

**NOTE: This is a sample Notice that might be used. It would need to be modified if it were to be used in other situations e.g., in a case involving a pre-school student or an expedited hearing.**

DATE

NAME  
ADDRESS

**VIA FACSIMILE TRANSMISSION FOLLOWED BY ELECTRONIC MAIL**  
(Facsimile transmission nums.: \_\_\_\_\_)

Re: \_\_\_\_\_, Case No. \_\_\_\_\_

**NOTICE OF START OF 45-DAY TIMELINE**

Dear Interested Parties:

The 45-day timeline for the due process hearing in 34 C.F.R. § 300.515(a) starts the day after one of the events described in 34 C.F.R. § 300.510(c) has occurred.<sup>1</sup> The parties have notified the undersigned that, although a resolution meeting took place on \_\_\_\_\_, the parties did not reach an agreement and further agreed in writing on \_\_\_\_\_ to proceed with the due process hearing.

Consistent with 34 C.F.R. § 300.510(c)(2), a final decision must be reached in this matter not later than 45 days after the expiration of the resolution period, absent the undersigned granting a specific extension of time. The 45-day timeline started to run on \_\_\_\_\_. Accordingly, a decision in this matter must be reached and mailed to each of the parties on or before \_\_\_\_\_.

Pursuant to 8 NYCRR § 200.5(j)(3)(iii), either the pre-hearing conference or the due process hearing has to commence within the first 14 days after the expiration of the resolution period. [A Notice of Scheduled Pre-Hearing Conference will follow this

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<sup>1</sup> Pursuant to 34 C.F.R. § 300.515(a), a decision in this matter must be reached and mailed to each of the parties not later than 45 days after the expiration of the 30-day resolution period under 34 C.F.R. § 300.510(b), or the adjusted time periods described in 34 C.F.R. § 300.510(c). Under 34 C.F.R. § 300.510(c), the 45-day timeline for the due process hearing starts the day after one of the following events: (1) both parties agree in writing to waive the resolution meeting; (2) after either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible; or (3) if both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or public agency withdraws from the mediation process.

correspondence setting the date and time within the required timeline for the conduct of a pre-hearing conference and advising you of the various matters that we will discuss during the pre-hearing conference.]

Very truly yours,

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