

Expedited Due Process Hearing

Dear Special Education Director:

The Exceptional Children Division at the Department of Public Instruction received the attached due process petition today, and I am forwarding it to you as a courtesy. The petitioner indicated on the petition that it was sent to your Superintendent on 3/21/11. Please make sure that the petition was date-stamped to indicate the date you received it from your superintendent and fax a copy of the petition to the attention of **Kim Hausen**, Chief Records Clerk at the Office of Administrative Hearings, at **919-431-3100** and to me at **919-807-3755**. The stamped date will begin the timeline for the resolution process and hearing, so make note of it.

Within 7 calendar days, you must send the parent a letter responding to each issue in the petition, providing the same information as is on the second page of the prior written notice (*DEC 5*). A copy of the *DEC 5* can be downloaded from our website at <http://ec.ncpublicschools.gov/policies/forms/statewide-forms>.

Within 7 calendar days, you must conduct a resolution meeting with the parent, unless both you and the petitioner agree to waive a resolution meeting and proceed to mediation. You must complete the resolution meeting form that is attached and send to the parent with a copy of the attached CADRE booklet on resolution meetings. Fax a copy of the signed resolution meeting form after the parent signs it, and it will alert our office to whether you are requesting mediation or going to a resolution meeting.

Within 15 calendar days, the resolution period ends.

You will have **15 calendar days to resolve the case** before the hearing timeline begins. Because of the short timelines for a hearing regarding a manifestation determination, it is best to conduct a resolution meeting instead of mediation.

Within 20 school days, the hearing must be convened. Extensions of the timelines are not permitted in an expedited hearing.

Within 10 school days after the conclusion of the hearing, the administrative law judge must issue a written decision to both parties.

I suggest that you carefully read the IDEA regulations regarding an expedited due process hearing.

I am here to assist you regarding any of the policies for due process. I'm not an attorney; therefore, any guidance I offer is based upon the policies, discussions with the administrative law judges, and reviews of decisions they have issued. Copies of all documents sent to the parent and to Kim Hausen must also be sent to my attention. Your attorney may send documents to me by e-mail (pdf file), fax, or by regular mail. If something is sent electronically, an original copy is not necessary for our office.

The best way to reach me is to e-mail. Don't hesitate to contact me regarding any of the information I've attached or written here.

Sincerely,

Lynn Smith, Dispute Resolution Consultant