

GRS Update Proposal 2302

Special education mediation agreements (GRS# TBD) (Updates in **MAGENTA**)

Title

Special education mediation agreements (GRS# TBD)

Description

These records are executed Special Education Mediation Agreements between local education agencies and parents or adult students. A Special Education Mediation Agreement refers to an executed agreement described in 34 CFR § 300.506. Under 34 CFR § 300.506, if the parties resolve a special education dispute through the mediation process, the parties must execute a legally binding agreement that sets forth that resolution and that states that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding and that is signed by both the parent and a representative of the agency who has the authority to bind such agency. A written, signed mediation agreement under 34 CFR § 300.506 is enforceable in any State court of competent jurisdiction or in a district court of the United States. Local education agencies may store these records, as well as the Utah State Board of Education if it is provided them by the parties.

Retention and Disposition

Retain for 6 years after execution of agreement, and then destroy records.

Explanation for update

Upon discussion with USBE, we determined that a General Retention Schedule would be appropriate for these records because both local education agencies and the USBE may be storing them. Description of the mediation agreements and the process that creates them were the result of discussion with USBE and review of the USBE Special Education Rules and Part B of the Individuals with Disabilities Education Act.

Feedback

None.