LEA REQUESTS HEARING – TIMELINES

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

- The parent (or the parent's attorney) must provide a <u>written response to the LEA's due process hearing request</u> specifically addressing the issues identified in the due process hearing request.

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

- If the parent (or the parent's attorney) believes that the LEA's due process hearing request does not meet the requirements of 511 IAC 7-45-3(b), the parent (or the parent's attorney) may send notice to the independent hearing officer and the LEA of its belief. (The LEA's request for a due process hearing will be deemed sufficient unless the parent (or the parent's attorney) notifies the IHO and the LEA in writing of the parent's belief to the contrary.)
  - 511 IAC 7-45-3(b) requires the LEA'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 days of receiving the parent's (or parent's attorney's) notice of insufficiency, the IHO must make a decision on the sufficiency of the LEA's request for a due process hearing and immediately notify the parties in writing.

WITHIN 45 DAYS OF RECEIVING A REQUEST FOR A DUE PROCESS HEARING

- 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 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.