



## **"Deadlines for Bringing Special Education Claims"**

Waiting to bring special education claims against a school district could result in the loss of the right to bring such claims. Effective July 1, 2005, the Individuals with Disabilities Education Act was amended to include a two year time limitation for bringing special education claims which school districts have, in some cases, successfully utilized to obtain dismissal of claims of disabled children which occurred prior to two years before the date the parents requested a due process hearing. While this office disagrees with the application of an automatic, inflexible two year statute of limitations under the new IDEA, and is directly involved with litigation of this issue, it is the unfortunate reality that some special education hearing officers and judges apply such a strict two year limitations period to destroy claims of disabled children which existed prior to two years of the parents' due process hearing request.

Therefore, it is advisable that parents take immediate steps to request a due process hearing once they become aware that their child may need to be evaluated for special education services, or that an existing special education program is not offering their child the opportunity to make meaningful educational gain. Hearing requests by parents should be made in writing and directed to the Office for Dispute Resolution, with a copy to the school district. Forms are available for parents for this purpose at <http://odr.pattan.net/dueprocess/Requestforms.aspx>.

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