

Form #7 - Notice of Local Educational Agency Decision

School District: _____ Case Manager: _____

Student's Name: _____ Student #: _____

Date of Birth: _____ Date Sent: _____

Dear _____,

The Local Education Agency (LEA) must, by law, provide you written notice whenever it:

 Proposes to initiate Refuses to initiate Proposes to change Refuses to change

the

 identification of a child or student as having a disability special education evaluation of a child or student educational placement of a student or child with a disability provision of a Free Appropriate Public Education (FAPE) for the child or student

The following is a description and an explanation as to why the school district has made this decision: _____

The following is a description of each evaluation procedure, assessment, record, report, and/or other factor(s) used as a basis for this decision (dated): _____

Other options, if any, that the district considered and reasons why those options were rejected:

Other factors, if any, that are relevant to this action and are important to the school's proposal or refusal: _____

Contact Information:

If you have questions about this document or would like additional information please contact:
the [Special Education Monitoring Team](#).

The effective date of actions implemented for the proposal or refusal decision: ____/____/____

Exit Information

Date of Exit from Special Education _____

Returning to General Education

Reason for exiting Special Education _____

Procedural Safeguards to Protect Parent Rights

Both the state and federal laws concerning special education of children with disabilities include many parental rights. Receiving notices about the proposed actions or decisions the school wishes to take in regard to your child, and your inclusion in the educational planning team for your child with a disability, are examples of rights given to you by these laws.

These laws also require that the school follow certain procedures to make sure you know your rights and have the opportunity to exercise those rights. You received a copy of these rights when your child was referred. You should read them carefully and, if you require an additional copy of these rights, have any questions, or would like to discuss this further, please contact me at:

Phone: _____

Email: _____

Postal address: _____

Sincerely,

Printed name: _____

Position: _____

Date received in district: ____/____/____

Enclosures:

Assistance in Understanding the Provisions of Parental Rights in Special Education

Parents of a student receiving special education services or undergoing an eligibility determination have several sources available to contact for assistance in understanding the provisions of their parental rights in special education:

1. A contact person identified by the school district:

Name: _____ Phone: _____

Address: _____

Email: _____

2. [The Vermont Family Network](http://www.vtfn.org): (802) 876-5315; info@vtn.org;
600 Blair Park Rd., Suite 240, Williston, VT 05495
3. The Agency of Education Technical Assistance Line: (802) 828-1256

Mediation, Due Process, and Administrative Complaints

The following information below may also be found [on the web](#), including links to online forms.

Parents of a student receiving special education services who disagree with decisions made by the school regarding a student's identification, eligibility, evaluation, Individualized Education Program (IEP) or placement have three options available for resolving disputes with the school. These options include administrative complaints, mediation, and due process hearing.

Mediation is a free, voluntary process that will be used only if you and the school agree to take part. The trained and impartial mediator will help you and the school district come to an agreement, not to make decisions for you. You or the school may end mediation at any time. Agreeing to mediation will not delay or deny access to a due process hearing, and you may ask for mediation at any time, either before or after you request a hearing. The Agency will offer mediation when you or the school asks for a due process hearing, but you are not required to accept it. Mediation will be scheduled at a time and place convenient to you and the school district.

Mediation

Mediation may be requested in writing using [an online form](#) or by writing a letter to the Secretary (address below). If writing a letter to the Secretary, you must include all of the information required by the mediation form.

Agency of Education

Special Education Mediation Service

1 National Life Drive, Davis 5

Montpelier, VT 05620-2501

Administrative Complaint

You also have the right to file an administrative complaint with the Secretary of Education if you believe a school district has violated federal or state special education laws. An organization or a group of parents may also file a complaint if it believes that there are violations affecting a number of students. The Secretary will appoint agency staff to investigate the complaint, and a decision must be issued within 60 days of receipt of the complaint. You will receive a copy of the final decision. If your administrative complaint is also the subject of a due process hearing, the department will not investigate any part of the complaint that is being addressed as part of the due process hearing until the conclusion of the hearing. The due process hearing decision is binding.

In an effort to promote efficiency, distribution of all information and notifications will be via email whenever possible, unless otherwise noted.

Overview of administrative complaint filing requirements:

- Any individual or organization may file a complaint regarding an alleged violation of the requirements of Part B of the IDEA or state special education regulations. These alleged violations regarding the identification, evaluation, placement, or provision of FAPE that occurred no more than one year prior to the date the complaint is received at the AOE, may be filed on behalf of a student with a disability.
- Complaints may be filed via electronic mail; fax transmission, or U.S. postal service.
- Administrative complaints must be filed in writing and may be filed using the available [State form](#). If a complainant is unable to file a complaint in writing, the AOE will refer the complainant to a parent support/advocacy organization for assistance.
- The complainant must sign the complaint. If the complainant is an organization, the person authorized to act on behalf of the organization must sign the complaint.
- All complaints must meet the requirements of Rule 2365.1.5 (b) through (d). The AOE will not accept a complaint that fails to comply with Rule 2365.1.5 (b) through (d).
- The Secretary of Education shall issue a written decision within 60 days of acceptance of the complaint. This decision is not subject to appeal per Rule 2365.1.5 (i), however, parties may pursue a due process complaint per Rule 2365.1.6.2.
- Students supported by a 504 or educational support plan may file an administrative complaint with the regional office of civil rights (email: OCR.Boston@ed.gov for more information).

Learn more about [Administrative Complaint Procedures](#).

To file an administrative complaint, an individual may download, fill in and mail the form below, or may write a letter to the Secretary. If writing a letter to the Secretary, you must include all of the information required by the relevant regulations and the administrative complaint form below. Send the completed form or letter to:

Secretary of Education
Agency of Education
1 National Life Drive, Davis 5
Montpelier, VT 05620-2501

[Administrative Complaint Form](#)

Due Process

A special education due process hearing is a formal review conducted by a trained, impartial hearing officer appointed by the Agency of Education. Due process complaints may be filed with the agency regarding special education and 504 issues for students.

Two separate forms have been developed for filing a due process complaint; one for parents and one for school districts. A hearing may be requested in writing using the form(s) provided below or by writing a letter to the Secretary. If writing a letter to the Secretary, you must include all of the information required by the relevant regulations and the due process complaint form(s) below. For questions or concerns about the process, contact the Agency's legal section.

- [Due Process Complaint Form for Parents, Guardians, or Students](#)
- [Due Process Complaint Form for Districts](#)