

Due Process Chart

Hearing Request	School district must file "District Request for an Impartial Due Process Hearing Officer" form (19-86 revised 8/06). If a parent requests hearing, form must be sent to ISBE within 5 calendar days of parent's request.
Written Response 10 calendar days	<p>If the <u>school district files</u>, the parent must transmit a written response to the school district and the hearing officer that specifically addresses the issues raised in the due process request.</p> <p>If the <u>parent files</u>, the school district must transmit a copy of any "prior written notice" of its decision, including all supporting documentation to the parent and the hearing officer. If no "prior written notice" exists, the school district must submit a written response that includes:</p> <ul style="list-style-type: none"> ● An explanation of why the district proposed or refused to take the action raised in the due process request; ● A description of other options the IEP team considered and the reasons why those options were rejected; ● A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; and ● A description of the factors that are relevant to the school district's proposal or refusal.
Notice of Dismissal 15 calendar days	<p>If the <u>school district files</u>, the parent may seek dismissal of the due process request if the school district fails to provide the following information:</p> <ul style="list-style-type: none"> ● The name, address, and telephone number of the student/parent, and of the person making the request on behalf of the school district; ● The nature of the controversy to be resolved; and ● The remedy being sought. <p>If the <u>parent files</u>, the school district may seek dismissal of the due process request if the parent failed to provide the following information:</p> <ul style="list-style-type: none"> ● The child's name, address, name of the school attended; ● A description of the nature of the problem relating to the proposed or refused initiation or change, including facts relating to the problem; ● A proposed resolution of the problem, to the extent known; and
Resolution Session 15 calendar days	<p>The parties are required to convene a resolution session to discuss resolution of the issues (or alternatively participate in mediation). The parties may agree to waive the resolution session in writing. The resolution session must include:</p> <ul style="list-style-type: none"> ● Parents ● Student, at the request of the parent ● A school district representative with full decision-making authority; and ● Members of the IEP team who have specific knowledge of the facts identified in the due process hearing request <p>School district's attorney may not attend unless the parent brings an attorney. If agreement is reached, it must be committed to writing. Either party may void the agreement within 3 business days. Parties must contact the hearing officer within 3 business days with a status report</p>
Mediation 15 calendar days	<p>Mediation may be convened as an alternative to the Resolution Session. Either party may bring an attorney. The mediation agreement may not be revoked or otherwise voided. Parties must contact the hearing officer within 3 business days with a status report</p>