



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

ADMINISTRATIVE DUE PROCESS COMPLAINT NOTICE IDEA Part B (ages 3-22)

This form is used to provide notice of a due process complaint to the Local Educational Agency (LEA) and/or State Educational Agency (SEA) and/or parents with respect to any matter relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of a free appropriate public education to that child, ages 3-22. **A party may not have a due process hearing until the party, or the attorney representing the party, files a due process complaint notice that meets the requirements of the Individuals with Disabilities Education Act (IDEA).** See 34 CFR Part 300 (IDEA Part B).

Parents initiating a complaint must provide a completed administrative due process complaint notice to the Local Educational Agency (LEA) and/or State Educational Agency (SEA), whomever the complaint is filed against. The Office of the State Superintendent (OSSE) is the SEA for the District of Columbia.

If the complaint is filed against a traditional public school, non-public day school, residential treatment facility or Public Charter School for which District of Columbia Public Schools (DCPS) is the LEA, notice to DCPS shall be provided to DCPS by e-fax at (202) 442-5115, with a copy to the Office of Dispute Resolution (ODR), 810 First Street, NE, 2nd Floor, Washington DC 20002 by hand delivery or by e-fax to (202) 478-2956.

If the complaint is filed against a Public Charter School and the Public Charter School is its own LEA, the due process complaint must be provided to the principal or director of the Public Charter School, with a copy to the ODR. You must contact the Public Charter School directly to find out how to provide the complaint to the Public Charter School.

If the complaint is filed against the Department of Youth Rehabilitation Services (DYRS), the due process complaint must be provided to James Brooks, Educational Specialist, Office of Education, DYRS, by email at JamesS.Brooks@dc.gov or fax at (202) 299-3622, with a copy to ODR.

If the complaint is filed against OSSE, the due process complaint must be provided to the OSSE's Office of General Counsel by fax at (202) 299-2134 (for more information call OSSE at (202) 724-7756), with a copy to ODR.

A copy of the complaint must be provided to the Office of Dispute Resolution (ODR) on the same day that it is provided to the LEA, SEA and/or parent against whom the complaint was filed. Failure to provide a copy to the ODR on the same day may result in a delay of assigning the case to a hearing officer. The due process complaint must describe an alleged violation that occurred not more than two (2) years before the date that the parent, school system and/or OSSE knew or should have known about the alleged action that is the basis of the complaint.

Unless the other party agrees, the party requesting the due process hearing shall not be allowed to raise issues at the due process hearing that are not raised in this Administrative Due Process Complaint Notice. Therefore, please be thorough in providing the information requested.

LEGAL ASSISTANCE:

A list of free legal help is available at www.osse.dc.gov >Programs > Office of Dispute Resolution > For Parents and Students > Free Legal Services. A paper copy of the list may be obtained by contacting the ODR at (202) 698-3819.

A. STUDENT INFORMATION

Name of Student: _____ Date of Birth: _____

Student's Gender (optional): _____ Race (optional): _____

Student's Address (if student is homeless, please provide available contact information): Ward (1-8): _____

Home School: _____ Attending School: _____

Parent(s)/Guardian(s) of the Student: _____

B. INDIVIDUAL MAKING COMPLAINT/REQUEST FOR DUE PROCESS HEARING

Name: _____ Home Phone: _____

Address: _____

Email: _____ Fax: _____

Relationship to Student:

- Parent Self/Adult Student (age 18-22)
- Legal Guardian Local Education Agency (LEA)
- Parent Surrogate

C. LEGAL REPRESENTATIVE/ATTORNEY INFORMATION (if applicable):

Name/Firm: _____

Address: _____

Work Phone: _____ Email: _____ Fax: _____

D. COMPLAINT INFORMATION (check all that apply):

Complaint made against (check all that apply):

- DCPS Public School(s) (name): _____
- Residential Treatment Facility (name): _____
- Public Charter School (when the Public Charter School is its own LEA) (name): _____
- Public Charter School (when DCPS is the LEA) (name): _____
- DYRS
- Non-public school (s) (name): _____
- Office of the State Superintendent of Education (OSSE)
- Parent

