

Parental Request for Mediation/Due Process Hearing/Expedited Due Process Hearing

PLEASE NOTE: In accordance with IDEA 2004, you must complete all the information requested as fully and accurately as possible. Also, you must identify the specific reasons for the disagreement with the identification, evaluation, eligibility, classification, placement or provision of programs or related services for your child. If the information is incomplete or the reasons for your disagreement are vague or unclear, the district may challenge the sufficiency of your request for a due process hearing. Requests for mediation only are not subject to a sufficiency challenge.

TWO copies of the entire petition must be filed with the Office of Special Education (OSE) and one copy of the entire petition must be filed with the district.

*Date: _____

To: Peggy McDonald, Director
Office of Special Education
NJ Department of Education
P.O. Box 500
Trenton, NJ 08625-0500

*From: _____

Full name of parent(s) submitting the request

Address: _____

*County: _____

*Home Phone: (____) ____ - ____

*Fax: (____) ____ - ____

*Work Phone: (____) ____ - ____

*Cell Phone: (____) ____ - ____

*Please check whether you will be represented by ___an attorney or assisted by ___an advocate.

*Name of attorney or advocate: _____

*Address: _____

*Phone: (____) ____ - ____

*Fax: (____) ____ - ____

Child's Name: _____

*Date of Birth: _____

* Items marked with an asterisk are not required; however, providing the requested information will assist in expediting your request.

*Child's Address (If different from parent's address): _____

In the case of a homeless child please provide contact information.

*District of Residence (district in which parent resides): _____

School the student attends: _____

*District where the school is located: _____

*Disability category: _____

Please check **ONE** of the following boxes:

- Mediation Only** - Please complete items 2 through 5 below
- Due Process Hearing** - Please complete items 1 through 5 below
- Expedited Due Process Hearing *for disciplinary matters only*** - Please complete items 1 through 5 below

1. Required Steps for a Due Process Hearing or an Expedited Due Process Hearing (discipline matters only) – When a parent requests a hearing, the district is given an opportunity to resolve the matter before the hearing is scheduled. The district is required to conduct a resolution session (within 15 days for a due process hearing and 7 days for an expedited due process hearing) and you are required to participate. You and the district may choose to participate in mediation conducted by the OSEP in place of a resolution session, or both parties can agree to waive the resolution session and proceed directly to a hearing.

Upon receipt of this notice, a representative of the school district must contact you to arrange a resolution session. If you would like to have the district consider other options, please check ONE of the following:

I am requesting a mediation conference conducted by the OSE in place of a resolution session. **If the district agrees to mediation in place of a resolution session, a representative of the district must contact the OSE at 609-984-1286 to facilitate the scheduling of the mediation conference.**

I want to waive the resolution conference and proceed directly to a due process hearing.

By signing below I am waiving the resolution session and mediation. An authorized representative of the district must also agree *in writing* to waive the resolution period.

Signature: _____

2. Please provide a description of the nature of the problem and any facts related to the problem. Attach additional sheets as needed:

3. Please provide a description of how this problem could be resolved. Attach additional sheets as needed:

4. A copy of this petition must be provided to the other party. Please check to verify.

___ A copy of this request was sent to the superintendent of the school district:

Name of the superintendent: _____

Address: _____

5. Parent's signature: _____

Note to parent(s) requesting a due process hearing: The IDEA Amendments of 2004 provide that attorneys' fees may be reduced if the parent or parent's attorney unreasonably protracted the final resolution of the controversy or the attorney representing the parent did not provide to the district the appropriate information in the due process request.