

**10A NCAC 89B .0207 SCHEDULING AND NOTICE OF MEDIATION AND APPEALS HEARING**

- (a) If mediation is agreed upon, the mediation shall take place prior to the appeals hearing and shall be conducted according to Rule .0210 of this Section.
- (b) The hearing officer shall schedule the formal appeals hearing, to be held within 45 days of receipt of the original request by the applicant or client as described in Rule .0203 of this Section unless the Coordinator of Rules and Policy Development has extended the time for the hearing for a specific period of time upon written agreement of both parties or the hearing officer grants an extension under Subparagraph (d)(4) of this Rule.
- (c) The hearing officer shall provide the applicant or client and the division written notice of the date, time and place of the hearing and the issue(s) to be considered at least 10 days prior to the hearing. A copy of the notice shall be sent to the Client Assistance Program if CAP is involved in the case.
- (d) The notice shall inform the applicant or client and the division:
- (1) of the procedures to be followed in the hearing;
  - (2) of the particular sections of the statutes, federal regulations, state rules, and state plan involved;
  - (3) of the rights of the applicant or client as specified in 34 C.F.R. 361.57(b)(1) through (b)(4);
  - (4) that the hearing officer shall extend the time for the hearing if the parties jointly agree to a specific extension of time and submit a written statement to that effect to the hearing officer; and
  - (5) that the hearing may be cancelled if the matter is resolved in an administrative review or through mediation.
- (e) 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. 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; September 1, 1989;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*