

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]