

Parent Due Process Complaint Form

This form may be used to submit a due process complaint to resolve a disagreement about the identification, evaluation, eligibility or placement of a student or regarding the provision of a free appropriate public education for a student under the Individuals with Disabilities Education Improvement Act.

Instructions:

1. All asterisked (*) information on this form must be included when you submit a request for a due process hearing. If you, or your attorney, do not include the asterisked (*) items on this form, it may result in the denial or delay of a due process hearing and the reduction of any attorney's fees awarded by the court.
2. At the same time that you send this form to the Commissioner, you must send or deliver a copy of this form to the school district's special education coordinator or superintendent.
3. As soon as your complaint is received by the Commissioner, the Department will attempt to contact you to identify a mutually convenient time for an initial telephone conference call that needs to occur no later than four days from the receipt of the complaint. If the Department is unsuccessful at reaching you, a time and date will be selected and you will be notified by first class mail.

4. Under federal and state law, a parent can raise the following problems in a due process complaint:

Identification (Issues related to the timely and accurate identification by a school district of a student with a disability. This may also include issues arising from termination of services or eligibility.)

Evaluation (Issues involving the timeliness, appropriateness, and conclusions of evaluation procedures, and/or of the determination of eligibility or continuing eligibility or ineligibility, or of a parent's refusal to consent to an evaluation.)

Educational Placement (Issues involving the appropriateness of the instructional and related services, program and/or setting in which the student with a disability is provided services, including issues arising from proposed or requested changes in placement.)

Provision of a free appropriate public education (Issues involving the appropriateness and adequacy of the IEP offered to the student with a disability, and/or issues about the district's compliance with special education procedures. This may also include issues arising from termination of services or eligibility, and/or issues arising out of suspension or expulsion of the student with a disability.)

5. If you have a complaint about one of the items above, please describe it completely and accurately on the attached pages. Remember: It is important that you describe any issue that you wish to have addressed at the due process hearing, and the facts that you feel support your position. If you do not describe the issue you will not be able to raise it at the hearing. Focus on the issues that genuinely have had an adverse effect on the student's ability to receive meaningful educational benefit.

If you are not sure about how to complete this form, you may want to contact one of the following for more information or assistance:

Vermont Family Network
600 Blair Park Rd, Suite 301
Williston, VT 05401
Tel: (802) 876-5315 or 1 800-639-7170

VT Disability Law Project
264 North Winooski Avenue
Burlington, VT 05402
Tel: (802) 863-2881 or 1 800-747-5022
Fax: (802) 863-7152

Susan Boyd
Vermont Dept of Education
120 State Street
Montpelier, VT 05620-2501
Tel: (802) 828-3136

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Mail to: Commissioner, Department of Education, 120 State Street, Montpelier, VT 05620-2501

Date: _____

Is this an Expedited Due Process Hearing for disciplinary issues under [Rule 4313.3](#) (see Page 8)? Yes No

*Parent's Name: _____ Parent's Name: _____

*Address: _____ Address: _____

*Tel: W (____) _____ H (____) _____ (cell) _____ Fax: _____ email: _____

Attorney/Advocate: _____

Address: _____

*Tel: W (____) _____ H (____) _____ (cell) _____ Fax: _____ email: _____

*Student's name: _____ Date of Birth: _____

*Student's Residence, if different from parent. If the student is homeless, please provide contact information:

*School the student attends: _____ Grade: ____ Disability: _____

A copy of this request must be provided to the Special Education Coordinator or Superintendent at the School District. Please confirm that you have done this by checking off one of the following:

A copy of this request was:

_____ mailed on _____ (date)

_____ hand-delivered on _____ (date)

The copy was provided to:

Name: _____ Title: _____

Address: _____

Are you interested in receiving information about mediation? Yes No

"I would like to request mediation in an attempt to resolve this complaint Yes No"

***Descriptions of the Issues**

Under federal and state law, a parent can raise issues in the following four identified areas: identification, evaluation, educational placement and provision of a free appropriate public education (FAPE). If you have a complaint about one of these issues, please describe it completely and accurately on the following pages. Attach additional pages if necessary. Remember, it is important that you describe any issue that you wish to have addressed at the due process hearing, and the facts that you feel support your position. If you do not describe the issue you will not be able to raise it at the hearing. Focus on the issues that genuinely have had an adverse effect on the student’s ability to receive meaningful educational benefit. In order to file a complaint, you need to complete at least **one** of the issues below (A – D); for any of the listed issues below that are not part of your complaint, just leave those parts of the form blank.

A. **Identification** (Issues related to the timely and accurate identification by a school district of a student with a disability. This may also include issues arising from termination of services or eligibility.)

1. Describe the nature of the problem with the school and any facts relating to the problem.

2. Describe how this problem could be resolved.

3. Describe what actions the school has taken to address the problem.

Were these problem(s) identified above, the subject of a previous due process complaint, administrative complaint, and/or mediation? yes no

*Signature of Parent(s) submitting request: _____

