Minnesota Department of Education

Due Process Hearing Request

To initiate a special education due process hearing, you must send this completed form to the school district or parent(s) and to the Minnesota Department of Education, Due Process Hearing Coordinator at 1500 Highway 36 West, Roseville, MN, 55113 or fax to 651-582-8613. Keep a copy for your records.

Hearing Requested By: ☐ Parent(s) ***or*** ☐ District

Student Date of Birth: _____ (mm/dd/yyyy)

Student Primary Disability:_____

Child Information:

*Name: _____

*Address (or contact information if homeless): _____

*Name of School Attending: _____

Parent Information

Name: _____

Address: _____

Phone: _____

E-mail: _____

School District: _____

Director of Special Education

Name: _____

Address: _____

E-mail: _____

Attorney (if represented)

Name: _____

Address: _____

Telephone: _____

Email:_____

**** All information with an asterisk (*) is required and must be provided.***

Parents: Are you requesting an expedited hearing because you disagree with:

a manifestation determination ☐ Yes ☐ No

an interim alternative educational placement ☐ Yes ☐ No

a change in placement due to disciplinary or safety reasons ☐ Yes ☐ No

District: Are you requesting an expedited hearing in order to protect the Student or others from injury?

☐ Yes ☐ No

*Why are you requesting a hearing? Please specify the nature and facts of your complaint. (This should describe a violation that has occurred within the last two years.)

*If you are aware of a possible solution to the problem, please describe the solution here (what do you want to accomplish by requesting this hearing?):

Notice to Filing Party

Failure to provide a complete notice may result in a denial or delay in the due process hearing if the other party notifies the hearing officer, in writing, of an objection to the sufficiency of the hearing request notice within 15 days of receipt. If you have questions about the requirements for this request notice, please contact the MDE Due Process Hearing Coordinator at 651.582.8689.

This due process hearing request notice may only be amended if: 1) the other party agrees and is given the opportunity to resolve the complaint in a resolution session or mediation, or 2) the hearing officer grants permission to amend. An amended due process hearing request notice will result in the applicable timelines beginning anew.

Parent/Student E-mail permission

I permit the Minnesota Department of Education and the Hearing Officer to share information with me, including hearing notices and decisions, via electronic mail. I understand that electronic mail may not be a secure method of communication and release MDE and the Hearing Officer of any inadvertent breach of private data.

Parent(or Student if 18) Signature _____ Date _____

Date received by district or parent(s) (to be completed by recipient only)	Date received by MDE: (to be completed by MDE only)

This form is available in several languages, Braille, or other formats. Contact MDE. 651-582-8689

Minnesota Department of Education

Due Process Hearing Request Form Guidance

Written Form

Requests for due process hearings must be in writing. The due process hearing request form includes the legally required information, noted with an asterisk (*), that must be included in all hearing requests.

Complete Notice

The required information must be completed, signed, and returned to MDE with a copy of the hearing request sent to the opposing party (school district or parent).

Failure to provide a complete notice may result in a denial or delay in the due process hearing if the other party notifies the hearing officer in writing of an objection to the sufficiency of the hearing request notice within 15 days of receipt.

Expedited Hearing Request

If a parent requests a hearing regarding a disciplinary action in which the district has placed the student to an interim alternative educational setting, the request will be treated as a request for an expedited hearing. Space is included for noting which party is seeking an expedited hearing and for what reason.

Questions

Questions related to hearing requests can be directed to the MDE Due Process Hearing Coordinator at 651.582.8689.

Specifics

"Hearing Requested By." Check one of these boxes so that it is clear who is requesting the hearing.

"Child's Date of Birth." The child's age is important for determining whether the hearing is to operate pursuant to Part C or B of IDEA.

"Child's Primary Disability." This data is useful to track trends in the frequency of disputes concerning students with various disabilities.

"Director of Special Education." This information will help us ensure the correct individuals are notified about the request.

"Attorney." If an attorney is involved, it is important to ensure communication with the attorney.

Applicable Citations: 34.C.F.R. §300.507 – §300.509

Additional Resources: Additional information regarding due process hearings, including timelines and procedures, can also be found within the Notice of Procedural Safeguards available at http://eduction.state.mn.us > School Support > Compliance and Assistance > Procedural Safeguards.