

1 S.241

2 Introduced by Senator Giard

3 Referred to Committee on

4 Date:

5 Subject: Education; special education; administrative due process complaints;
6 mediation

7 Statement of purpose: This bill proposes to preclude the possibility of a
8 conflict of interest arising from mediation or an administrative due process
9 hearing related to the provision of special education services. It would do so
10 by transferring to the agency of administration all administrative
11 responsibilities for special education mediation and administrative due process
12 hearings that are currently performed by the department of education.

13 An act relating to mediation and administrative due process hearings
14 concerning the provision of special education services

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 16 V.S.A. § 2957(f) is added to read:

17 (f) All requests for an administrative due process hearing regarding
18 enforcement of special education rights under state or federal law shall be
19 submitted to the agency of administration which, subject to rules adopted by
20 the agency pursuant to chapter 26 of Title 3, shall be solely responsible for

1 administering the process and providing the services of an impartial hearing
2 officer at no cost to the parties.

3 Sec. 2. 16 V.S.A. § 2959(b) is amended to read:

4 (b) Subject to rules ~~established~~ adopted by the ~~state board~~ agency of
5 administration pursuant to chapter 25 of Title 3, the commissioner secretary of
6 administration shall offer mediation to parents, children with disabilities, and
7 districts and agencies involved in special education disputes.

8 Sec. 3. RULEMAKING; SPECIAL EDUCATION ADMINISTRATIVE DUE

9 PROCESS HEARINGS AND MEDIATION; EFFECT OF RULES

10 (a) To implement Secs. 1 and 2 of this act, the agency of administration
11 shall adopt rules pursuant to chapter 25 of Title 3, which shall be effective on
12 July 1, 2011 and shall apply to all mediation and administrative due process
13 actions commenced or pending on or after that date.

14 (b) All state board of education rules governing mediation and
15 administrative due process actions related to the enforcement of special
16 education rights under state or federal law, including state board of education
17 rules 2365.1.4 and 2365.1.6, shall cease to be in effect on July 1, 2011.

18 Sec. 4. EFFECTIVE DATES

19 (a) Sec. 3 of this act and this section shall take effect from passage.

1 (b) Secs. 1 and 2 of this act shall take effect on July 1, 2011 and shall apply
2 to mediation and administrative due process actions commenced or pending on
3 or after that date.