

NM State Due Process Procedure

Written due process hearing request received/reviewed by **OGC**

- Case opened on database; Case files created
- OGC notifies ADR Coordinator to determine potential mediator or IEP Facilitator

Official appointment letter written and sent to relevant parties and Hearing Officer (within 2 business days) (OGC)

- Assigns Hearing Officer
- Informs parties of resolution session requirements and other ADR options
- Includes ADR facts sheets (3) and ADR request form
- Parties and hearing officer notified re: notification and timing requirements if parties want mediation or a FIEP
- Notifies parties that case is in the hands of the Hearing Officer from here forward

District must offer Resolution Session meeting
(District Director likely facilitates)
To be completed in 15 days

Option 4
Parties request Mediation*

* See Mediation procedures

Option 1

Parties **do not** agree on any ADR option → Parties notify Hearing Officer and 45 day timeline begins.

Option 2

Parties agree on Resolution Session; District Notifies Hearing Officer & resolution session proceeds.

Option 3

Parties agree on FIEP meeting to be completed in 14 days

- District /Parent forward FIEP ADR Requests to ADR Coordinator

ADR Coordinator

- Assigns Facilitator immediately
- Logs case in notebook
- Confirms assignment to parties and Hearing Officer in writing in 1–2 days.
- Provides assignment details and ADR Requests to Facilitator in 1-2 days
- Confirms FIEP took place
- Reviews and okays invoice submitted to TAESE
- Ensures FIEP meeting evaluations are returned to SEB

Parties notify Hearing Officer of Status
If no ADR resolution, then hearing proceeds

End of 30 days

Final written decision with findings and order issued to parties and OGC by day 45 or by extended deadline date

Note: Mediations and FIEPs shall be completed not later than 14 days after the assignment of the Facilitator or Mediator by the SEB, unless the hearing officer grants an extension.