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## ❖ Expedited Due Process Hearings

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An expedited due process hearing will be scheduled when a hearing is requested:

- By the District to remove the student to an IAES because the District believes that keeping the student in the current school program is substantially likely to result in injury to the child or to others;
- By the District to maintain the student in an IAES or another appropriate placement after the expiration of the IAES where the parents disagree with the proposed change and the District believes that maintaining the student in the current school program is substantially likely to result in injury to the child or to others;
- By the parent where the parent believes that a change in placement has occurred because the student has been kept out of school for more than 10 consecutive days in a row without the school following proper steps;
- By the parent where the parent believes that a change in placement has occurred because the student has been kept out of school for more than 10 days in a school year without the school following the proper steps;
- By the parent where the parent does not agree with the IAES placement; or
- By the parent where the parent does not agree that the child's behavior was not a manifestation of the child's disability.

During the expedited hearing, the child must remain in the IAES or other disciplinary setting pending the decision of the hearing officer or until the expiration of the additional suspensions, expulsion or 45 school day IAES unless the parent and the LEA otherwise agree.

An expedited hearing must meet the general hearing requirements. The state due process regulations contain procedural requirements that are specific to expedited hearings. The hearing is limited to the above issues and the hearing officer has the authority to limit the introduction of exhibits and testimony as may be necessary to rule on the issue presented. In addition, a resolution meeting must occur within 7 days of receiving notice of the due process complaint. The hearing may proceed unless the matter is resolved to the satisfaction of both parties within 15 days of receipt of the due process complaint. The hearing will be held within 20 school days of the date the hearing is requested and will result in a decision within 10 school days after the hearing.

Each party has the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least two business days prior to the commencement of the expedited hearing; and, each party must disclose to the other and to the hearing officer at least two business days prior to the commencement of the expedited hearing all completed evaluations and recommendations based on the offering party's evaluation that the party intends to offer or rely on at the expedited hearing.