

**281—41.513(256B,34CFR300) Hearing decisions.**

**41.513(1)** *Decision of administrative law judge on the provision of FAPE.*

*a.* Subject to paragraph 41.513(1)“*b*,” an administrative law judge’s determination of whether a child received FAPE must be based on substantive grounds.

*b.* In matters alleging a procedural violation, an administrative law judge may find that a child did not receive FAPE only if the procedural inadequacies:

(1) Impeded the child’s right to FAPE;

(2) Significantly impeded the parent’s opportunity to participate in the decision-making process regarding the provision of FAPE to the parent’s child; or

(3) Caused a deprivation of educational benefit.

*c.* Nothing in this subrule shall be construed to preclude an administrative law judge from ordering an LEA to comply with procedural requirements under this division.

**41.513(2)** Reserved.

**41.513(3)** *Separate request for a due process hearing.* Nothing in this division shall be construed to preclude a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed.

**41.513(4)** *Findings and decision to advisory panel and general public.* The department, after deleting any personally identifiable information, must:

*a.* Transmit the findings and decisions referred to in paragraph 41.512(1)“*e*” to the state advisory panel established under rule 281—41.167(256B,34CFR300); and

*b.* Make those findings and decisions available to the public.

[ARC 7792C, IAB 4/17/24, effective 5/22/24]