

PARENT REQUEST FOR HEARING – TIMELINES

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

- The School 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 School 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 School believes that parent’s due process hearing request does not meet the requirements of 511 IAC 7-45-3(b), the School 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 School notifies the IHO and the parent in writing of the School’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 School’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 School 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 School with an opportunity to resolve the issues.
 - School 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.
- Mediation does not extend the thirty (30) day resolution process timeline unless the parties agree in writing to extend the process.

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.