**NM State Due Process Procedure**

Option 4

Parties request Mediation\*



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

**District must offer Resolution Session meeting**

**(**District Director likely facilitates)

To be completed in 15 days

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

\* *See Mediation procedures*

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 REC

* Ensures FIEP meeting evaluations are returned to SEB

**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.**

# Official appointment letter written and sent to relevant parties

Option 2

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

Option 1

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

# 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

*End of 30 days*

# Parties notify Hearing Officer of Status

# If no ADR resolution, then hearing proceeds

## Final written decision with findings and order issued

## to parties and OGC by day 45 or by extended deadline date

November 2011