

**10A NCAC 63F .0607 SCHEDULING AND NOTICE OF IMPARTIAL DUE PROCESS HEARING**

(a) The hearing officer shall schedule the impartial due process hearing to be held within 60 days of the original request by the applicant or consumer as described in Rule .0603 of this Section.

(b) The hearing officer shall provide the parties written notice of the date, time and place of the hearing and the issue to be considered at least 10 days prior to the hearing. A copy of the notice shall be sent to the Client Assistance Program.

(c) The notice shall inform the parties of the following:

- (1) the procedures to be followed in the hearing;
- (2) the particular sections of the statutes, federal regulations, state rules, and state plan involved;
- (3) the rights of the applicant or consumer as specified in 34 C.F.R. 361.57;
- (4) that the hearing officer shall extend the time for the hearing for up to 30 days if the parties jointly agree to a delay and submit a written statement to that effect to the hearing officer; and
- (5) that the hearing shall be cancelled if the matter is resolved in an administrative review or in mediation.

(d) Notice shall be given personally or by certified mail. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt.

*History Note: Authority G.S.; 143B-157; 150B-1(e)(5); 150B-2; 150B-23; 34 C.F.R. 361.57;  
Eff. December 1, 1990;  
Temporary Amendment Eff. August 1, 2001;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*