

REQUEST FOR A DUE PROCESS HEARING

PURSUANT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) and 707 KAR 1:340

Child's Name _____ Child's Date of Birth _____

Child's Residence _____

(Address) _____

Name of Parent/Guardian _____ Phone Number _____

Address (if different from
Child's) _____

Complete this box only if the Child is to be represented by an attorney or advocate.

Representative's Name _____ Phone Number _____

Address _____

Name of Child's School _____ School District _____

Describe the problem. Include facts related to the problem. _____

If you wish, you may attach information and additional pages.

At this time, what do you believe would solve the problem? _____

Send the completed form and any attachments to Larry Taylor, Director, Division of Exceptional Children Services, 8th Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, KY 40601.



Updated February 2007



REQUEST FOR A DUE PROCESS HEARING DUE PROCESS HEARING REQUEST

The purpose of the Individuals with Disabilities Education Act (IDEA) is to make sure that all children with disabilities have available a **free appropriate public education (FAPE)** that includes special education and related services designed to meet their unique needs. An important part of IDEA is to make sure that the rights of children with disabilities and their parents are protected.

In 1997, Congress made important changes to IDEA. One of the changes requires the Division of Exceptional Children Services to provide a form for parents, or an emancipated youth, to use if they wish to request a due process hearing.

You, as a parent of a child with a disability, or the local education agency (LEA), which is another name for a school district, may request a due process hearing about proposals or refusals related to the identification, evaluation, or the educational placement of your child or the provision of a free appropriate public education to your child.

To Request a Due Process Hearing You, your attorney, or an advocate on behalf of your child, may send a request for a due process hearing to the **Director of the Division of Exceptional Children Services**. Use the enclosed form to help you in requesting a due process hearing. If you wish, you may attach additional information and additional pages. After you fill out the form, send it to:

**Director
Division of Exceptional Children Services
8th Floor Capital Plaza Tower
Frankfort, KY 40601**

The request for a due process hearing **must state**:

- (a) your child's name, the address of your child's residence, and the name of the school that your child is attending;
- (b) a description of the problem about the LEA's proposal or refusal, including facts about the problem; and
- (c) your proposed solution to the problem, to the best of your knowledge, at the time of your request for the due process hearing.

If you feel you can resolve your differences with the district in a more informal way, you can request the services of an educational mediator. Mediation is an option offered at no cost to parents of a child with an educational disability and local school districts to reach agreement over issues related to the identification, evaluation, or the educational placement of a child with a disability or the provision of a free appropriate public education. Mediation is an informal process in which the parties involved are given an opportunity through a mediator to resolve their disputes and find a satisfactory solution.

The right to file a formal complaint or request a due process hearing is still available if mediation is used. If you are interested in requesting mediation, you can contact the **Division of Exceptional Children Services at (502) 564-4970**.

Enclosed is an explanation of the protections and procedural safeguards guaranteed for children with disabilities and their parents under IDEA. If you have questions or need assistance, contact your school or contact the **Division of Exceptional Children Services at (502)564-4970**.

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