

Mel O. Director
SWK Area Cooperative
001 Ford St.
Ensign, Kansas 67841

March 24, 2011

RE: Due Process No. 11DP443-001

Dear Mr. Director:

We have received a copy of the request for a due process hearing submitted by Minnie Issues. This is a courtesy reminder of some of the timelines involved in this process.

Resolution Session:

A resolution session with the parent(s) and relevant members of the IEP team must be scheduled and convened within 15 calendar days of the school's receipt of the request for due process. This is a statutory requirement. Therefore, the Office of Special Education Programs (OSEP) has advised us that even if a parent will not or cannot attend a resolution session within 15 days, the school still must schedule and convene the resolution meeting. In such a case, those in attendance should discuss what further offers to meet will be made to the parent(s). There are also other timelines connected to the resolution session, depending on choices made by the parents and the school district. The KSDE is required to track and document LEA compliance with these resolution session requirements. To help minimize any burden this requirement may make on the LEA, I have attached a tracking form which I am asking you to use to provide KSDE with the information indicated on the form. If you have any questions regarding the use of this form, please feel free to give me a call.

Selection of Hearing Officer:

The rules regarding the selection of a hearing officer are located in Kansas Administrative Regulation 91-40-28(d). When the school or the parents request a due process hearing, the school has five business days, after the request for due process is made by the school or is received by the school, to furnish the parents with a short list of hearing officers (please limit list to two or three names), and to notify the parents, in writing, that: (a) the parents have the right, within 5 days after receiving the list to advise the school of any hearing officer or hearing officers that the parents choose to disqualify; (b) the school may appoint from its list any hearing officer who has not been disqualified by the parents; and (c) if the parents disqualify all of the hearing officers on the list, the school, within 3 business days after being notified that the parents have disqualified all of the hearing officers on the list, will contact the KSDE and request that it appoint a hearing officer.

Before putting any hearing officer on the list you give to parents, please remember to contact that person to verify that he or she is available to act as a hearing officer for that case. If you need a current list of approved hearing officers, please let me know.

And, please feel free to contact me if you would like to discuss any of these processes.

Sincerely,

Mark Ward
Special Education Services