

D. Hearing Timelines and Convenience

1. The due process hearing shall be held at a time and place that is reasonably convenient to the parent/legal guardian.
2. The due process hearing shall be conducted, and a written decision mailed to each party no more than forty-five (45) days after the expiration of the 30-day period under 34 CFR §300.510(b) and 5E DCMR §3030.3 or the adjusted time periods under 34 CFR §300.510(c) and 5E DCMR §3030.8. While the law specifically states that a written decision be mailed to each party, ODR is willing to transmit a copy of the decision via email for convenience at the request of the party.
3. An Impartial Hearing Officer may grant specific extensions of time beyond the forty-five (45) days by consent of the parties, or, if both parties do not consent, if good cause is shown by motion.

E. Required Disclosure of Evidence

As further set forth in §504 below, at least five (5) business days prior to the due process hearing, each party must disclose, to all other parties, all evidence that they intend to introduce at the hearing.

§ 404 Notice and Service

Every complaint or other document filed with ODR must be delivered to the other parties or their attorneys or representatives no later than the day the complaint or other document is filed with ODR. Unless otherwise ordered by the assigned Impartial Hearing Officer or agreed by the parties, service shall be made by delivering a copy, mailing a copy, faxing a copy or emailing a copy.

A. Acceptable Service by Delivery

1. Handing a copy to the party or representative;
2. Leaving it at the party's or representative's place of business with an employee; or
3. Leaving it at the party's residence with an adult who lives there.

B. Acceptable Service by Mail

Mailing a properly addressed copy of the complaint or other document with first-class postage by depositing it with the United States Postal Service.

C. Acceptable Service by Fax

Faxing a legible copy to the correct fax number and receiving/retaining confirmation of transmission.

D. Acceptable Service by E-mail

All papers to be filed by e-mail should be in portable document format (PDF). The papers should be attached to an e-mail, and not contained in the body of the e-mail itself. Parties using e-mail are responsible for retaining confirmation of transmission

E. Providing Notice

1. Notice to the School

Parents/legal guardians initiating a complaint must provide notice of the due process complaint to the LEA or school. Notice to DC Public Schools or DCPS shall be provided to the District of Columbia Public Schools Office of the General Counsel, 1200 First Street NE, Washington, DC 20002, ~~or by fax at (202) 442-5115~~ [e-mail at dueprocess.dcps@k12.dc.gov](mailto:dueprocess.dcps@k12.dc.gov). If the student is an inmate at the District's Central Detention Facility (DC Jail), pursuant to 20 U.S.C §1400, *et seq.* and Title 5 of the DCMR, the District of Columbia Public Schools (DCPS) is responsible for providing special education services to eligible incarcerated youth until they reach their twenty-second birthday. If the student attends a charter school, the parents must file notice of the due process complaint with the principal or director of the charter school. LEAs or SEAs initiating a complaint must provide notice of the due process complaint to the parents, guardians, primary caregivers, or other persons or entities entrusted with the authority to make decisions on behalf of the student.

Commented [BPM(1)]: Change effective February 1, 2022

2. Notice to the Office of Dispute Resolution

In addition to providing the complaint to the school or parent/legal guardian, a copy of the due process complaint must be filed with ODR. The complaint may be filed by mail, hand-delivery, email, or fax. If a parent or legal guardian is unable to read or write, is not fluent in English, or has a disability that prevents a written request, the staff in ODR shall assist the parent or guardian in filling out the complaint or refer the parent to a legal services program that handles special education matters without charge and is open for intake.