

PART F: PROCEDURAL SAFEGUARDS

Mediation

- Mediator
 - Is sent from the state
 - Mediator helps the parties reach a middle ground
 - Mediator is unbiased
 - Mediator does not make a final decision
- Who can file?
 - Parent
 - School
 - Voluntary on both sides
- Actual Mediation
 - Each side discusses their issues
 - It is confidential
 - Both sides can bring an attorney
 - Try to reach a common ground



Resolution Meeting

- Required before Due Process (if parent requested due process)
- School cannot have an attorney unless the parent has an attorney
- Must be held within 15 days that the non-requesting party received Due Process Request
- Written determination is binding
- 3 days to rescind decision

Due Process

- What is due process
 - A legal proceeding
 - Involves objections, judgement, discovery, motions, etc.
 - Is binding
 - Has hearing officer
- Stay Put
- 45 day timeline
- What are your rights at the hearing?
 - Have counsel
 - Present evidence and confront, cross-examine, and compel the attendance of witnesses
 - Prohibit evidence not submitted 5 days prior to the hearing
 - Obtain a copy of the record of the hearing and the decision

When to File Due Process?

- As a last resort
- When the parent and the school cannot come to an agreement
- Consult an attorney first
- Have a copy of records first
- Do your research!



Resources for Parents

- Family Resource Center on Disabilities
 - www.frcd.org
 - 312-939-3513
- Equip for Equality
 - www.equipforequality.org
 - 866-KIDS-046
- Illinois Assistive Technology Program
 - <http://www.iltech.org/>