

# Due Process Information Sheet

A due process complaint is a written document used to request a due process hearing. Parents, school districts or other agencies (for example, county boards of developmental disabilities or the Department of Youth Services) may request a due process hearing. A due process hearing is a legal process that is a hearing before an impartial hearing officer to resolve a dispute about the identification, evaluation and placement of a student or the provision of a free appropriate public education (FAPE). After listening to the testimony of the witnesses and reviewing the evidence, the impartial hearing officer will issue a decision.

## How do I request a due process hearing?

You may complete a Due Process Complaint and Request for a Due Process Hearing form available on the Ohio Department of Education's website, (search Dispute Resolution), or you may submit your own written due process complaint and hearing request.

The due process complaint must have the following information:

- The student's name;
- The student's address or the contact information for a homeless student;
- The name of the student's school;
- A description of the specific problem concerning the student; and
- The facts relating to the problem and ideas or suggestions to resolve the matter.

You must send this request to the school district and a copy to the Ohio Department of Education & Workforce, Dispute Resolution, 25. S. Front St., Columbus, OH 43215, or fax a copy to (614) 728-1097.

## The due process resolution meeting

A resolution meeting is a dispute resolution process that, by law, must take place within 15 calendar days after a parent files a due process complaint. Participants include the parent, someone from the educational agency who can make decisions on behalf of the agency and individualized education program (IEP) team members who have knowledge about the facts in the due process complaint.

The parent and educational agency decide together which members of the IEP team should attend. The educational agency may not have an attorney present if the parent does not have an attorney present. The Dispute Resolution section can provide a facilitator for the resolution meeting.

The resolution meeting must occur unless the parent and educational agency both agree in writing not to have the meeting or agree to use the mediation process instead. If the parent refuses to attend the resolution meeting, the educational agency may ask the impartial hearing officer to dismiss the case. If the educational agency does not arrange the resolution meeting, the parent may ask the impartial hearing officer to start the hearing immediately.

## Benefits of resolution meetings

Working together to resolve disputes can prevent the need for a due process hearing, which can be costly and damage the relationships between educators and parents. The resolution meeting is an opportunity for the parents and school district to openly share their concerns and problem solve.

The resolution meeting keeps the decision making between the parents and the educational agency. In a due process hearing, the impartial hearing officer, a third party, will decide how to resolve the dispute. You may request a facilitator from the Dispute Resolution Section.

## What happens at a due process hearing?

- The due process hearing is a formal proceeding that is conducted by the impartial hearing officer. Each side presents information through witnesses and evidence.
- The educational agency may be represented by an attorney. Parents may represent themselves or be represented by an attorney.
- The impartial hearing officer considers the information presented by each side and may ask questions of the witnesses. The impartial hearing officer makes a final written decision about the dispute. The impartial hearing officer is neutral and knowledgeable about special education law.