



DISPUTE RESOLUTION DUE PROCESS HEARING QUICK GUIDE



A DUE PROCESS HEARING ...

Can be filed by a parent or public agency (e.g., a school district).
Alleges a violation of the Individuals with Disabilities Education Act (IDEA).
The alleged violation typically occurs not more than two (2) years prior to the filing of the request.
The school district covers the costs of the hearing officer.

DEFINITION

Due process hearing: An administrative hearing conducted by an Idaho State Department of Education (SDE) appointed hearing officer to resolve disputes on any matter related to identification, evaluation, educational placement, or the provision of a free appropriate public education under the IDEA.
-- [Idaho Special Education Manual 2018](#), Glossary

An **expedited due process hearing** is only available to resolve disputes concerning *discipline and/or placement related to discipline*.
-- [Idaho Special Education Manual 2018](#), Chapter 13: Dispute Resolution

WHAT HAPPENS?

After accepting a due process hearing request, the SDE appoints a hearing officer. Hearing officers are selected from a list of specially-trained, and impartial professionals.

The hearing officer will preside over and conduct the proceedings in a fair and impartial manner, permitting all parties an opportunity to present their information and opinions.

- Parent/adult student and district personnel may be accompanied and advised by legal counsel properly licensed to practice law in Idaho.
- Parent/adult student may be accompanied by an advocate or support person.
- The process may include a resolution session or mediation.

A hearing officer's decision may be appealed to state or federal court.

TO LEARN MORE OR TO REQUEST A DUE PROCESS HEARING

Visit the [Dispute Resolution Webpage](#) on the [Idaho State Department of Education](#)'s website
Call: (208) 332-6912 or (208) 332-6914
Email: disputeresolution@sde.idaho.gov