

LEA—SCHOOL CHECKLIST FOR DUE PROCESS COMPLAINT

Steps	DP Forms	Timelines	Completed
I. Filing for Due Process Complaint			
a. If parent request, send a copy to SDE	Form 1 or 3	Immediately	
b. If LEA request, send copy to parent and SDE	Form 2 or 4	Immediately	
c. Send parent copy of Parents Rights	Form 5	Immediately	
d. Upon request, send a copy of the child' s records to the parent/adult student or representative.			
e. Within ten (10) calendar days of receiving the request, fully answer the complaint notice and send prior written notice to parent	Letter	Immediately, but no later than ten (10) calendar days	
f. Determine if the request is for an Expedited Hearing (hearing set within 20 school days).	Form 4	Immediately	
II. Mediation			
a. Notify parent, with written documentation, of the right to mediation	Letter	Immediately	
b. If the parent agrees to mediation, then set a date mutually convenient for both parties	Letter	Immediately	
c. If mediation is scheduled, then a resolution session is not required			
d. If the issue is resolved through mediation, both parties must sign a cancellation of Hearing and forward to SDE, or otherwise withdraw complaint.	Form 11	Upon resolution	
III. Review complaint for sufficiency			
a. Upon receiving Complaint Notice, review notice to ensure it contains all information required.	Form 6	Immediately	
b. Notify the Hearing Officer and other party, in writing, that the complaint lacks sufficiency		Within 15 calendar days of receiving complaint	
c. The complaint is deemed sufficient if LEA fails to notify the proper parties within timeframe.			

IV. Resolution Session			
a. Determine if resolution session will be held		Immediately	
b. If parents and LEA waive the Resolution session, both parties must sign a waiver	Form 8		
c. No resolution session held where parties go to mediation	Letter to H.O.	Upon agreement	
d. If resolution sessions will be held:			
1) Set the resolution session	Letter	Immediately set w/in 15 calendar days of complaint	
2) Determine relevant members to attend		Prior to meeting	
3) Determine LEA representatives who have decision making authority		Prior to meeting	
4) Determine if school may have an attorney. (If parent is not accompanied by attorney, LEA may not have an attorney)			
V. Resolution agreement			
a. If a resolution is reached on any issue, then the parties must execute a legally binding agreement	Form 12	Upon resolution	
1) Agreement signed by parent and LEA representative with authority to bind the LEA	Form 12	Upon signing	
2) Agreement sets out all terms to which both agreed	Form 12	Upon signing	
3) Inform the parent that agreement is legally binding and enforceable in any Federal or State Court of competent jurisdiction	Form 12	Upon signing	
4) Inform parent that either party may void agreement within three (3) business days of signing.	Form 12	Upon signing	
VI. Preparing for the Hearing			
a. Hearing date and time of the Hearing Officer will be provided by the SDE		10 calendar days prior	
b. Contact SDE if officer is impartially questioned	Letter	Immediately	
c. Select a hearing site convenient to parents and large enough to seat officer, parties/counsel and court reporter			
d. Arrange additional room to sequester witnesses			

e. Obtain "Open Hearing" request form from parents if the hearing is to be open. Forward copies to SDE and Hearing Officer	Form 7	Prior to hearing	
f. Ensure all information has been exchanged with parents		5 business days prior	
g. Exchange a witness and exhibit list, including copies of exhibits attached and numbered, with the parent/adult student or representative		5 business days prior	
h. Prepare additional copies of the exhibits: one for hearing officer, one for the witness		5 business days prior	
i. Request or submit subpoenas to Hearing Officer for witnesses or documents. (Subpoenas must be issued in plenty of time to permit serving before the five (5) business day deadline)	Form 9 or 10	No less than ten (10) days calendar days prior	
j. Notify school witnesses, parent and Hearing Officer of hearing time and place	Letter	5 business days prior	
k. Arrange for court reporter to transcribe the hearing		Prior to hearing	
VII. Hearing			
a. Upon completion of hearing, receive the transcript of the hearing and forward copies to the Hearing Officer and parent			
VIII. Decision			
a. If either party is aggrieved by the decision an Appeal Review Request must be made to SDE	Form 14	Within 30 calendar days of receipt decision	
IX. Hearing expenses			
a. Upon receipt of officer expenses, obtain board approval for reimbursement	Form 13	Next board meeting	
b. Upon receipt of transcription bill, obtain board approval	Form 13	Next board meeting	