondary goals and transition services.](#)

6. Prior Written Notice

- a. The district provides prior written notice to the parent/~~guardian~~ of a student, or adult student, within a reasonable period of time before the district:

- (1) Proposes to initiate or change, or refuses to initiate or change, the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child, or
 - (2) Refuses to initiate or change the identification, evaluation or educational placement of the student, or the provision of a FAPE to the child.
- b. The content of the prior written notice will include:
- 1) A description of the action proposed or refused by the district;
 - 2) An explanation of why the district proposed or refused to take the action;
 - 3) A description of each evaluation procedure, assessment, record or report used as a basis for the proposal or refusal;
 - 4) A statement that the parent/~~guardian~~ of a student with a disability have procedural safeguards and, if this notice is not an initial referral for evaluation, how a copy of the *Procedural Safeguards Notice* may be obtained;
 - 5) Sources for parent/~~guardian~~ to contact to obtain assistance in understanding their procedural safeguards.
 - 6) A description of other options the IEP team considered and the reasons why those options were rejected; and
 - 7) A description of other factors that are relevant to the agency's proposal or refusal.
- d. The prior written notice is:
- 1) Written in language understandable to the general public; and
 - 2) Provided in the native language of the parent/~~guardian~~ or other mode of communication used by the parent/~~guardian~~, unless it is clearly not feasible to do so;
 - 3) If the native language or other mode of communication of the parent/~~guardian~~ is not a written language, the district shall take steps to ensure that:
 - a) The notice is translated orally or by other means to the parent/~~guardian~~ in the parent/~~guardian~~ native language or other mode of communication;
 - b) A reasonable effort is made to help the parent/~~guardian~~ to understand the content of the notice; and
 - c) There is written evidence that the requirements of this rule have been met.

7. Consent¹ - Initial Evaluation

- a. The district provides notice and obtains informed written consent from the parent/~~guardian~~ or adult student before conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the district to provide special education and related services.
- ~~b.~~ The district makes reasonable efforts to obtain informed consent from a parent/~~guardian~~ for an initial evaluation to determine a child's eligibility for special education services. If a parent/~~guardian~~ does not provide consent for an initial evaluation or does not respond to a request for an initial evaluation, the district may, but is not required to, pursue the initial evaluation of the child through mediation or due process

¹ "Consent means that the parent or adult student: 1) has been fully informed, in ~~his/her~~ their native language or other mode of communication, of all information relevant to the activity for which consent is sought; and b) understands and agrees in writing to the carrying out of the activity for which ~~his/her~~ their consent is sought. Consent is voluntary on the part of the parent and meeting the requirements of consent provision for OAR 581-015-2090, IDEA and Family Education Rights and Privacy Act (FERPA).

hearing procedures. The district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.

8. Consent – Initial Provision of Special Education Services

- a. The district provides notice and obtains informed written consent from the parent/~~guardian~~ or adult student before the initial provision of special education and related services to the student. ~~conducting an initial evaluation to determine whether a student has a disability (as defined by Oregon law) and needs special education. Consent for initial evaluation is not consent for the district to provide special education and related services.~~
- b. The district makes reasonable efforts to obtain informed consent, but if a parent or adult student does not respond or refuses consent for initial provision of special education and related services, the district will not convene an IEP meeting, develop an IEP or seek to provide special education and related services through mediation or due process hearing procedures. The district will not be considered to be in violation of the requirement to make FAPE available to the student under these circumstances. The district will stand ready to serve the student if the parent or adult student later consents.
~~from a parent/guardian for an initial evaluation to determine a child's eligibility for special education services. If a parent/guardian does not provide consent for an initial evaluation or does not respond to a request for an initial evaluation, the district may, but is not required to, pursue the initial evaluation of the child through mediation or due process hearing procedures. The district does not violate its child find obligations if it declines to pursue the evaluation using these procedures.~~

9. Consent – Reevaluation

- a. The district obtains informed parent/~~guardian~~ consent before conducting any reevaluation of a child with a disability.
- b. Exceptions:
 - 1) The district does not need written consent for a reevaluation, if, after reasonable efforts to obtain informed consent, the parent/~~guardian~~ does not respond. However, the district does not conduct individual intelligence tests or tests of personality without consent.
 - 2) If a parent/~~guardian~~ refuses to consent to the reevaluation, the district may, but is not required to, pursue the reevaluation by using mediation or due process hearing procedures.

10. Consent – Revocation

- a. A parent/~~guardian~~ or adult student may revoke consent at any time before the completion of the activity for which they have given consent.
- b. If a parent/~~guardian~~ or adult student revokes consent, that revocation is not retroactive.

