

##, 2008

, District Administrator
School District

, Wisconsin

Parent

, Wisconsin

RE: In the matter of the due process hearing request for ## by his/her
mother/father/parents, ##[names], v. ### School District
DPI Case No. LEA-08-0##

Dear ##:

This is to advise you that on XXX, 2007, the Department of Public Instruction received a request for a due process hearing under Subchapter V, Chapter 115, Wis. Stats., and the Individuals with Disabilities Education Act (IDEA) from the XXX School District regarding XXX.

A copy of the letter requesting the due process hearing is enclosed to the parents. A list of free or low cost legal services and a complete statement of the procedural safeguards available to parents under the IDEA and state law is being sent to the parent.

Except where the hearing relates to certain discipline requirements, the hearing officer must issue a written decision based solely upon the evidence presented at the hearing within 45 days of the date the parent and DPI received the hearing request. The hearing officer may extend the 45-day timeline, for cause, if the parent or the school district requests an extension.

The procedural safeguards include mediation, which is an alternative to the due process hearing for resolving special education disputes. Mediation is a voluntary process in which an impartial person or "mediator" helps the parties try to reach an agreement by focusing on key issues, exchanging information, and exploring options for settlement. It is available to resolve disputes relating to identification, evaluation, educational placement of a child, or the provision of a free appropriate public education to the child. Mediation may not be used to deny or delay a parent's right to a due process hearing or to deny any other rights afforded to the parent under special education law.

Addressee

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The DPI maintains a list of qualified mediators who are trained in effective mediation techniques and are knowledgeable in laws and regulations relating to special education and related services. The DPI bears the cost of the mediation, including the costs of meetings. Each session in the mediation process will be scheduled in a timely manner and be held in a location convenient to the parties. Discussions that occur during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. An agreement reached by the parties must be set out in writing. If either party is interested in pursuing mediation as an option, please contact the Wisconsin Special Education Mediation System at (414) 288-1425.

Pursuant to an interagency agreement between the Department of Public Instruction and the Department of Administration, this request for a due process hearing has been forwarded to the Division of Hearings and Appeals (DHA). An administrative law judge from the DHA will be appointed to serve as the hearing officer in this case. We expect the hearing officer appointed by the DHA to issue a decision pursuant to the time period set out at sec. 115.80 (6), Wis. Stats. The Division of Hearings and Appeals will be contacting you to set up the details of the proceedings.

Pursuant to sec. 115.80(6), Wis. Stats., the school board will pay for the costs of the hearing. Therefore, the department will invoice the school district for the costs of the hearing as payments are made to the DHA.

If you have any questions regarding the hearing procedures, please feel free to contact Diane Norman, Deputy Administrator, at the Division of Hearings and Appeals, 5005 University Avenue #201, Madison, Wisconsin 53705-5400 (608) 266-7668.

Sincerely,

DIVISION FOR LEARNING SUPPORT
EQUITY AND ADVOCACY

Sherri A. Honaker, Office Operations Associate
Special Education Team

001A/sah

Enclosures

cc: Diane Norman, DHA
, Director of Special Education, XXX School District
Parent's attorney
District's attorney