

IDEA Special Education Expedited Due Process Hearing Requests

**A Guide for Parents of Children & Youth
(Ages 3-21)**

**This publication is part of a series about IDEA
(Individuals with Disabilities Education Act) dispute
resolution options. Other Parent guides in this series
include:**

**IDEA Special Education Mediation
IDEA Special Education Written State Complaints
IDEA Special Education Due Process Complaints/
Hearing Requests
IDEA Special Education Resolution Meetings**



This publication describes Expedited Due Process Hearing Requests generally for Part B of the IDEA. It is not intended to interpret, modify, or replace any procedural safeguards or requirements of federal or state law.

What is An Expedited Hearing Request?

An expedited hearing may only be requested in certain situations. This special type of due process complaint is used when parents disagree with a school district's discipline-related decision affecting their child's placement.

Parents can also file an expedited hearing request when they disagree with a school district's decision about whether a child's behavior is related to their disability. This decision is called a manifestation determination.

A school district may file an expedited hearing request when it believes that a child's behavior could be dangerous to the child or others.

- Expedited hearing requests must include the same information required for a due process complaint.
- States may have different filing requirements for expedited hearing requests. The procedures may also differ from other due process complaints.

For more information on resolving special education disputes and dispute resolution options available under the IDEA, visit the CADRE Website:

cadreworks.org

What Happens After I File An Expedited Hearing Request?

- A resolution meeting must occur within 7 calendar days, unless you and the school district both agree in writing not to have a resolution meeting, or to use mediation instead.
- If the dispute is not resolved within 15 calendar days, the hearing timeline proceeds.

- The hearing must be held within 20 school days of the expedited hearing request being filed.
- The hearing officer must issue a decision within 10 school days of the date of the hearing.

***** A Note About Expedited Hearing Timelines *****

It is important to keep in mind expedited timeline differences, especially during or close to times when school is not in session, such as summer vacation and extended breaks.

School day has the same meaning for all children in school, including children with disabilities – meaning days when children are scheduled to attend school.

Calendar day means all of the days on the calendar, including weekends and holidays.

Questions About Expedited Due Process Hearings

Where does my child go to school after I file an expedited hearing request?

Your child must remain in the educational setting chosen by his or her IEP team until the hearing officer issues a decision or the time period for the disciplinary action expires, unless you and the school agree otherwise.

Can a hearing officer extend the expedited hearing timeline?

No. A hearing officer cannot extend the resolution period, hearing date, or the time for issuing a decision for an expedited hearing request.

What happens after the expedited hearing?

As with any due process hearing decision, the SEA must ensure that the hearing officer's decision is followed, unless the decision is appealed. The SEA must also share a copy (with personally identifiable information removed) with the state's advisory panel, and make the decision available to the public.

What if I disagree with the hearing decision?

An expedited hearing decision may be appealed. For information on how to file an appeal in your state, you can check with your SEA or parent center. They will know the important timelines and filing requirements.

Sources Of Important Information

A current list of all parent centers in the nation is available through the Center for Parent Information and Resources (CPIR):

parentcenterhub.org/find-your-center

or call (973) 642-8100



The Center for Appropriate Dispute Resolution in Special Education (CADRE) is the national technical assistance center on dispute resolution:

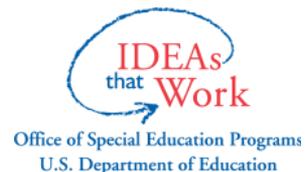
cadreworks.org

or call (541) 359-4210



Information on the Individuals with Disabilities Education Act (IDEA) is available online:

sites.ed.gov/idea



To Find A Parent Center In Your Area, Contact:

Region A Parent TA Center NE-PACT

35 Halsey St., 4th Floor
Newark, NJ 07102
Tel: (800) 654-7726
Fax: (973) 642-8080

Website: parentcenterhub.org/region-a

Region B Parent TA Center Parent to Parent

3070 Presidential Pkwy, Suite 130
Atlanta, GA 30340
Tel: (800) 229-2038
Fax: (770) 458-4091

Website: p2pga.org

Region C Parent TA Center WI FACETS

600 W. Virginia St., Ste. 501
Milwaukee, WI 53204
Tel: (877) 374-0511
Fax: (414) 374-4655

Website: regioncptac.org

Region D Parent TA Center Matrix Parent Network & PEAK Parent Center

94 Galli Drive, Suite C
Novato, CA 94949
Tel: (800) 578-2592
Fax: (415) 884-3555

Website: matrixparents.org

Center for Parent Information and Resources c/o Statewide Parent Advocacy Network (SPAN)

35 Halsey St., 4th Floor
Newark, NJ 07102
Tel: (973) 642-8100

Website: parentcenterhub.org

Your Local Parent Center:

CADRE produced this document under U.S. Department of Education, Office of Special Education Programs Cooperative Agreement No. H326X180001. Carmen Sanchez served as the project officer. The views expressed herein do not necessarily represent the positions or policies of the Department of Education. No official endorsement by the U.S. Department of Education of any product, commodity, service or enterprise mentioned in this publication is intended or should be inferred. This product is public domain. Authorization to reproduce it in whole or in part is granted. While permission to reprint this publication is not necessary, the citation should be: CADRE (2019). IDEA Special Education Expedited Due Process Hearing Requests, Eugene, Oregon, CADRE. This publication also contains hyperlinks and URLs created and maintained by outside organizations and provided for the reader's convenience. The Department is not responsible for the accuracy of this information. Publication Date: July 2019.