

After the Due Process Hearing: Corrective Action Timelines

Due Process Hearing - Final Order	
The parent and the school district receive a copy of the Final Order from the Office of Administrative Hearings (OAH). The Final Order contains the results of the hearing and any corrective action required.	
IF the Final Order includes corrective action....	The Department monitors the District's completion of the corrective action in the Final Order.
<ul style="list-style-type: none"> Final order <u>states</u> corrective action due dates.... 	The District completes the corrective action by the dates in the Final Order, but no later than one year from the date of the Final Order. The Department monitors ¹ and verifies that the corrective action is completed as ordered.
<ul style="list-style-type: none"> Final order <u>does not state</u> corrective action due dates.... 	The District must complete the corrective action as soon as possible. The Department monitors and verifies that the corrective action is completed as ordered.
Within one year of the Final Order date....	The Department must notify the parent and the district that the corrections are complete and approved, not later than one year from the Final Order date to be considered timely. ² The one-year timeline applies even if the Final Order does not specify corrective action completion dates.
Appeal Process	
IDEA and Oregon law permit appeals of the due process hearing decision in the final order.	
Within 90 days of the date of the final order....	The due process hearing decision is final unless the parent or the school district files an appeal within 90 days of the date of the final order. ³ The appeal is a civil action filed according to ORS 343.175 in a court that has jurisdiction (court of competent jurisdiction).
Effect on corrective action timelines....	If a final order is successfully appealed, the corrective action requirements may change. Any remaining corrective action must be completed timely as ordered, and in no case later than one year from the date of the Final Order.

¹ The Department may use parent and district reports, contacts, document review, or other reviews in conjunction with the Department's monitoring system to verify and approve completion of corrective action.

² Under IDEA's general supervision requirements, States must ensure that corrective action is completed timely as soon as possible, but in no case later than one year from identification. (State Performance Plan, Indicator 15: Effective General Supervision Part B.) (20 U.S.C. 1416 (a)(3)(B))

³ ORS 343.175 civil action following hearing; deadline; attorney fees; limitations; reduction of fees; 34 CFR §300.514 Finality of decision; appeal; impartial review