



Due Process Complaint

Filing Instructions

The Oklahoma State Department of Education Office of Special Education Services (OSDE-SES) due process procedures can be obtained by visiting the [SES Web Page](#), or found in the [Oklahoma Special Education Policies & Procedures Chapter 11, Section 5](#).

Oklahoma maintains a two-tiered due process system. In tier one, there are 2 types of hearings, a **regular** due process hearing and an **expedited** due process hearing. See page 6 for Timelines.

A **regular** due process hearing is an administrative hearing to resolve disputes on **any** matter related to the identification, evaluation, educational placement, and the provision of a FAPE.

An **expedited** due process hearing is an administrative hearing to resolve disputes **only** concerning:

- A manifestation determination or an interim education placement during a suspension exceeding 10 school days for the year. **This applies to parents.**
- Removing a student to an Interim Alternative Education Setting (IAES) for 45 school days when there is substantial evidence that maintain the current educational placement is likely to result in injury to the student or others. **This applies to the local education agency (LEA).**

The expedited hearing will occur within 20 school days of the request, with a decision rendered within 10 school days from the hearing. No extensions are permitted.

Contents of a Due Process Complaint

A request for a due process complaint must be made in writing and must include the following information:

1. Current date.
2. The student's name, address (or available contact information in the case of a homeless student), and local education agency (LEA).
3. The signature of the individual making the request for a due process hearing.
4. A description of the nature of the problem, including supporting facts.
5. A proposed resolution of the problem or the relief sought to the extent known and available at the time to the party.

The use of this form is optional; however, all Due Process Complaints must include the required elements listed above.

Indicate below which type of complaint you are filing.

Due Process Complaint

Expedited Due Process Complaint

Indicate below if you are an Adult Student, Parent/Guardian, or LEA.

Adult Student

Parent/Guardian

LEA

Contact Information of Individual Filing the Complaint

Full Name (Optional)

Relationship to Child/Adult Student
(Optional)

Address (Optional)

City, State, ZIP Code (Optional)

Phone Number (Optional)

Contact Information of School District Against Whom the Complaint is Being Filed

School District/Local Education Agency (LEA)(Optional)

Address (Optional)

City, State, ZIP Code (Optional)

Phone Number (Optional)

Information of the Child/Adult Student Involved

Child/Adult Student's Name
(Required)

Date of Birth (Optional)

Grade (Optional)

Address (Required) *

City, State, ZIP Code (Optional)

Disability (Optional)

School Child/Adult Student Attends
(Required)

* Or available contact information in the case of a homeless student or family.

Description of the Nature of the Problem

***Required Component**

In the case of a **regular** due process complaint, describe the nature of the problem(s) of the child and/or adult student relating to the identification, evaluation, educational placement, and the provision of a Free Appropriate Education (FAPE). Include specific facts relating to such problem(s) which make this hearing necessary. Attach additional pages as needed.

In the case of an **expedited** due process complaint, describe the nature of the problem(s) of the child/adult student relating to a manifestation determination, interim education placement during a suspension exceeding 10 school days for the school year, or the removal to an Interim Alternative Education Setting (IAES) for 45 school days when there is substantial evidence that the current educational placement is likely to result in injury to the student or others. Include specific facts relating to such problem(s) which make this hearing necessary. Attach additional pages as needed.

Proposed Solution

***Required Component**

A proposed solution of the problem(s) to the extent known and available to the party at the time of filing. Attach additional pages as needed.

Resolution Session

The LEA must convene a resolution session **unless**:

- Both parties agree in writing to waive the resolution session, and begin the Due Process hearing timeline.
- Both parties agree in writing to go to mediation; or
 - A trained mediator will be provided if parties choose to waive the resolution session and participate in mediation rather than a resolution session.
- The LEA files the Due Process Hearing Request.

The Individuals with Disabilities Education Act (IDEA) requires the resolution session **only if the parent** has requested the due process hearing.

Timelines

- A resolution session must occur within **15 days** of receiving a **due process complaint** from the parent.
- A resolution session must occur within **7 days** of receiving an **expedited due process complaint** from the parent.
- A due process hearing may **not** proceed unless:
 - The parties attend a resolution session.
 - The parties agree in writing to waive the resolution session and start the hearing window; or
 - Both parties agree in writing to go to mediation in lieu of a resolution session.

Mediation (Optional)

Mediation is available to parents or the adult student at no cost. It can be entered into with the agreement of the LEA. Such participation is voluntary and must be agreed to by both parties.

This step is **optional**. Check all boxes that apply.

I would like more information about mediation.

I request mediation and authorize the school district and OSDE-SES to share educational information with the mediator about my child's identity, educational needs, and information pertinent to the mediation. I understand the mediator will keep this information confidential.

Submitting the Complaint

The Due Process Hearing timeline does not begin until the Due Process Complaint, completed in accordance with all requirements, is received by:

- The parent and OSDE-SES **(In the case of an LEA requesting)**
- The LEA and the OSDE-SES **(In the case of a Parent and/or Adult Student requesting)**

To request accommodations for language or print assistance, please contact (405) 521-3351 or sesdisputeresolution@sde.ok.gov. The OSDE-SES will accept a request by mail, email, or hand delivery to the address below.

Oklahoma State Department of Education
Office of Special Education Services
2500 N. Lincoln Boulevard, Suite 412
Oklahoma City, OK 73105

Email: sesdisputeresolution@sde.ok.gov

Signature (Required)

Date (Required)