

PARENT CHECKLIST FOR DUE PROCESS COMPLAINT

Steps	DP Forms	Timelines	Completed
I. Filing a Due Process Complaint A. Determine if request should be expedited. B. If a Parent Request, send a copy to SDE and LEA. C. Request LEA to provide any necessary records. D. Accept LEA response to issues of Complaint Notice and prior written notice.	Form 3 Forms 1 or 3 Letter	Prior to filing Immediately Immediately 10 calendar days from LEA receipt of complaint.	
II. Mediation A. Notify the LEA to request mediation. B. If the LEA agrees, then set a date mutually convenient to both parties. C. If mediation is scheduled, then a Resolution Session is not required. D. If the issue(s) are resolved through mediation, both parties must sign a Cancellation of Hearing and forward to SDE, or otherwise withdraw the Complaint.	Letter Letter Form 11	Immediately Immediately Upon resolution	
III. Resolution Session A. Respond to the LEA request to set a Resolution Session. B. If parents and LEA waive the resolution meeting both parties must sign waiver. C. No Resolution Session held where parties agree to mediation. D. If resolution session will be held: <ol style="list-style-type: none"> 1. Cooperate with LEA to determine when the session will be held. 2. Let the LEA know if an attorney will attend with you. 	Letter Form 8 Letter to H.O. Letter Letter	Upon Receipt Upon Agreement	
IV. Resolution Agreement A. If a resolution is reached on any issue, then the parties must execute a legally binding agreement. <ol style="list-style-type: none"> 1. Agreement signed by parent and LEA representative with authority to bind the LEA. 2. Agreement sets out all terms to which parties agree. B. Any issue not resolved becomes the subject of the due process hearing.	Form 12 Form 12 Form 12 Letter to H.O.	Upon resolution Upon signing Upon signing Immediately after Resolution Session.	
V. Preparing for the Hearing A. Hearing date and time and the name of the Hearing Officer will be provided by the SDE. B. Contact SDE if Officer impartiality is questioned. C. Provide the Open Hearing Request Form to LEA if the parent waives confidentiality and opens the hearing to the public. D. Exchange a Witness and Exhibit list, with copies of exhibits attached and numbered, with the LEA. E. Prepare additional copies of the exhibits: one for hearing officer and one for the witness.	Letter Letter Form 7	10 calendar days prior to hearing immediately prior to hearing. 5 business days prior 5 business days prior	

LEA - SCHOOL CHECKLIST FOR DUE PROCESS COMPLAINT

Steps	DP Forms	Timelines	Completed
I. Filing for a Due Process Complaint			
A. If Parent Request, send a copy to SDE.	Form 1 or 3	Immediately	
B. If LEA request, send copy to parent and SDE.	Form 2 or 4	Immediately	
C. Send parents copy of Parents Rights.	Form 5	Immediately	
D. Upon request, send a copy of the child's records to the parent/adult student or representative.		Immediately	
E. Within ten (10) calendar days of receiving the request, fully answer the complaint notice and send prior written notice to parent.	Letter	Immediately, but no later than ten (10) calendar days	
F. Determine if the request is for an Expedited Hearing (hearing set within 20 school days).	Form 4	Immediately	
II. Mediation			
A. Notify parent, with written documentation, of the right to mediation.	Letter	Immediately	
B. If the parents agree to mediation, then set a date mutually convenient for both parties.	Letter	Immediately	
C. If mediation is scheduled, then a resolution session is not required.			
D. If the issue is resolved through mediation, both parties must sign a Cancellation of Hearing and forward to SDE, or otherwise withdraw the complaint.	Form 11	Upon resolution	
III. Review Complaint for Sufficiency			
A. Upon receiving Complaint Notice, review Notice to insure it contains all information required.	Form 6	Immediately	
B. Notify the Hearing Officer and other party, in writing, that the Complaint lacks sufficiency.		Within 15 calendar days of receiving complaint.	
C. The Complaint is deemed sufficient if LEA fails to notify proper parties within timeframe.			
IV. Resolution Session			
A. Determine if a Resolution Session will be held.		Immediately	
B. If parents and LEA waive the Resolution Session, both parties must sign waiver.	Form 8		
C. No Resolution Session held where parties go to mediation	Letter to H.O.	Upon Agreement	
D. If Resolution Session will be held:			
1. Set the Resolution Session.	Letter	Immediately set date w/in 15 calendar days of receiving complaint	
2. Determine relevant members to attend.		Prior to meeting	
3. Determine LEA representative who has decision-making authority.		Prior to meeting	
4. Determine if school may have an attorney. (if parent is not accompanied by an attorney then LEA may not have an attorney).		Prior to meeting	
V. Resolution Agreement			
A. If a resolution is reached on any issue, then the parties <i>must</i> execute a legally binding agreement.	Form 12	Upon resolution	
1. Agreement signed by parent and LEA representative with authority to bind the LEA.	Form 12	Upon signing	

Steps	DP Forms	Timelines	Completed
2. Agreement sets out all terms to which both agreed. 3. Inform the parent that Agreement is legally binding and enforceable in any Federal or State Court of competent jurisdiction. 4. Inform parent that either party may void agreement within three (3) business days of signing. B. Any issue not resolved becomes the subject of the due process hearing.	Form 12 Form 12 Form 12 Letter to H.O.	Upon signing Upon signing Upon signing Immediately following resolution meeting	
VI. Preparing for the Hearing			
A. Hearing date and time and name of the Hearing Officer will be provided by the SDE. B. Contact SDE if Officer impartiality is questioned. C. Select a hearing site convenient to parents and large enough to seat officer, parties/counsel, and court reporter. D. Arrange for an additional room to sequester witnesses. E. Obtain "Open Hearing" request form from parents if the hearing is to be open. Forward copies to SDE and Hearing Officer. F. Insure all information has been exchanged with parents. G. Exchange a witness and exhibit list, including copies of exhibits attached and numbered, with the parent/adult student or representative. H. Prepare additional copies of the exhibits: one for hearing officer and one for the witness. I. Request or submit subpoenas to Hearing Officer for witnesses or documents. (Subpoenas must be issued in plenty of time to permit serving before the five (5) business day deadline.) J. Notify school witnesses, parent and Hearing Officer of hearing time and place. K. Arrange for court reporter to transcribe the hearing.	 Letter Form 7 Form 9 or 10 Letter	10 calendar days prior Immediately Prior to Hearing 5 business days prior 5 business days prior 5 business days prior No less than ten (10) calendar days prior 5 business days prior Prior to Hearing	
VII. Hearing			
Upon completion of the hearing, receive the transcript of the hearing and forward copies to the Hearing Officer and parent.			
VIII. Decision			
If either party is aggrieved by the decision, an Appeal Review Request must be made to SDE.	Form 14	Within 30 calendar days of receipt of decision	
VIV. Hearing Expenses			
A. Upon receipt of Officer Expenses, obtain Board approval for reimbursement. B. Upon receipt of transcription bill, obtain Board approval.	Form 13	Next Board meeting Next Board meeting	