

### **Regular Due Process Hearing Case**

The following information should help you meet the requirements and timelines associated with a due process hearing.

**Upon receipt of a due process petition from a parent**, fax a copy of the date-stamped front page of the petition to the attention of **Kim Hausen**, Chief Records Clerk at the Office of Administrative Hearings, at **919-431-3100** and to **Lynn Smith**, Consultant for Dispute Resolution at **919-807-3755**. The stamped date will begin the timeline for the resolution process and hearing, so make note of it.

**Within 10 calendar days**, 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)*. The letter should explain to the parent why the decisions were made and the basis of those decisions that the parent is disputing. Send a copy to Lynn Smith at DPI and to Kim Hausen at OAH.

**Within 15 calendar days**, you ***must*** conduct a resolution meeting with the parent, unless both you and the parent agree to waive a resolution meeting and proceed to mediation.

- Complete the attached *Resolution Meeting Form* and send it to the parent right away.
- Also, provide the parent with a copy of the CADRE booklet on resolution meetings and a copy of the Procedural Safeguards.
- After the parent signs the *Resolution Meeting Form*, please fax a copy to Lynn Smith at **919-807-3755** to alert the EC Division as to whether you are going to a resolution meeting or requesting mediation. Do not ask your attorney to do this.
- If you convene a resolution meeting and do not reach a resolution, then you may still request mediation by completing the *Resolution Meeting Results Form* and faxing it to Lynn Smith and to Kim Hausen (**919-431-3100**). No matter what the outcome of the resolution meeting, you should still send the *Resolution Meeting Results Form* to Kim and Lynn after the meeting.
- You will have 30 days to resolve the case before the 45-day hearing timeline begins unless you agree in writing to waive the meeting; or after the resolution meeting or mediation starts but both parties agree in writing that no agreement is possible. In either case, the 45-day hearing timeline begins the following day. The hearing will most likely be scheduled about 20 days after the resolution period ends, unless you and the petitioner request an extension of the timelines.

I am here to assist you regarding any of the policies for due process. I am 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 Motions sent to the parent's attorney 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 it is sent electronically, an original copy is not necessary for our office.

The best way to reach me is e-mail. If you need to reach me in the evening or weekend, you may call me at \_\_\_\_\_ and leave a message. Do not hesitate to contact me regarding any of the information I've attached or written here.

Sincerely,  
Lynn Smith, Dispute Resolution Consultant