**SPECIAL EDUCATION DUE PROCESS HEARING REQUEST**

This form is used to request a due process hearing under the Individuals with Disabilities Education Act of 2004 (IDEA).

A due process hearing is a formal, legal proceeding conducted by an administrative law judge (ALJ). Parents, adult students, and school districts may submit a written request for a hearing relating to the identification, evaluation, educational placement, or the provision of a Free Appropriate Public Education (FAPE) to a student. You can find additional information about the due process hearing on the [OSPI website](https://ospi.k12.wa.us/student-success/special-education/dispute-resolution/request-due-process-hearing), the [Procedural Safeguards](https://ospi.k12.wa.us/student-success/special-education/family-engagement-and-guidance/parent-and-student-rights-procedural-safeguards), and [WAC 392-172A-05080 through 392-172A-05125](https://www.k12.wa.us/sites/default/files/public/specialed/pubdocs/wac_392-172a.pdf).

This form is provided as a model to assist you. You are not required to use this specific form; however, if your request does not include the elements required by IDEA, or if you do not provide the due process hearing request to the other party or their representative, it may cause a delay in the hearing process. For assistance to complete this form, or to request a format that is more accessible to you, please contact the Office of Superintendent of Public Instruction, Special Education Division, at 360-725-6075 or speced@k12.wa.us.

You must provide your due process request directly to the other party, and also provide a copy of the request to the Office of Administrative Hearings (OAH), to the mailing address **or** fax number provided below. Keep a copy of your request and proof of delivery to the other party. **Do not submit supporting documents with your request for a due process hearing.**

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| **TO:** |  |
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| --- | --- |
| **Date Sent:** |  |

(Insert the name and address of the party (parent or district) to whom you are providing this notice. If the notice is to the school district, use the school district superintendent’s name and the district superintendent administration address for purposes of notification.)

**AND A COPY TO:**

Office of Administrative Hearings

PO Box 42489
Olympia, WA 98504-2489

Fax: 206-587-5135

* An electronic filing option is not currently available as outlined in WAC 392-172A-05085. However, OAH is temporarily accepting email filing of hearing requests at oah.ospi@oah.wa.gov.
1. **STUDENT INFORMATION:**

OSPI strives for inclusion and practices that close opportunity gaps. If you voluntarily provide information about your child’s disability condition, race, and gender, your confidential information is used only to identify overall trends in our state and to improve OSPI’s guidance and dispute resolution processes. *If the complaint is about more than one student, please use an additional page.*

Note, per WAC 392-172A-05085, the following information is required: name and address of the student, the name of the student’s school and district or public agency, and contact information for the student in the case of a homeless child or youth.

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| --- | --- | --- | --- |
| Student Name: |  | Parent Name (optional): |  |
| Date of Birth (optional): |  | Parent Address, if different than student (optional): |  |
| Student’s Disability Condition (optional): |  | City/State/Zip (optional): |  |
| Grade, Race/Ethnicity, Gender (optional): |  | Parent/Guardian Phone (optional): |  |
| Student’s Address: |  | Parent Email (optional): |  |
| City/State/Zip: |  | Primary Language (optional): |  |
| School District: |  | Race/Ethnicity, Gender (optional): |  |
| Student’s School: |  | Name of person requesting hearing and relationship to student (optional): |  |
| School Address (optional): |  | For a child who is homeless, provide contact name and address, if different from above: |  |

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| --- | --- |
| 1. **DISCIPLINE (Optional)**
 | [ ]  Yes[ ]  No |
| Does this due process hearing request involve a special education disciplinary matter? *(Hearings for violations of special education disciplinary matters involve removals of a student for more than ten school days in a school year, manifestation determination procedures, or other placement decisions resulting from the disciplinary removal.)* |

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| 1. **PROBLEMS AND FACTS (required information)** *(What is the nature of the problem related to your child’s special education program? What are the relevant facts that help explain this problem?)*
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| 1. **PROPOSED SOLUTION (required information)** *(Please describe the actions or changes you think are necessary to address the problem, resolve your concern, and improve your child’s special education experience.)*
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*(Boxes III and IV are expandable. Use additional pages if necessary)*

## Special Education Due Process Information

**Free and Low-Cost Legal Services**

The Office of Administrative hearings (OAH) maintains a legal assistance list, which provides information about free or low cost legal service providers, public (not for profit) organizations that assist parents, and attorneys with experience and/or interest in special education. You can find the list on OSPI’s webpage here: [Legal Assistance List.](https://oah.wa.gov/sites/default/files/2024-03/legal%20referral%20list.pdf)

**Demographic Data**

OSPI strives for inclusion and practices that close opportunity gaps. If you voluntarily provide information about your child’s disability condition, the race and ethnicity of your family members, and the gender identity of your student, we will keep your confidential information private and use it only to identify trends in our state. We use this information in aggregate, without linking it to any individual student or family, to continuously improve our guidance for Washington schools and to improve our processes that support the rights of students and families.

OSPI does not, as a matter of course, share information (e.g., emails and special education documents) received by OSPI during a due process with other individuals, entities, or federal or state agencies.

Members of the public may request to access such information under Washington state’s Public Records Act, but in the event such a request is made, several “exemptions” exist. In other words, there are several types of information that members of the public will **not** be able to access. Importantly, the following information will **not** be provided by OSPI in response to a public records request:

* Information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. For example, information about your child’s disability or race and ethnicity.
* Personal information for the family members or guardians of a student if the information would result in disclosure of the personal information of the student.
* Emergency contact information of family members or guardians.

For additional information on public record requests, please refer to these resources:

* [OSPI Public Records Request](https://ospi.k12.wa.us/about-ospi/contact-us/ospi-public-records-request)
* [OSPI Public Records Exemption Codes](https://ospi.k12.wa.us/sites/default/files/2024-03/ospi-common-exemption-log.pdf)
* [WA Office of the Attorney General: Obtaining Records](https://www.atg.wa.gov/obtaining-records)