



THE STATE EDUCATION DEPARTMENT

timelines for the resolution process, recommence at the time the party files the amended due process complaint notice. The timelines do not recommence at the time the party initially requests to amend its complaint or amends the complaint without written agreement by the other party or permission from the IHO as referenced above.

The timeline for commencing a hearing or prehearing conference is prescribed in section 200.5(j)(3)(iii) of the Regulations of the Commissioner.

Consolidation of due process complaints:

In circumstances when there is an impartial hearing about a student in progress before one IHO and the same parties submit another due process complaint notice, the regulations prescribe a process for the IHO assigned to the first case, the pending case, to determine whether it is appropriate to consolidate or bring together the issues of both due process complaint notices into one hearing.

Section 200.5(j)(3)(ii)(a) of the Regulations of the Commissioner provides procedures for the consolidation of due process complaint notices that are filed while an impartial hearing is pending before an IHO involving the same parties (same parent and same school district) and the same student with a disability. When a new complaint has been consolidated with a pending complaint, the timeline for issuance of the decision is the same timeline as the earliest pending due process complaint. When considering whether to consolidate one or more separate requests for due process, the IHO must consider relevant factors, including those found in section 200.5(j)(3)(ii)(a)(4). The IHO must issue a written order as to whether he/she will or will not

Withdrawal of due process complaints:

Section 200.5(j)(6) of the Regulations of the Commissioner of Education provides

The regulation states that if the party subsequently files a due process complaint notice

are not properly redacted