

(b) (1) THE PARENT OF A CHILD WITH A DISABILITY OR A PUBLIC AGENCY MAY FORMALLY REQUEST MEDIATION AT ANY TIME TO RESOLVE ANY DISAGREEMENT BETWEEN THE PARTIES REGARDING THE CHILD'S SPECIAL EDUCATION SERVICES OR PROGRAM.

[(1)](2) If a parent [seeks review of the decision of] FILES A DUE PROCESS COMPLAINT AGAINST a public agency concerning the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education, any party shall be given the opportunity to request mediation of those aspects of the decision subject to dispute.

[(2)](3) The request for mediation may not be used to deny or delay the parent's rights under federal law or this section.

[(3)](4) Any party to the mediation has the right to be accompanied and advised by counsel.

(5) MEDIATION SHALL BE CONDUCTED IN ACCORDANCE WITH DEPARTMENTAL REGULATIONS.

(6) A MEDIATION AGREEMENT SHALL BE IN WRITING AND IS ENFORCEABLE IN A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH FEDERAL LAW.

(c) (1) ~~BEFORE CONDUCTING A DUE PROCESS HEARING AS DESCRIBED IN ACCORDANCE WITH~~ SUBSECTION (D) OF THIS SECTION, THE PUBLIC AGENCY SHALL PROVIDE THE PARENT WITH AN OPPORTUNITY TO RESOLVE THE DUE PROCESS COMPLAINT AT A RESOLUTION SESSION IN ACCORDANCE WITH FEDERAL LAW.

(2) A RESOLUTION SESSION AGREEMENT SHALL BE IN WRITING AND ENFORCEABLE IN A COURT OF COMPETENT JURISDICTION IN ACCORDANCE WITH FEDERAL LAW.

(3) A WRITTEN RESOLUTION AGREEMENT MAY BE VOIDED BY THE PARTIES WITHIN 3 BUSINESS DAYS OF EXECUTION IN ACCORDANCE WITH FEDERAL LAW.

[(c)] (D) (1) A parent [or guardian] of a [student] CHILD with disabilities [or the public agency may make] SHALL FILE a [written request to] DUE PROCESS COMPLAINT WITH the Office of Administrative Hearings [for a review of the identification, evaluation, or educational placement of the child or the provision of a free appropriate education for the child] AND THE PUBLIC AGENCY.

(2) A PUBLIC AGENCY SHALL FILE A DUE PROCESS COMPLAINT WITH THE OFFICE OF ADMINISTRATIVE HEARINGS AND THE PARENT.

(3) ~~UNLESS A PARENT WAS PREVENTED FROM REQUESTING A DUE PROCESS HEARING DUE TO CONDITIONS SET FORTH IN FEDERAL LAW EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,~~ THE COMPLAINING PARTY SHALL FILE A DUE PROCESS COMPLAINT WITHIN 2 YEARS OF THE DATE THE PARTY KNEW OR SHOULD HAVE KNOWN ABOUT THE ACTION THAT FORMS THE BASIS OF THE DUE PROCESS COMPLAINT.