

DUE PROCESS COMPLAINT NOTICE
(Local Educational Agency)

The department makes this form available for you to use to notify the Commissioner of a due process complaint on any matter regarding the evaluation or placement of a student under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, as amended. You are not required to use this form to file a due process complaint; you may opt to write a letter or contact the department for further assistance with your filing.

Instructions:

1. All asterisked (*) information on this form should be included when you submit your request for a due process hearing. If the sections marked with an asterisk (*) item are not provided, it may result in the denial or delay of a due process hearing.
2. At the same time that you submit this form to the Commissioner, you must also provide a copy of this form to the parent(s) or guardian of the student, or to the student, if the student is 18 years of age or older.
3. As soon as your complaint is received by the Commissioner, the Department's Legal Unit Administrator will contact you to schedule an initial telephone conference call to take place within five (5) business days of 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 and e-mail, if an e-mail address is provided.
4. Under federal and state law, a local educational agency (LEA) may raise the following issues in a due process complaint within two years of the date the LEA knew or should have known about the alleged action forming the basis for the complaint:

Evaluation (Issues involving timeliness, appropriateness and conclusions of evaluation procedures, and/or of the determination of eligibility, continuing eligibility or ineligibility, the appropriateness of the evaluation or parental non-consent for 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 or services.)

5. Please describe your complaint completely and accurately. Remember: It is important that you describe any issue that you wish to have addressed at the due process hearing, and detail the facts you believe support your position. If you do not include an issue in your complaint, you may not be able to raise it at the hearing. Focus on the issues that have had an impact on the student's ability to receive meaningful educational benefit.

If you are not sure how to complete this form, you may contact the department for more information or assistance:

Vermont Department of Education
Legal Unit Administrator
120 State Street
Montpelier, VT 05620-2501
Tel: (802) 828-3136

**DUE PROCESS COMPLAINT
(Local Educational Agency)**

Date: ____/____/____

Is this request for an Expedited Due Process Hearing for disciplinary issues, per [SBE Rule 4313.3\(c\)](#)? Yes No

Complainant Information:

Local Education Agency: _____

Name: _____ Title: _____

Address: _____

Tel: H (____) _____ W (____) _____ Cell (____) _____

E-mail Address: _____

Student Information:

*Name, First and Last: _____

*Address: _____

*Date of Birth: ____/____/____ Current Grade Level: _____ Has student received a diploma? _____

*School of Attendance: _____

*District of Residence: _____

Parent/Guardian Name, if applicable: _____

Parent/Guardian Address and Telephone Number, if different from Student:

Disability (check all that apply):

- Autism Spectrum Disorder
- Deaf
- Deaf-Blindness
- Developmental Delay
- Emotional Disturbance
- Hard of Hearing
- Learning Impairment
- Multiple Disabilities
- Orthopedic Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment
- Other Health Impairment: _____

Attorney Information (if applicable):

Name, First and Last: _____

Address: _____

Tel (____) _____ Fax (____) _____

E-mail Address: _____

A copy of this request must be provided to the parent(s) or guardian of the student, or to the student, if the student is 18 years of age or older. Please confirm that this has been done by checking the appropriate box and providing the date: A copy of this request was: Mailed or Delivered on ____/____/____ .

The copy was provided to:

Name: _____

Address: _____

***Descriptions of the issues and proposed resolution(s)**

Under federal and state law, a local educational agency may raise issues arising in one or more of the following areas within two years of the date the LEA knew or should have known about the alleged action forming the basis for the complaint: evaluation or educational placement. Describe your complaint completely and accurately. Attach additional pages if necessary. It is important to describe any issue you wish to have addressed at the due process hearing, and include any facts you believe support your position. If you do not include an issue in your complaint, you may not be able to raise it at the hearing. Focus on the issues that have had an impact on the student's ability to receive a meaningful educational benefit. You must identify at least **one** of the issues listed on the pages below; leave blank any parts of the form that are not addressed in your complaint.

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Evaluation (Issues involving timeliness, appropriateness and conclusions of evaluation procedures, and/or of the determination of eligibility, continuing eligibility or ineligibility, the appropriateness of an evaluation or parental non-consent for an evaluation.)

Describe the nature of the issue(s) and any facts relating to the issue(s).

Describe how the issue(s) could be resolved.

Describe what actions have been taken to address the issue(s).

Were the issue(s) identified above, the subject of a previous or concurrent due process complaint, administrative complaint or mediation? Yes No

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.)

Describe the nature of the issue(s) and any facts relating to the issue(s).

Describe how the issue(s) could be resolved.

Describe what actions have been taken to address the issue(s).

Were the issue(s) identified above, the subject of a previous or concurrent due process complaint, administrative complaint or mediation? Yes No