

## **C. HEARING DECISIONS (34 CFR §300.513)**

1. *Decision of hearing officer* a. A hearing officer's decision on whether your child received FAPE must be based on substantive grounds.

b. In matters alleging a procedural violation, a hearing officer may find that your child did not receive FAPE only if the procedural inadequacies: 1) Interfered with your child's right to FAPE;

2) Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of FAPE to your child; or

3) Caused a deprivation of an educational benefit.

c. Construction clause

None of the provisions described above can be interpreted to prevent a hearing officer from ordering a LEA to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536). None of the provisions under the headings: *Filing a Due Process Complaint; Due Process Complaint; Model Forms; Resolution Process; Impartial Due Process Hearing; Hearing Rights; and Hearing Decisions* (34 CFR §§300.507 through 300.513), can affect your right to file an appeal of the due process hearing decisions with a court of competent jurisdiction.

2. *Separate request for a due process hearing*

Nothing in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

3. *Findings and decision to advisory panel and general public*

The SEA after deleting any personally identifiable information, must:

a. Provide the findings and decisions in the due process hearing or appeal to the State Special Education Advisor Panel (SEAP);

b. Make those findings and decisions available to the public.