

Filing a Due Process Complaint

Due Process is one approach that parents and schools can use to resolve disagreements. Basically, in a due process hearing, you and the school present evidence before an impartial third person called a hearing officer. The hearing officer then decides how to resolve the problem.

Generally speaking, when the family and school disagree, it is important for both sides to first discuss their concerns and try to reach a compromise. Remember, the goal is to provide an appropriate education for your child. There are many options when deciding what an appropriate education is, and some trial and error may be necessary to develop a successful program for your child.

However, if you and the school have fully communicated, understand each other's positions, tried such strategies as IEP meetings and/or mediation, and you still disagree, you may want to request a due process hearing.

Some reasons why a parent might file for due process include:

- The school refuses to evaluate your child.
- You disagree with the eligibility decision.
- You disagree with the services or goals in the IEP.
- The school refuses to provide a related service, modification, or supplementary aid you think your child needs.
- You disagree with the placement decision.

In Oklahoma, the Special Education Resolution Center (SERC) will provide a highly-trained hearing officer who will preside over the hearing and whose decisions have the effect of law and are binding upon the parties participating in the hearing.

Oklahoma's due process system has 2 types of hearings, a regular due process hearing and an expedited due process hearing:

- 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 concerning discipline. The expedited hearing will occur within 20 school days of the request, with a decision rendered within 10 school days of the hearing.

Information in the complaint must be kept confidential. Each state is required to have a model form to help parents write a due process complaint. You are not required to use the model form.

There's a lot to know about due process complaints, resolution meetings, and due process hearings, far too much to explain it all here. You can find more information at:

- Due Process in Special Education: Guidelines for Parents and School Administrators
<https://sde.ok.gov/sites/ok.gov.sde/files/SpecEd-DueProcess.pdf>
- Oklahoma Special Education Handbook
[https://sde.ok.gov/sites/ok.gov.sde/files/documents/files/Oklahoma%20Special%20Education%20Handbook%20\(live\).pdf](https://sde.ok.gov/sites/ok.gov.sde/files/documents/files/Oklahoma%20Special%20Education%20Handbook%20(live).pdf)

For more information, visit the Special Education Resolution Center at www.okserc.org/due-process.



Regular Due Process Complaint

<https://okserc.org/wp-content/uploads/2020/10/Due-Process-Complaint-Notice-Parent-2.pdf>

Expedited Due Process Complaint

<https://okserc.org/wp-content/uploads/2020/10/Expedited-Due-Process-Complaint-Notice-Parent-2.pdf>