

Delaware Department of Education
Exceptional Children Resources
John G. Townsend Building
401 Federal Street, Suite 2
Dover, DE 19901
Phone: (302) 735-4210
Fax: (302) 739-4654
<https://education.delaware.gov/>

Due Process Complaint Form **and Request for Due Process Hearing**

The Delaware Department of Education (Department) provides this Due Process Complaint Form and Request for Due Process Hearing in accordance with the Individuals with Disabilities Education Act (IDEA), and federal and state regulations. ***A due process complaint may be filed by a parent or public agency relating to: (1) the identification; (2) the evaluation; (3) the educational placement; and/or (4) the provision of a free appropriate public education to a child with a disability.*** Parents or public agencies may, but are not required to use this form when filing a due process complaint. For additional information, please see the Department's *Special Education Due Process Information Guide* on the Department's website at: <https://education.delaware.gov/> or contact (302) 735-4210. You may also refer to the Department regulations concerning due process hearings at 14 Del. Admin. C. §§ 926.7.0 through 18.0 and federal regulations at 34 C.F.R. §§ 300.507 through 518.

(1) Name of Parent or Public Agency Filing the Complaint:

Address:

Telephone Numbers:

Email:

Relationship to Student (check one):

☐ Parent/Guardian ☐ Advocate ☐ Other _____

Parent/Guardian Contact Information (if requested by public agency):

Name(s):

Address:

Telephone Numbers:

Email:

(2) Student Information:

Student's Name: _____

Address:

School District/Charter School: _____

Name of School: _____

(Note: In the case of a homeless child or youth, please provide any available contact information for the child).

(3) Is This a Request for an Expedited Due Process Hearing?

☐ Yes ☐ No

Parents may request an expedited due process hearing if a disciplinary change in placement has exceeded 10 consecutive school days, or cumulative school days as the result of a pattern of behavior. Parents may also request an expedited hearing if the parent disagrees with the outcome of a manifestation determination. A school district or charter school may also request an expedited hearing if the school district or charter school believes that maintaining the current placement of the child is substantially likely to result in injury to the child or others.

If you selected Yes, above, describe why this due process complaint should be expedited:

(4) Provide a description of the nature of the problem, including facts relating to the problem:

(5) Provide a description of the proposed resolution of the problem (to the extent known and available to you):

(6) Signature of Parent or Public Agency Filing the Due Process Complaint:

(Signature)

(Date)

To file your Due Process complaint, send it by U.S. Mail, hand-delivery, fax, or email to:

Secretary of Education
Delaware Department of Education
John G. Townsend Building
401 Federal Street, Suite 2
Dover, Delaware 19901
Fax: (302) 739-4654
Email: dispute.resolution@doe.k12.de.us

The Department accepts Due Process complaints by email.

Important Note:

You must also send a copy of the complaint to the opposing party at the same time you send it to the Secretary of Education. The opposing party may be the school district, charter school, or other public agency serving the student, or the parent or guardian of the student.