



OFFICE OF ADMINISTRATIVE HEARINGS

STATE OF CALIFORNIA

SPECIAL EDUCATION DIVISION

Information Sheet for Request for Mediation and Due Process Hearing

(Ed. Code § 56502, subd. (b))

IMPORTANT: The Request for Mediation and Due Process Hearing (complaint) form is designed to assist parties in requesting mediation services and a due process hearing. Provide all information requested. Failure to provide all information may result in delay in opening the complaint or the return of your complaint. The Office of Administrative Hearings will send you a notice that identifies your mediation and hearing dates. OAH will also send you a list of attorneys and advocates who provide free and reduced cost services.

Mediation and Due Process Hearings under the Individuals with Disabilities Education Improvement Act Of 2004

IDEA provides for mediation and due process hearings to resolve disputes relating to the education of children with disabilities to ensure that each child receives a Free and Appropriate Public Education (FAPE) tailored to his/her unique needs. The process is initiated by serving a completed Request for Mediation and Due Process Hearing on the persons or entities you name as parties to the proceeding.

Attached is a form that you may use to request a mediation and due process hearing on behalf of a particular child. You should be aware that the IDEA has very specific requirements regarding the information to be included on the request. If the information requested is incomplete or not provided, your request for a due process hearing may be delayed until the request meets legal requirements or returned to you.

Your request must be sent to all of the parties you have named in the complaint and a copy provided to the Office of Administrative Hearings.

Before filling out the Request for Mediation and Due Process Hearing form please take the time to read the following excerpts from applicable federal statutes:

The Request for Mediation and Due Process Hearing (Complaint) shall include:

“the name of the child, the address of the residence of the child (or available contact information in the case of a homeless child), and the name of the school the child is attending...” (20 U.S.C. § 1415 (b)(7)(A)(ii)(I));

“a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem....”(20 U.S.C. § 1415 (b)(7)(A)(ii)(III)) and

“a proposed resolution of the problem to the extent known and available to the party at the time.” (20 U.S.C. § 1415 (b)(7)(A)(ii)(IV))

“...a party may not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirements of subparagraph (A)(ii).” (20 U.S.C. § 1415 (b)(7)(B))

“[The complaint] shall be deemed to be sufficient unless the party receiving the notice notifies the hearing officer and the other party in writing that the receiving party believes the notice has not met the requirements of subsection (b)(7)(A).” (20 U.S.C. § 1415 (c)(2)(A))

“...the hearing officer shall make a determination on the face of the notice whether the notification meets the requirements...and shall immediately notify the parties in writing of such determination.” (20 U.S.C. § 1415 (c)(2)(D))

A party may amend its Complaint only if: (I) the other party consents in writing and a Resolution Session is held; or (II) if permitted by the Administrative Law Judge. (20 U.S.C. § 1415 (c)(2)(E)(i))

“The applicable timeline for a due process hearing under this subchapter shall recommence at the time the party files an amended notice...” (20 U.S.C. § 1415 (c)(2)(E)(ii))

Clarification for sections of complaint form

***Parties to Be Named**

Please list the parties to be named in the Due Process Hearing. This includes any school district, county office of education or other public agencies responsible for providing services you feel should be a party in the hearing. (Use additional sheets if necessary)

***Problem/Complaint**

Statement of Reason(s) for Request: Federal and state law require you describe with specificity the nature of the problem(s)/complaint(s). Simply describing a problem as: “Student was denied FAPE for school year 2005-2006” is insufficient. Include facts, dates, references to specific individual education program provisions, etc. Lack of specificity in identifying problem(s)/complaint(s) may result in the dismissal of this Due Process Hearing Request.

***Proposed Resolution**

Proposed Resolution for Each Problem/Complaint: Federal law requires that you provide a proposed resolution to each identified problem/complaint to the extent known. Again, please be as specific as possible. A proposed resolution that the District “provide a FAPE” is insufficient.

If you need assistance in completing this form or have questions about the mediation and hearing process, assistance is available by contacting OAH at the numbers below.

Office of Administrative Hearings, Special Education Division
2349 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833
Website: www.dgs.ca.gov/oah/SpecialEducation.aspx
Email: SEFilings@dgs.ca.gov

Tel. (916)263-0880
Fax (916)376-6319



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Submit completed request:

Via email: SEFilings@dgs.ca.gov

Via fax: (916) 376-6319

Questions about OAH's Special Education Division?

Call: (916) 263-0880

Request for Mediation and Due Process Hearing

This is a request for: [] Mediation and Hearing [] Hearing Only

This request is being initiated by the: [] Parent [] School District (or other Local Education Agency)

Form with sections: Student Information, Parent Information, Necessity of Interpreter, Parties to Be Named. Includes fields for name, address, phone, and checkboxes for color and interpreter.

Identify Specific Problem(s)/Complaint(s) and Proposed Resolution(s)

All that is required and recommended is a simple, clear, concise statement of the problem/complaint. If you run out of space, use additional sheets with the same format. Lengthy narratives often create more confusion than clarity and are not a substitute for a clear statement of the dispute. If a narrative is included, attach it to your Request.

*for further information on this section please refer to the Information Sheet for Request for Mediation and Due Process Hearing.

Problem/Complaint #1

Proposed Resolution #1

Problem/Complaint #2

Proposed Resolution #2

Problem/Complaint #3

Proposed Resolution #3

Problem/Complaint #4

Proposed Resolution #4

Problem/Complaint #5

Proposed Resolution #5

Problem/Complaint #6

Proposed Resolution #6

Signature of Party Requesting Mediation and Due Process Hearing

Name (print name)

Email Address

Signature

Date

Statement of Service

Federal and state laws require you to send or deliver a copy of this Request to each of the named parties. Additionally, you must send or deliver a copy to the Office of Administrative Hearings. Retain a copy for yourself. Please indicate your compliance with this requirement by checking the appropriate box below.

I have provided a copy of this Request for Mediation and Due Process Hearing to all the named parties and to the Office of Administrative Hearings by:

- Email
- First Class Mail
- Facsimile Transmission
- Messenger Service (UPS, FedEx, other courier service) Please attach proof of service.
- Personal Delivery (If other than requestor please name person who made service)
Name of person who made personal delivery:

Print name of person completing this Statement

Signature

Date of Service