

***This subject index is for use with
Cernosia outline *IDEA Due Process
Hearings Issues September 2007*
provided by Art Cernosia, Esq.

District of Columbia Special Education Hearing Officer Training

IDEA Due Process Hearing Issues (September 2007)

Standing

Sufficiency Challenges	2
Rights of Parents	5
Educational Decision makers	5
Noncustodial Parents	6
Standing (divorce, expulsion, private schools)	6
Compensatory education and moving districts	6
Injunctive relief and moving	7
Residency	7
Hearing Officer Jurisdiction	21

Timelines

Timeline for Requesting Hearing	8
Timelines for hearings	13, 31
Expedited Hearings	36
45 Day Time Line	24, 31

Complaints and Responses

Response to Complaint	9
LEA Response	9
Response and resolution meeting	10
Amendments to the Due Process Request	10

Stay Put

Stay Put	25, 33-34
Stay Put provisions	34-36, 37

Resolution Sessions

Resolution Sessions	11, 13-15, 32
Resolution Session and <u>Blackman</u>	13
No Resolution Session Timeline	14
School Attorney's Presence at Resolution Session	15

Hearings

Hearings	12
Due Process Hearing Rights	25
Pre-Hearing Conferences	19-20
Pre-Hearing Checklist	20-25
Procedural safeguards	21
Hearing Procedures	22

Evidence

Burden of Proof (<i>Weast v Schaffer</i>)	18
5-day disclosures	26, 27
Evidentiary Issues	23
Exhibits	23
Evidence and Witnesses	27-28
Experts	27, 28

Motions

Motions at Hearings	24
Motion to Dismiss	25
Motion for Recusal	25

Settlement Agreements

Written Settlement Agreement	12, 40
Review Period	12

HODs

Hearing Officer's Decisions	29
Rule of Construction	29
Case Law and Judicial Decisions	30, 32
Attorney's Fees	41-42

Compensatory Education

Compensatory Education	37-39
Compensatory education and moving districts	6

Hearing Officer Competencies

In General,	16
Disqualification of Hearing Officers	16-18
<i>Ex Parte</i> Conversations	17
Hearing Officer Liability	42