

11. Legal Responsibilities

11.1 The Member District wherein the student resides shall be solely responsible for the provision of a Free Appropriate Public Education ("FAPE").

11.2 The Member District wherein the student resides is responsible for legal costs, court costs and attorney's fees, resulting from litigation directly involving that student.

11.3 If the Greenville RDSPD SSA or the Fiscal Agent is a named party in litigation involving IDEA (a Special Education Due Process Hearing or lawsuit filed in Federal or State Court) involving a student being served as contemplated by this Agreement, the Member District wherein the student resides remains responsible for legal costs, court costs and attorney's fees, resulting from litigation directly involving such student including reimbursement to the Greenville RDSPD SSA or the Fiscal Agent for any legal costs incurred by the RDSPD SSA or the Fiscal Agent. The Fiscal Agent is entitled to reimbursement only in its role as Fiscal Agent, not as a Member District.

11.4 Each Member District shall be responsible for legal fees incurred due to complaints, grievances, or litigation arising from an employee with whom the district has a contract or with whom the district has an employment relationship. Greenville RDSPD SSA shall be responsible for legal fees incurred due to complaints, grievances, or litigation arising from its employees.

11.5 The legal responsibilities stated herein shall survive the expiration of this contract should litigation arise from events that occurred during the term of the contract.

11.6 The Member Districts of this Shared Services Arrangement contract and the Fiscal Agent agree to negotiate in good faith to resolve any dispute related to the contract that may arise from the Member Districts. If the dispute cannot be resolved by negotiations, the dispute shall be submitted to mediation before resort to litigation. If the need for mediation arises, a mutually acceptable mediator shall be chosen by the parties to the dispute, who shall share the cost of mediation services based upon an equal split between the Member Districts. The Fiscal Agent shall contribute an equal share in the cost for mediation. Mediation is a voluntary dispute resolution process in which the parties to the dispute meet with an impartial person, called a mediator, who will help to resolve the dispute informally and confidentially. Mediators facilitate the resolution of disputes but cannot impose binding decisions. The parties to the dispute must agree before any settlement is binding.