Mediation

IDEA requires that any time a party requests a due process hearing that mediation should be offered at no cost to the parent. Both parties can request mediation as an alternative to the Resolution Meeting. Mediation is also available prior to a due process hearing, but mediation may not be used to deny or delay a parent's right to a due process complaint. Please check all that apply:

- I am requesting mediation as an alternative to the resolution session meeting.**
- I do not wish to use a mediator at this time.**

Resolution Meeting

Prior to the opportunity for an impartial due process hearing, the LEA shall convene a meeting (called a "Resolution Meeting") with the parent(s) unless the parent(s) and the LEA agree in writing to waive this meeting. If the complaint is against the school system, you will be contacted by a representative of the school system to schedule the meeting with the school system. If the complaint is against OSSE, no resolution meeting is required.

I understand that it is my right to have a Resolution Meeting to resolve this complaint. I also understand that I may voluntarily waive this right if I choose. (Note: All parties must agree to waive the Resolution Meeting to avoid having this meeting).

As the Parent (please check one)

- I do not wish to waive the Resolution Meeting.
 - **Will attorney/legal representative attend the Resolution Meeting?** Yes No
 - **Would you like to request a Facilitator to facilitate the Resolution Meeting?** Yes No
(Facilitation is a voluntary process that brings people together to address the student's educational needs. A facilitator is a neutral person that helps participants communicate with each other so that everyone has an opportunity to express concerns and offer solutions).
- I wish to waive the Resolution Meeting and keep the 30-day resolution period open.
- I wish to waive the Resolution Meeting, end the 30-day resolution period and proceed directly to a due process hearing.
- Not Applicable (LEA is filing the due process complaint).**
- Not Applicable (complaint filed by parent against the Office of State Superintendent of Education (OSSE)).**

Request for Expedited Hearing

All requests for expedited due process hearings must be made in writing, in a separate motion or request that accompanies the complaint, and must state the reason why expedited status should be granted.

I request the following type of Expedited Hearing:

- Discipline** issues are raised in the complaint and an expedited hearing must be held. See 34 CFR 300.532(a).
- Non-Discipline** issues are raised in the complaint that affects the physical or emotional health or safety of the student or others, or there is other substantial justification for expediting the hearing. Note: The Hearing Officer will determine whether the hearing will be expedited based on the reasons stated in the accompanying motion. See Student Hearing Office Standard Operating Procedures 1008.B.

E. FACTS AND REASONS FOR THE COMPLAINT:

In accordance with the Individuals with Disabilities Education Act (IDEA), please complete the following questions. Provide complete details about all the facts supporting your claims. Please be thorough in providing the information requested. **(If more space is needed, additional pages have been added to the end of this document).**

1. What is the nature of the problem, including the facts relating to the problem that will need to be addressed at a Resolution Meeting, a Mediation Conference, and/or a Due Process Hearing?

2. To the extent known to you at this time, how can this problem be resolved?

3. Issues presented: (Be specific. Any issue not identified in this complaint cannot be raised at the due process hearing unless the other party agrees).

F. HEARING ACCOMMODATIONS:

Estimated amount of time (hours/days) needed for hearing: _____

Special Accommodations needed (check all that apply):

- Interpreter (language):** _____
- Disability assistance (please describe):** _____
- Other (please describe):** _____

G. AFFIRMATIONS:

Waiver of Procedural Safeguards (Optional):

I (parent/guardian) waive receiving a copy of the procedural safeguards at this time. I understand that waiver of this right is optional and not a requirement for filing this complaint.

I (parent/guardian) would like to receive a copy of the Hearing Officer’s Determination by:

- Email (provide email address) _____
- Certified Mail

Parent, Attorney or Local Educational Agency Signature and Affirmation: By signing you affirm that the information provided on this form is true and correct:

Signature of Parent/Guardian or Adult Student	Date
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Signature of Attorney/Legal Representation (not required if filing party is not represented by an attorney/advocate)	Date
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Signature of representative of the Local Education Agency (LEA) (if the hearing is requested by a LEA)	Date
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Mail, fax, email, or hand-deliver this Complaint Notice to:

Office of the State Superintendent of Education
Office of Dispute Resolution
810 First Street, NE, 2nd Floor, Washington, DC 20002
Fax: (202) 478-2956
Email: Hearing.Office@dc.gov

Additional space

