

The Due Process "Process"

DUE PROCESS WRITTEN FILING



Only for evaluation, identification, educational placement,
free and appropriate public education (FAPE)
Must be filed within two years of date of basis for hearing
45 days to resolve
Students stays in current placement

RESOLUTION MEETING WITHIN 15 DAYS



Members of the IEP team, parent, district representative,
no attorney unless parent has attorney
Neutral facilitator
Agreement is binding
Three business days to void agreement
If no agreement, then mediation

MEDIATION



Voluntary meeting
State mediator facilitates
Agreement is binding
If no agreement then case goes to due process hearing

DUE PROCESS HEARING



Court may award attorney fees
Law now provides provisions for "frivolous, unreasonable,
without foundation, harassment" claims
regarding attorney fees