11. Consent – Other Requirements

- a. The district documents its reasonable efforts to obtain parent/~~guardian~~ consent, such as phone calls, letters, and meeting notes.
- b. If a parent/~~guardian~~ of a student who is home schooled or enrolled by the parent/~~guardian~~ in a private school does not provide consent for the initial evaluation or the reevaluation, or if the parent/~~guardian~~ does not respond to a request for consent, the district:
 - 1) Does not use mediation or due process hearing procedures to seek consent; and
 - 2) Does not consider the child as eligible for special education services.

- c. If a parent/~~guardian~~ or adult student refuses consent for one service or activity, the district does not use this refusal to deny the parent/~~guardian~~ or child any other service, benefit or activity, except as specified by these rules and procedures.
- d. If, at any time subsequent to the initial provision of special and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the district:
 - 1) May not continue to provide special education and related services to the child, but must provide prior written notice before ceasing the provision of special education and related services;
 - 2) May not use mediation or due process procedures to obtain an agreement or ruling that the services may be provided to the child;
 - 3) The district will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services;
 - 4) The district is not required to convene an IEP team meeting or develop and IEP for the child for further provision of special education or related services;

12. Exceptions to Consent

- a. The district does not need written parent or adult student consent before:
 - (1) ~~The district may~~ Reviewing existing data as part of an evaluation or reevaluation ~~without consent.~~
 - (2) ~~The district may~~ Administering a test or other evaluation administered to all students without consent unless, before administration of that test or evaluation, consent is required of parent/~~guardian~~ of all students.
 - (3) ~~The district may~~ Conducting evaluations, tests, procedures or instruments that are identified on the student's individualized education program (IEP) as a measure for determining progress ~~without parent/guardian consent.~~
 - (4) Conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.
- b. The district does not need written parent consent to conduct an initial special education evaluation of a student who is a ward of the state and no longer living with the parent if:
 - (1) Despite reasonable efforts to do so, the district has not been able to find the parent:
~~If the district can demonstrate that it has taken reasonable measures to obtain written consent, and the parent/guardian has failed to respond, written consent need not be obtained for reevaluation, except for tests of individual intelligence and all tests of personality.~~
 - (2) The parent's rights have been terminated in accordance with state law; or
 - (3) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- c. The district does not need written parental consent if an administrative law judge (ALJ) determines that the evaluation or re-evaluation is necessary to ensure that the student is provided with a free and appropriate public education.
 - ~~1) If the district proceeds with a reevaluation without parent/guardian consent, the district will maintain a record of attempts to gain parental/guardian consent, such as:~~
 - ~~a) Detailed records of telephone calls made or attempted and the results of those calls;~~
 - ~~b) Copies of correspondence sent to the parent/guardian and any responses received;~~

~~c) Detailed records of visits made to the parent/guardian home or place of employment
and the results of those visits:~~

~~3) The district does not need written parent/guardian consent before conducting a screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation.~~

13. Independent Educational Evaluations (IEE)

- a. A parent of a student with a disability has a right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the district.
- b. If a parent/~~guardian~~ requests an independent educational evaluation at public expense because the parent/~~guardian~~ disagrees with an evaluation obtained by the district, the district provides information to parent/~~guardian~~ about where an independent educational evaluation may be obtained, and the district criteria applicable for independent educational evaluations.
- c. If a parent/~~guardian~~ requests an independent educational evaluation at public expense, the district, without unnecessary delay, either:
 - 1) Initiates a due process hearing to show that its evaluation is appropriate; or
 - 2) Ensures that an independent educational evaluation is provided at public expense unless the district demonstrates in a hearing that the evaluation obtained by the parent/~~guardian~~ did not meet district criteria.
- d. The district criteria for independent educational evaluations are the same as for district evaluations including, but not limited to, location, examiner qualifications and cost.
 - 1) Criteria established by the district do not preclude the parent/~~guardian~~ access to an independent educational evaluation.
 - 2) The district provides the parent/~~guardian~~ the opportunity to demonstrate the unique circumstances justifying an IEE that does not meet the district's criteria.
 - 3) A parent/~~guardian~~ may be limited to one independent educational evaluation at public expense each time the district conducts an evaluation with which the parent/~~guardian~~ disagrees.
- e. If a parent/~~guardian~~ requests an independent educational evaluation, the district may ask why the parent/~~guardian~~ disagrees with the public evaluation. The parent/~~guardian~~ may, but is not required to, provide an explanation. The district may not:
 - 1) Unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
 - 2) Except for the criteria in c., impose conditions or timelines related to obtaining an IEE at public expense.
- f. The district considers an independent educational evaluation submitted by the parent/~~guardian~~, in any decision made with respect to the provision of FAPE to the student, if the submitted independent evaluation meets district criteria.

