

Office for Dispute Resolution (ODR)
TIMELINES/PROCEDURES for Due Process
Students with Disabilities (IDEA 2004)

ODR procedures are based on the Procedural Safeguards Notice that is written in accordance with IDEA 2004. This document details current ODR Procedures and timelines.

The Special Education Dispute Resolution is available on the ODR website. This manual provides detailed information on all dispute resolution options available to parties.

As stated in the Procedural Safeguards Notice, there are resources available to assist in this process. Some are listed below:

The Special Education ConsultLine is available for parents and advocates who would like information on understanding the law and parent rights. A Specialist can be reached toll-free, at 1-800-879-2301.

Parent Education Network (PEN) and Parent Education and Advocacy Leadership Center (PEAL) provide a variety of workshops and trainings for parents. PEN can be reached toll-free at 1-800-522-5827, and PEAL can be reached toll-free at 1-866-950-1040.

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TIMELINES/PROCEDURES for Due Process**

(NOTE: These procedures have been written in accordance with The Individuals with Disabilities Education Improvement Act (IDEA 2004). These procedures do not apply to the following: expedited hearings, cases involving strictly Ch. 15/504 issues, or cases involving strictly gifted education.)

A. Upon receipt of due process request to ODR:

1. Case Manager assigned
2. Hearing Officer assigned
3. Hearing Officer assignment letter and hearing notice sent to local education agency
4. Hearing Officer assignment letter, hearing notice, and Due Process Fact Sheet sent to parents
5. Complaint request forwarded to Hearing Officer and to LEA if not initially copied
6. Hearing Officer can choose to set date for hearing to occur after 30 days

B. No later than 10 days after receipt of complaint:

1. Other party responds to complaint
2. Local Education Agency (LEA) sends Prior Written Notice if not done so before

C. No later than 15 days after receipt of complaint:

1. Sufficiency of complaint may be challenged in writing to Hearing Officer (If challenged, see "D.")
2. Resolution meeting held unless parties choose to go to mediation or both parties in writing waive Resolution meeting

(D. No later than 5 days after receipt of sufficiency challenge:)

1. Hearing Officer responds in writing to parties. If deemed "sufficient," proceed to "C. 2." If determined to be "not sufficient," Hearing Officer can allow party to amend; then return to "C."

E. During 30 days after receipt of complaint:

1. Parties complete and provide notice to Hearing Officer of following actions
 - Response to other party
 - Prior Written Notice provided
 - Date/Outcome of Resolution meeting
 - Written waiver of Resolution meeting
 - Request for mediation
2. Parties begin to prepare for due process

F. After 30 days of receipt of complaint:

1. Due Process hearing will occur if LEA has not resolved issues with parents
 - Timelines for hearings now begin with hearing being held within 30 days and decision rendered within 45 days unless an extension is granted; however
 - Parties should be prepared to go to due process without delay after initial 30 days
 - Hearing Officer can grant continuance if parties agreed to go to mediation but mediation was not able to occur within the initial 30 days
2. Hearing Officer now controls due process proceedings