

Due Process Hearing procedure initiated by filing Due Process Complaint with MDE, copy sent to other party.

Due Process Complaint relates to:

1. Identification
2. Evaluation
3. Placement
4. FAPE

DAY "0"

DPC Must set forth:

1. Problem
2. Proposed Resolution

Occurred within 2 years of date party knew or should have known of issue

MDE notifies parties and SOAHR. **SOAHR appoints ALJ**

RESPONSE TO COMPLAINT:
(prior written notice)

1. Explanation of proposal or refusal to take action
2. Description of evaluations, etc., relied upon
3. Description of other options considered
4. Description of basis for decision
5. Factors relevant to proposal or refusal

OTHER RESPONSE

1. Specifically addressing issues of DPC

SUFFICIENCY OBJECTION
to DPC sufficiency, i.e., doesn't contain required information. Absent objection, DPC deemed sufficient.

SUFFICIENCY RULING
ALJ to rule within 5 days of notification

DPC Sufficient:
File response
timeline continues

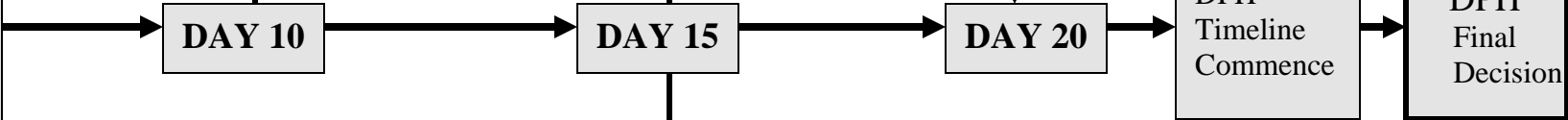
If amended:
timelines
begin again

DPC not Sufficient:
DPC dismissed or Amended

DPH Issues
Limited to those set forth in DPC

Amendment only by agreement or permission of ALJ

No later than 5 days prior to hearing
Timelines begin again



RESOLUTION SESSION

1. Must be held within **15 days** of receipt of DPC.
 - Must convene with parents and IEPT members with specific knowledge of the facts in DPC.
 - May not include district attorney unless parent brings an attorney.
2. If settled, written agreement developed.
3. Either party may revoke within 3 days of signing.

If Parent refuses to participate

- District must use diligent efforts to encourage participation.
- After 30 day resolution period, may seek dismissal

If District fails to hold preliminary meeting, parent may ask ALJ to commence hearing timeline.

DPH Timeline

5-day disclosure rule

Final Decision within 45 days

