

Timeline Expectations When Preappeal Conference Request Is Filed with Department

1. Department of Education (DE) receives preappeal request and determines whether it meets the requirements. DE also tries to determine if all parties, such as district(s) and the Area Education Agency (AEA), received copies.

2. Within five (5) calendar days, DE:
 - Sends letter to the parties about the request for a preappeal and asks the district to send certain records and a checklist to the DE within 10 business days of receipt.

 - Assigns mediator (rotational basis).

 - Contacts parties to arrange a common date for a conference call.

 - Sends various types of information to the parties that should be helpful.

3. Usually within ten (10) calendar days or so (but depending on the calendars of the parties), DE will organize and hold a conference call with the mediator and the parties.

4. Parties jointly determine the date, time, and location of the preappeal during the conference call. The mediator will individual contact any party want additional information about the preappeal process.

5. Within five (5) calendar days from the conference call, DE will send a written notice for preappeal.

6. On the scheduled date, the preappeal is held with the mediator facilitating the discussion.

7. If agreement is reached, a “legally binding agreement” will need to be signed by the parties (AEA, district, and parents). The parties typically will sign on the day of the preappeal.

8. The mediator will announce that there will be an automatic three-month follow-up by the DE to determine if the Local Education Agency (LEA) and the parents believe the agreement was implemented.