

PARENT REQUEST FOR HEARING – TIMELINES

WITHIN 10 CALENDAR DAYS OF RECEIVING A REQUEST FOR A DUE PROCESS HEARING

- The LEA must provide a written response to the parent's due process hearing request specifically addressing the issues identified in the due process hearing request.
AND
- If it hasn't already done so, the LEA must provide prior written notice to the parents on the subject matter of the due process hearing request.

WITHIN 15 CALENDAR DAYS OF RECEIVING A REQUEST FOR A DUE PROCESS HEARING

- If the LEA believes that parent's due process hearing request does not meet the requirements of 511 IAC 7-45-3(b), the LEA may send notice to the independent hearing officer and the parent of its belief. (A parent's request for a due process hearing will be deemed sufficient unless the LEA notifies the IHO and the parent in writing of the LEA's belief to the contrary.)
 - 511 IAC 7-45-3(b) requires the parent's due process hearing request to include:
 - the name, address, and residence of the child (or available contact information for a homeless child)
 - the name of the school the child attends
 - a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem and
 - a proposed resolution to the extent known and available at the time.
 - Within 5 calendar days of receiving the LEA's notice of insufficiency, the IHO must make a decision on the sufficiency of the parent's request for a due process hearing and immediately notify the parties in writing.
- The LEA must convene a **resolution** meeting with the parent and relevant members of the CCC, including a public agency representative, to allow the parents to discuss the facts that form the basis of the hearing request and provide the LEA with an opportunity to resolve the issues.
 - LEA attorney may not attend unless parent's attorney attends
 - Meeting may be waived by mutual written consent of the LEA and the parent OR by agreement to mediate.

WITHIN 30 CALENDAR DAYS OF RECEIVING A REQUEST FOR A DUE PROCESS HEARING

- If the matter is not resolved to the parent's satisfaction, a due process hearing can proceed, and the 45-day timeline for the due process hearing begins.
- If the matter is resolved, the parties must execute a legally binding agreement, signed by both parties that shall be enforceable in court. Either party may void the agreement within 3 business days of executing the agreement.

WITHIN 45 CALENDAR DAYS OF THE DETERMINATION THAT THE MATTER HAS NOT BEEN RESOLVED TO THE PARENT'S SATISFACTION

- A hearing must be conducted and a written decision rendered unless the hearing officer grants a party's request for an extension of time.
- Mediation may occur during this time, but may not delay the timelines.

Note: The timelines for providing prior written notice, a response to the request for a hearing, and providing notice that a request does not comply with the stated requirements begin upon the receipt of the request for hearing by the opposing party. The 45-day timeline within which the due process hearing must occur does not begin until after the opportunity for a resolution meeting and the unsuccessful resolution within 30 days after receipt of the due process hearing request.