



ADMINISTRATIVE DUE PROCESS COMPLAINT NOTICE IDEA Part B (ages 3-21)

This form is used to give 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 3-21. **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 Dr. Marla Wyche-Hall, Program Manager, Office of Education, DYRS, by email at marla.wyche-hall@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. The complaint will be deemed filed on the business day that it is received by the ODR between 8:30 a.m. – 5:00 p.m. Failure to provide a copy to the ODR on the same day will result in a delay of the start of the due process hearing timeline to resolve the complaint. 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.

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, I wish to waive the Resolution Meeting and keep the 30-day resolution period open.
- As the parent, 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))

IDEA requires that any time a party requests a due process hearing, 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 hearing on the parent’s due process complaint. Please check all that apply.

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

A. Request for Expedited Hearing:

All requests for expedited due process hearings must be made in writing, in a separate motion 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.

B. Information About The Student:

Name of Student: _____	Date of Birth: _____
Address: ¹ _____	Race: (optional) _____
_____	Gender: (optional) _____

Ward of residence: (1-8) _____

²Parent(s)/Guardian(s) of the Student: _____

Present School of Attendance: _____

¹ If Student is homeless, please provide available contact information for Student and the name of the school that Student is attending.

² If Student is a minor.

Home School: _____

C. Individual Making the Complaint/Request for Due Process Hearing

Name: _____ Home Phone: _____
Address: _____ Work Phone: _____
Fax: _____
Email: _____

Relationship to the Student: Parent Self/Adult Student (age 18-21)
 Legal Guardian Local Educational Agency (LEA)
 Parent Surrogate Parent Advocate

D. Legal Representative/Attorney (if applicable):

Name: _____ Work Phone: _____
Address: _____ Fax: _____
_____ Email: _____

Will attorney/legal representative attend the Resolution Meeting? [check one] Yes No

E. Complaint Made Against (check all that apply):

DCPS:

- Public School(s)
- Non-public school(s) (name):
- Residential Treatment Facility (name):
- Public Charter School (when DCPS is the LEA) (name):
- DYRS (when Student is committed and in the transition to the community phase)
- Public Charter School when the Public Charter School is its own LEA (name of Public Charter School if different from page one):
- DYRS (when Student is committed and not in the transition to the community phase)
- Parent
- Office of the State Superintendent of Education (OSSE)

F. 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. (You may attach additional pages if needed):

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? (You may attach additional pages if needed):

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).

G. Estimated amount of time needed for the hearing:

The Office of Dispute Resolution (ODR) will schedule hearings in blocks of 8 hours. If you need more or less time, please indicate below how much time you will need:

I will need _____ hours / _____ days for the hearing to be completed.

H. Accommodations and Assistance Needed:

Please list any accommodations you may require for a Resolution Meeting, Mediation Conference or Due Process Hearing:

Interpreter (please specify the type): _____
Special Communication (please describe the type): _____
Special Accommodations for Disability (please describe the type): _____

Other: _____

I. 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.

J. Parent or Local Educational Agency Signature and Affirmation:

I affirm that the information provided on this form is true and correct.

Signature of Parent or Guardian or Adult Student

Date

Signature of representative of the Local Educational Agency (LEA)
(If hearing is requested by a LEA)

Date

K. Signature of Attorney/Legal Representative (not required if the filing party is not represented by an attorney/advocate):

Signature of Attorney/Legal Representative

Date

L. 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.

Mail, e-fax, 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
E-fax: (202) 478-2956