

10A NCAC 89B .0205 SCHEDULING AND NOTICE OF ADMINISTRATIVE REVIEW

- (a) If an administrative review is to be conducted, the regional director or designee shall:
- (1) set a date, time and place for the administrative review;
 - (2) send written notification by certified mail to the applicant or client and the individual's parent, guardian or representative, as appropriate, of the date, time and place for the administrative review at least five days prior to the administrative review;
 - (3) advise the applicant or client in the written notice that a hearing officer will be appointed by the Division to conduct a hearing if the matter is not resolved in the administrative review and that the applicant or client will also receive additional information regarding mediation if mediation has been requested and a written notice from the hearing officer regarding the formal appeals hearing which will be held after the administrative review and mediation; and
 - (4) notify the Director of the Client Assistance Program (CAP) and other individuals to be involved in the administrative review of the request and the date, time and place for the administrative review. This notification may be by phone or in writing.
- (b) Prior to the administrative review, the regional director or designee shall review all previous decisions and casework related to the applicant or client and seek whatever consultation, explanation, documentation, or other information that is deemed necessary, utilizing the Division's CAP Director as appropriate.

History Note: Authority G.S. 143-546.1; 150B-1; 34 C.F.R. 361.57; P.L. 105-220, s. 102(c); Eff. February 1, 1976; Amended Eff. July 1, 2000; April 1, 1997; September 1, 1989; Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.