14. Dispute Resolution – Mediation

- a. The district or parent may request mediation from ODE for any special education matter, including before the filing of a complaint or due process hearing request.
- b. The district acknowledges that:
 - 1) Mediation must be voluntary on the part of the parties, must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and may not be used to deny or delay a parent's right to a due process hearing or filing a complaint.
 - 2) Each mediation session must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
 - 3) An agreement reached by the parties to the dispute in the mediation process must be set forth in a legally binding written mediation agreement that:
 - (a) States the terms of the agreement;
 - (b) States that all discussions that occurred during the mediation process remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (c) Is signed by the parent and a representative of the district who has the authority to bind the district to the mediation agreement.
 - 4) Mediation communication is not confidential if it relates to child or elder abuse and is made to a person who is required to report abuse, or threats of physical harm, or professional conduct affecting licensure.
 - 5) The mediation agreement is enforceable in any state court of competent jurisdiction or in a district court of the United States.

15. Dispute Resolution – Complaint Investigation

- a. Any organization or person may file a signed, written complaint with the State Superintendent of Public Instruction alleging that a district or education service district (ESD) is violating or has violated the Individuals with Disabilities Education Act (IDEA) or associated regulations within one year before the date of the complaint. Upon receiving a parent complaint, the ODE forwards the complaint to the district or ESD along with a request for a district response to the allegations in the complaint.
- b. Upon receiving a request for response from ODE, the district responds to the allegations and furnishes any requested information or documents within 10 business days.
- c. The district sends a copy of the response to the complainant. If ODE decides to conduct an on-site investigation, district personnel participate in interviews and provide additional documents as needed.
- d. The district and the complainant may attempt to resolve a disagreement that led to a complaint through mediation. If they decide against mediation, or if mediation fails to produce an agreement, ODE will pursue the complaint investigation.
- e. If ODE substantiates some or all of the allegations in a complaint, it will order corrective action. The district satisfies its corrective action obligation in a timely manner.
- f. If the district disagrees with the findings and conclusions in a complaint final order, it may seek reconsideration by ODE or judicial review in county circuit court.

16. Due Process Hearing Requests

- a. The district acknowledges that parents may request a due process hearing if they disagree with a district proposal or refusal relating to the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- b. The district may request a due process hearing regarding the identification, evaluation, educational placement or provision of a free appropriate education to a student who may have a disability and be eligible for special education.
- c. When requesting a due process hearing, the district or the attorney representing the district provides notice to the parent and to ODE.
- d. The party, including the district, that did not file the hearing request must, within 10 days of receiving the request for a hearing, send to the other party a response that specifically addresses the issues raised in the hearing request.
- e. If the parent had not yet received prior written notice of the district's proposal or refusal, the district, within 10 days of receiving the hearing request for a due process hearing, sends to the parent a response that includes:
 - 1) An explanation of why the district proposed or refused to take the action raised in the hearing request;
 - 2) A description of other options that the district considered and the reasons by those options were rejected;
 - 3) A description of each evaluation procedure, assessment, record or report the district used as the basis for the proposed or refused action; and
 - 4) A description of the factors relevant to the district's proposal or refusal.

17. Resolution Session

- a. Within 15 days of receiving a due process hearing request, the district will hold a resolution session with the parents and the relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request.
- b. This meeting will include a representative of the district who has decision-making authority for the district.
 - 1) The district will not include an attorney unless the parent brings an attorney.
 - 2) The district will provide the parent with an opportunity for the parent to discuss the hearing request and related facts so that the district has an opportunity to resolve the dispute.
 - 3) The district and parent may agree in writing to waive the resolution meeting. If so, the 45-day hearing timeline will begin the next business day, unless the district [and parent agree to try mediation in lieu of the resolution session.](#)

18. Time Limitations and Exception

- a. A parent must request a due process hearing within two years after the date of the district act or omission that gives rise to the parent's hearing request.
- b. This timeline does not apply to a parent if the district withheld relevant information from the parent or incorrectly informed that parent that it had resolved the problem that led the parent's hearing request.

19. Due Process Hearing Costs:

- a. The district will reimburse ODE for the administrative law judge costs related to conducting the hearing, including prehearing conferences, scheduling arrangements and other related matters;
- b. The district will provide the parent/~~guardian~~ with a written or, at the option of the parent/~~guardian~~, an electronic verbatim recording of the hearing, within a reasonable time of the closing of the hearing.
- c. The district does not use Individuals with Disabilities Education Act (IDEA) funds to pay attorney's fees or other hearing costs.

20. Discipline and placement in interim alternative setting. ~~See~~ See JGDA/JGEA – [Discipline of Students with Disabilities](#).