

Special Education Due Process Hearings

What are due process hearings?

If parents are unhappy with a special education decision made by the school, they can request a due process hearing. A due process hearing is an administrative proceeding similar to a trial, in which a hearing officer makes a decision in favor of the parent or the school district. Both the parents and the school district can give the hearing officer documents to review, present witnesses, and cross-examine the other side's witnesses.

When can I request a due process hearing?

You have a right to request a due process hearing about whether your child is eligible for special education, the evaluation of your child, details of your child's Individualized Education Program, the delivery of special education services to your child, and your child's placement.

How do I request a due process hearing?

You can request a due process hearing by filling out a request form from your school district's office, and delivering the form to the Washington Office of Superintendent of Public Instruction ("OSPI") and the school district. OSPI is the state agency that oversees public school education in Washington.

You can also write a letter requesting a due process hearing. The letter should include the name of your child's school and school district, your child's address, a description of the problem, and a proposed solution to the problem if you know one. You should deliver the letter to OSPI, and to the school district.

You should ask the school district if they have rules about requesting a due process hearing.

When will the due process hearing occur? When will I receive a decision?

The hearing officer must issue a decision within forty-five days of receiving a request for a hearing. The hearing will occur at a time and place that are convenient for the parents and the student.

What are my rights during the hearing?

You have the right to have a lawyer represent you or give you advice. You have the right to bring someone with special knowledge or training about special education students. You have the right to present evidence, including expert witnesses, and to force witnesses to appear. You have the right to cross-examine any school district witnesses.

What services will my child receive between the time I request a due process hearing, and the time the hearing officer makes a decision?

Your child will continue to receive the same services between the time you request a hearing, and the time of a decision. (You and the school district can agree that your child will receive different services during this time.)

For more information, contact:
Washington Protection and Advocacy System
315 Fifth Ave. S., Suite 850
Seattle, WA 98104
(206) 324-1521 / (800) 562-2702
(206) 957-0728 TTY / (800) 905-0209 TTY
(206) 957-0729 Fax
www.wpas-rights.org

Interpreters available.

This publication provides general information as a public service only, and is not legal advice. If you need legal advice, you should contact an attorney. You do not have an attorney-client relationship with WPAS.

1140EN - Prepared June 2006.