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| **SAMPLE REQUEST FOR DUE PROCESS HEARING** |
| Complete and submit one (1) signed copy to Special Education Programs and one (1) copy to the student’s parents. Retain a copy for your records.  Division of Education Services and Supports  Special Education Programs (SEP)  <https://doe.sd.gov/sped/complaints.aspx>  For Questions Contact:  Dispute Resolution Coordinator  (605)773.3678 |

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| **PARENTAL NOTICE:** |
| This notice is to inform you that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **is initiating a special education due process hearing** relating to the identification, evaluation, or educational placement of your child or the provision of a free appropriate public education to your child. Therefore, you are being provided with the following information (which will also be provided to the hearing officer by SEP).  If the due process request is related to 1) disagreement with school district’s disciplinary placement; or 2) manifestation determination; or 3) an LEA believes maintaining the current placement of the child is substantially likely to result in injury to the child or others the hearing will be expedited. |

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| **CONTACT INFORMATION:** | |
| **Student Information** | |
| Student Name: | |
| Date of Birth: | |
| Address: | |
| City/State/Zip: | |
| **Parent Information:** | |
| Parent(s)/Guardian(s) Name(s): | Telephone Number: |
| Address if different from Student: | |
| City/State/Zip: | |
| Email Address: | |
| **School District Information:** | |
| School District: | Phone Number: |
| School Name: | Superintendent’s Name: |
| School Address: | Superintendent’s Email: |
| City/State/Zip: |  |

**If Child/Youth falls under McKinney-Vento Homeless Assistance Act provide available contact information for the child, and the name of the school the child is attending.**

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| **DESCRIPTION OF THE ISSUES:** | |
| A description of each problem, including the facts related to each problem, and a proposed resolution for correcting each problem. | |
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| Problem 1 |  |
| Related Facts |  |
| Proposed Resolution |  |
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| Problem 2 |  |
| Related Facts |  |
| Proposed Resolution |  |
|  | |
| Problem 3 |  |
| Related Facts |  |
| Proposed Resolution |  |

**(Use additional pages if necessary)**

\***District** - Please provide a signed copy of this due process notice to the parents and to SEP, at the address on the previous page. Keep a copy of your request and proof of delivery. **Do not submit supporting documents with your request for a due process hearing.** This form is provided to you as a model for your use. **You are not required to use this form**; however, failure to address the elements required in IDEA or failure to provide the other party with a copy of this notice may result in a delay of the hearing and/or in a reduction of attorney fees, if awarded.

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Date Signature of authorized school representative

\***Parents** - Please note that you are required by law to send, within 10 days of receiving this notice, a response to the school district that specifically addresses the issues raised in this complaint. Please refer to your parental rights/ procedural safeguards for a full description of your due process rights. If this is the first time a due process hearing has been requested regarding your child, a copy of the parent rights/procedural safeguards is enclosed with this notice. If a copy of the parental rights/procedural safeguards is not enclosed with this notice please be advised that it is always available from the school district upon request or from the South Dakota Department of Education, Division of Educational Services and Support, Office of Special Education Programs at: <https://doe.sd.gov/sped/parentalrights.aspx>.

\***Resolution Session:** Within 15 days of receiving a notice requesting due process, the district must meet with the parents and relevant members of the IEP team to attempt to resolve the matter during a resolution session. If both parties agree to meet at a resolution session, the 45-day timeline for conducting a due process hearing is suspended. However, if they agree to waive their right to a resolution session or use the mediation process instead, the clock keeps on ticking. If no resolution is reached within 30 calendar days of a due process request, the 45-day timeline for conducting a due process hearing starts again. If the district and parents reach a resolution within that time, they must put the agreement in writing, and have it signed by both parties. The parties then get another three business days to void it and continue to a due process hearing. The district must access the *Resolution Session Tracking* form at <https://doe.sd.gov/sped/complaints.aspx> complete it and return it to SEP.

**\*Purpose of the Resolution Session:** The purpose of the meeting is for the parent of the child and district to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute that is the basis for the due process complaint.

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| **ADDITIONAL INFORMATION:** |
| Special Education Programs is required to inform you of other **free or low-cost legal and relevant services**. To fulfill this requirement, we refer you to Disability Rights of South Dakota (1-800-658-4782). South Dakota Parent Connection (1-800-640-4553) is the Parent Information Center and can help parents understand their rights and due process procedures. |
| **Expedited due process hearing information:**   * A resolution meeting must occur within 7 calendar days, unless you and the school district both agree in writing not to have a resolution meeting, or to use mediation instead. * If the dispute is not resolved within 15 calendar days, the hearing timeline proceeds. * The hearing must be held within 20 school days of the hearing request being filed. * The hearing officer must issue a decision with 10 school days of the date of the hearing. |
| **A mediation process is also available to help resolve special education disputes**. There are no costs for mediation for either the parents or the local school district. The mediator is an impartial professional who is: (a) knowledgeable in special education law; (b) not connected with the school district; and (c) selected for the mediation by the state department of education.  **I would like to request mediation YES \_\_\_\_ NO\_\_\_\_**  **You can find the Mediation sample form and the Administrative Rules at:**  [**https://doe.sd.gov/sped/complaints.aspx**](https://doe.sd.gov/sped/complaints.aspx)**.** |

**Submit signed form to:**

Special Education Programs

Dispute Resolution Coordinator

800 Governors Drive

Pierre, SD 57501-2294