**REQUEST FOR DUE PROCESS HEARING**

(Virginia Department of Education Form[[1]](#footnote-1))

If a special education due process hearing is requested, please submit the written request to both:

1. The Virginia Department of Education (VDOE), Office of Dispute Resolution and Administrative Services (ODRAS) via one of the following: Email - ODRAS@doe.virginia.gov; U.S. postal mail - P.O. Box 2120, Richmond, VA 23218-2120; **or** fax - (804) 786-8520.

**AND**

1. If a due process hearing is requested by or on behalf of a student, a copy of the request must also be provided simultaneously by the requesting party to the Local Educational Agency (LEA) at the office of the division’s special education director or designee.

If the due process hearing is requested by the LEA, the request must be simultaneously provided to the parent(s), parent representative, and/or student.

**(Please type or write legibly, sign and date)**

(\*Indicates required information)[[2]](#footnote-2)

1. \*Child’s Name:

 Age: Date of Birth:

2. \*Child’s Home Address[[3]](#footnote-3):

 (City) (Zip)

3. City/County School Division:

4. \*School Child Attends:

5. Name of Parent(s)[[4]](#footnote-4) Initiating Hearing:

 Address:

 (City) (Zip)

 Telephone #: Home ( ) Office ( ) Cell ( )

6. Parent’s (Parents’) Representative, if any (i.e., Attorney, Advocate, etc.)

 Name:

 Address:

 (City) (Zip)

 Telephone #: Office ( ) Cell ( )

7. \*Description of the nature of the problem (What are the issues? What’s wrong?)

8. \*Facts relating to the problem (What happened that caused the problem?)

9. \*A proposed resolution of the problem to the extent known and available to the parents.

**(Please attach additional pages to provide additional information as necessary.)**

**NOTE**: New issues may not be raised at the due process hearing that are not raised in this Notice, unless the other party agrees.

**MEDIATION**

 Federal law requires that when a parent requests a hearing, the school division must inform the parent of the availability of mediation. Mediation is offered at no cost to the parties. Mediation is encouraged and may be beneficial in your case. Please be advised, however, that mediation is a voluntary system for resolving disputes. Both parties must agree to mediate their issues prior to the initiation of the mediation process. Any request for mediation cannot delay the appointment of a due process hearing officer or the scheduling of a due process hearing. Please indicate your decision below concerning your acceptance or rejection of the offer of mediation.

|  |  |  |
| --- | --- | --- |
| [ ]  I request mediation | [ ]  I decline mediation | [ ]  I would like more information about mediation before requesting or declining |
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| Signature of Parent(s) or Adult Student | Date |

Virginia Department of Education – Revised July 2023. Based on the *Individuals with Disabilities Education Improvement Act of 2004*, mandates effective July 1, 2005.

1. This form defines the VDOE procedures regarding receipt of the request **by ODRAS** during normal business hours. Requests received after non-business hours are considered received the next business day. *See Navigating the Maze of Due Process* for more specific procedures regarding receipt and filing. The use of this form is not mandatory; and may not be used to delay or deny a parent’s right to a due process hearing. [↑](#footnote-ref-1)
2. All asterisked (\*) information on this form is required under § 300.508(b) of the Code of Federal Regulations and
8 VAC 20-81-210.F.2 of the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*. Other information on this form is helpful for the timely and efficient processing of your due process hearing request and facilitates communication with all relevant parties. [↑](#footnote-ref-2)
3. If a homeless child or youth, provide available contact information. [↑](#footnote-ref-3)
4. Parent includes student at age 18, if parental rights have been transferred to the student, and any other individual who meets the definition of parent in the special education regulations. [↑](#footnote-ref-4)