

FORM A

(Date)

LEA Board Secretary (name)
Address

RE: Due Process Complaint (Hearing)
SE-_____; First name and last name initial
Date complaint (hearing) received at Iowa Department of Education: (Date)

Dear Ms./Mr. (last name):

A copy of the due process complaint (hearing) is enclosed). The content of the due process complaint (hearing) must include:

- (1) Name of the child;
- (2) Residential address of the child;
- (3) Name of school the child is attending;
- (4) In the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending;
- (5) A description of the nature of the problem of the child relating to the proposed initiation or change including facts relating to the problem;
- (6) A proposed resolution of the problem to the extent known and available to the party at the time.

If the receiving party believes the due process complaint does not meet the above requirements, the district / AEA must provide written notification within 15 calendar days of receipt of the complaint to: (1) the Department, who in turn will submit to the assigned administrative law judge (ALJ) and (2) the filing party. A party may not have a hearing on a due process complaint until the notice requirements are met. (The complaint will be deemed sufficient unless the receiving party challenges the sufficiency of the notice.)

If the due process complaint contents are challenged based on sufficiency requirements within five calendar days of receipt of notification by the ALJ, the ALJ must make a determination on the face of the due process complaint whether the complaint meets the requirements. The ALJ must immediately notify the parties in writing of that determination.

Additional requirements of the Individuals with Disabilities Education Act (2004) include:

- (1) If the LEA has not sent a prior written notice to the parent regarding the subject matter contained in the parent's due process complaint, the LEA must, within 10

October 9, 2007

days of receiving the complaint, send to the parent a response (refer to §300.503 for prior written notice requirements);

- (2) Except as provided in paragraph (1) above (prior written notice), send to the other party within 10 calendar days of receipt of the complaint a response that specifically addresses the issues raised in the due process complaint.

Note: Please send the department a copy of this response.

- (3) Offer a resolution meeting within 15 calendar days of receiving notice of the due process complaint (hearing). The resolution meeting requirements are included in this mailing in a separate letter.

Please forward all records relevant to the due process complaint to this office and to the parent. The records need to be sent within 20 business days of receipt of this notice. The district is responsible for sending all student records. The Department arranges a conference call for the ALJ to discuss time, place, and other discussion items with all pertinent parties. If there are questions about what constitutes the record, you may ask the ALJ to facilitate the discussion about records during the conference call.

It is helpful if all records are put in chronological order with a page number on each page that is submitted.

If you have any questions, do not hesitate to contact me by phone at (515) 281-5766 or by e-mail at deeann.wilson@iowa.gov.

Sincerely,

Eric Neessen, Consultant
Special Education Consumer Relations

dlw/rg

Enclosures: Timelines
Resolution Meeting Information

CC:

October 9, 2007