



DUE PROCESS COMPLAINT AND HEARING REQUEST

Under the Individuals with Disabilities Education Act (IDEA) Part B and the Utah State Board of Education (USBE) Special Education Rules, IV.G.-S.

The IDEA provides for due process hearings to resolve disputes related to the identification, evaluation, placement, or the provision of a free appropriate public education (FAPE) to a student with a disability. This form has been designed to assist you in filing a due process hearing request. You are not required to use this form; however, failure to provide required information may delay fulfillment of your request.

Hearing requested by: Parent(s) or Adult Student
 Local Education Agency (LEA, e.g. school district or charter school)

Is this a request for an expedited due process hearing involving a disciplinary matter? Yes No

A parent or adult student may request an expedited hearing only when the parent or adult student disagrees with a placement for disciplinary removals or with a manifestation determination. An LEA may request an expedited hearing only when the LEA believes that maintaining the current placement is substantially likely to result in injury to the student or others.

Student Information

| | |
|--|-------------------------|
| Student Name* | Student Date of Birth |
| LEA (e.g. school district or charter school) | School Student Attends* |
| Student Address* | Student Grade |

Parent Information (if applicable)

| | |
|---|-----------------------|
| Parent/Guardian Name(s) | Parent/Guardian Phone |
| Parent/Guardian Address (if different than Student) | Parent/Guardian Email |

* Denotes a Required Element of a Due Process Complaint and Hearing Request
ADA Compliant March 2024

Attorney Information (if applicable)

| | |
|------------------|----------------|
| Attorney Name | Attorney Phone |
| Attorney Address | Attorney Email |

I am also requesting mediation at this time.

Mediation may be requested for disputes arising under the IDEA. Mediation is free to both parties. Mediation is a voluntary process. Prior to assigning a mediator, the USBE will contact the other party to determine whether that party is willing to participate in mediation upon receipt of this request.

Description of the Nature of the Problem*

Why are you requesting a hearing? Describe the nature of the problem relating to the proposed or refused initiation or change the student’s identification, evaluation, educational placement, or provision of free appropriate public education. Include facts such as relevant dates, events, and documents. Attach separate pages if needed.

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Proposed Resolution of the Problem to the Extent Known and Available*

Describe what you believe would be a possible solution to the problem. What do you want to accomplish by requesting this hearing? Attach separate page if needed.

Filing Instructions

The USBE does not accept emailed or electronic complaints at this time. A copy of this complaint and all attachments must also be mailed, faxed, or delivered in-person to:

State Director of Special Education
Utah State Board of Education
250 East 500 South
PO Box 144200
Salt Lake City, Utah 84114-4200
Fax: (801) 538-7991

This complaint and any attachments must be filed with the USBE and the other party (i.e., LEA or Parent/Adult Student). I understand and acknowledge that it is my responsibility to file this complaint with the USBE and the other party and have sent copies to each.

Party Requesting Due Process Hearing

Signature _____

Date _____

Printed Name _____

If the parties have questions about this form and/or process, please contact USBE Dispute Resolution specialists Jessica Lamb at (385) 295-7873, email Jessica.Lamb@schools.utah.gov or Cindy Poulson at (801) 538-7872, email Cindy.Poulson@schools.utah.gov.

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If the parties require accommodations under the Americans with Disabilities Act (ADA) to participate in this process, please contact the USBE ADA Coordinator at (801) 538-7534 or via email at holly.bell@schools.utah.gov. If the complainant(s) are unable to file in writing, they may contact the LEA or State Director of Special Education for assistance.