



# Due Process Hearing

## Individuals with Disabilities Education Act (IDEA)

Office of the State Superintendent of Education • Office of Dispute Resolution  
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## Introduction

A due process hearing is a court-like review process governed by the Individuals with Disabilities Education Act (IDEA). A due process hearing is one of the administrative remedies available to parents and school districts to resolve special education disputes. A due process hearing takes place after a due process complaint is filed. Hearings may be held on behalf of one student or may involve others, as in a class action. In the District of Columbia, due process hearings are presided over by impartial hearing officers whose decisions have the effect of law and are binding upon the parties participating in the hearing. The Office of the State Superintendent of Education's (OSSE's) Office of Dispute Resolution (ODR) oversees the administration of due process hearings.

## What is an Impartial Hearing Officer?

In accordance with the law, hearing officers who preside over matters at the Office of Dispute Resolution (ODR) are licensed attorneys who possess the knowledge and ability to conduct a hearing and issue written decisions, as appropriate legal standard practice requires. In the District of Columbia, OSSE uses independent contractors to perform these services. Under IDEA regulation 34 C.F.R. § 300.511(c), impartial hearing officers must possess knowledge of, and the ability to understand the law. Moreover, hearing officers must be impartial. They must not be employees of the state education agency (OSSE), or the local education agency that is involved in the education or care of the child. Similarly, hearing officers must not have a personal or professional interest which conflicts with the hearing officer's objectivity in the hearing. A list of persons who serve as impartial hearing officers is located on our website at: [www.osse.dc.gov](http://www.osse.dc.gov).

## What can I expect in a due process hearing?

Due process hearings are similar to trials, with the hearing officer presiding and acting as a judge. Both the parent(s) and the local education agency may represent themselves or be represented by attorneys. Witnesses are questioned and cross-examined under oath, and documents are admitted into the record for the

hearing officer's consideration. At the conclusion of the hearing, the hearing officer issues a final written decision, which is a legally enforceable document that details next steps for the parents and/or local education agency to follow if the hearing officer determines that the child has been denied a free appropriate public education.

## How do I request a due process hearing?

If you are interested in requesting a due process hearing, you can visit our website at [www.osse.dc.gov](http://www.osse.dc.gov) to download a model form for a due process complaint. If you choose not to use the form available on the website, the law requires that a due process complaint include the following: 1) the name of the child, 2) the address of the residence of the child, 3) the name of the school the child is attending, 4) a description of the problem including the facts (you should be as detailed as possible), 5) a proposed resolution of the problem (how you would solve the problem). If the child is homeless, you will need to include any contact information for the child, and the name of the school the child is attending. There is no legal requirement for you to use the form we provide, just be sure to include the information above. Once you've completed documenting your complaint, you must send it to the party whom the complaint is against and file a copy with the Office of Dispute Resolution.