

Students**ASSUMPTION OF FISCAL RESPONSIBILITY RELATED TO DUE PROCESS HEARINGS, COMPLAINTS, AND OTHER LITIGATION**

The SELPA either through services provided by the SELPA Director or contracted service with an attorney shall assume responsibility of representing the district in any litigation involving due process hearings, complaints, or Section 504 civil rights suits. Should agreement be reached between the district administrator and the RLA Superintendent/Designee that a specific legal action should be initiated as a precipitating or consequential action, the Districts shall assume the cost of legal fees based on the "pooling concept" developed for Non-Public School placement assessment.

However, should a district and RLA Superintendent/Designee disagree with the actions to be taken which could result in legal action against a district and/or District Office by the parent, the affected district shall assume fiscal responsibility of providing or contracting for legal or consultation services regarding resolution of a due process hearing complaint or civil rights discrimination suit.

The affected district may appeal to the Executive Committee. It is the responsibility of this Committee to review the situation and determine which educational agency/agencies should assume the fiscal responsibility for litigation fees resulting , from action against the district and/or SELPA. The overall factor influencing this decision should be the requirement to be legally compliant with all State and Federal Regulations as well as Supreme Court decisions. Legal counsel will also be sought by the Responsible Local Agency.

June 3, 1997

CALAVERAS UNIFIED SCHOOL DISTRICT
San Andreas, California