

Kansas Administrative Regulations

State Department of Education

Article 40.—Special Education

91-40-53. Resolution of interagency agreement disputes.

(a) If a dispute arises under an interagency agreement entered into under K.S.A. 72-966 and amendments thereto, the parties to the dispute shall resolve the matter under either of the procedures specified in this regulation.

(b) (1) Parties to an interagency agreement dispute may select a mutually agreed-upon mediator, or they may make a joint request to the commissioner of education to appoint a person to serve as mediator. Upon receiving a request for the appointment of a mediator, a mediator shall be promptly appointed by the commissioner of education.

(2) The parties to any interagency agreement dispute shall divide equally the costs of the mediation process.

(c) (1) If the parties to an interagency agreement dispute do not agree to mediate the disagreement or are unable to resolve the dispute through mediation, either party may initiate an administrative hearing by filing a request for a hearing with the commissioner of education.

(2) Upon receiving a request for an administrative hearing under this regulation, an attorney in private practice shall be appointed by the commissioner of education to conduct the hearing. The hearing officer shall be selected from the list of special education due process hearing officers that is required to be maintained under K.S.A. 72-973 and amendments thereto.

(3) Upon being appointed, the hearing officer shall notify the parties of the appointment and shall commence the hearing procedures. The hearing officer shall conduct the hearing in accordance with the Kansas administrative procedure act and shall issue a final order in regard to the matter.

(4) The hearing officer, as part of the order, shall assess the costs of the hearing as determined appropriate based upon the outcome of the hearing.

(d) If a party to an interagency agreement fails to provide the transition services described in a child's IEP, the agency responsible for the child's education shall reconvene the child's IEP team to identify alternative strategies to meet the transition objectives for the student as set out in the IEP.

(Authorized by K.S.A. 2000 Supp. 72-963; implementing K.S.A. 2000 Supp. 72-966; effective May 19, 2000; amended May 4, 2001.)

***** Authenticated Kansas Administrative Regulation *****