NEW DUE PROCESS HEARING PROCEDURES AS REQUIRED BY IDEA 2004

Day One

- REQUEST FOR HEARING RECEIVED BY SEA
- DUE PROCESS HEARING OFFICER APPOINTED
- Letter of Appointment From State Superintendent of Education is Sent to Both Parties
- LETTER RECEIVED BY EDUCATION AGENCY

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PREHEARING TIMELINES BEGIN

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If LEA believes that the DPH request is insufficient, a written objection request must be sent to Hearing Officer within 15 calendar days of receipt of DPH request.

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Hearing Officer must render a decision regarding the objection to the DPH request within 5 calendar days of receipt of the written objection.

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Within 10 calendar days of receipt of DPH request, the LEA must send written notice to the parent regarding the subject matter in the DPH request if the LEA has not already done so.

-or-

If the LEA files the DPH request, the parent must respond to the issues that the LEA raised in their DPH request within 10 calendar days from the receipt of the request.

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Resolution Meeting must be held within 15 calendar days of receipt of DPH request unless waived by both parties or the parties agree to use mediation.

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If resolution is not reached within 30 calendar days of receipt of the DPH request, proceed to hearing.

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Due Process Hearing Timelines Commence.

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If resolution is reached, written binding agreement is executed.

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Parties have 3 business days from the date of the written agreement to void the agreement.