



Karen B. Salmon, Ph.D.
State Superintendent of Schools

200 West Baltimore Street
Baltimore, MD 2120
410-767-0100 • 410-333-6442 TTY/TDD
MarylandPublicSchools.org

REQUEST FOR MEDIATION and DUE PROCESS COMPLAINT

This dispute regards:

- INFANTS & TODDLERS EARLY INTERVENTION SERVICES** (PART C OF IDEA AND COMAR 13A.13.01.11 and .12)
- SPECIAL EDUCATION SERVICES** (PART B of IDEA and COMAR 13A.05.01.15)

Check one:

I am requesting mediation.

- I understand that the Office of Administrative Hearings will schedule the mediation within approximately 20 days from receipt of this request if the other party agrees to mediate.

I am filing a due process complaint.

- I do not want to try to resolve the dispute through mediation and I understand that the public agency is required to schedule and convene a resolution meeting within 15 days of receipt of this complaint, unless both parties agree, in writing, to waive the session.

I am willing to waive the resolution session. I understand that if the public agency does not also agree to waive the session, I will be required to attend.

- Upon written notification from the public agency that the resolution session has been held or waived, the Office of Administrative Hearings will schedule a telephone prehearing conference (COMAR 28.02.17) within seven (7) days.

I am requesting mediation and filing a due process complaint.

- I understand that if the other party does not want to attend mediation, the public agency is required to schedule and convene a resolution meeting within 15 days of receipt of this complaint, unless both parties agree, in writing, to waive the session.

If the other party does not want to attend mediation, I am willing to waive the resolution session. I understand that if the public agency does not also agree to waive the session, I will be required to attend.

- If both parties agree to mediate, the mediation and prehearing conference (COMAR 28.02.17) will be scheduled within approximately 20 days of receipt of this request. Parties have the option to:

Schedule both the mediation and prehearing conference on the same day. The mediation will be scheduled first. The prehearing conference will follow the conclusion of the mediation if the matter is not resolved through the mediation process.

Schedule the mediation on a given day. The telephone prehearing conference will automatically be scheduled on the next business day and will be cancelled if mediation is successful.

NOTE: If a due process complaint is filed on behalf of a child with a disability who is not currently receiving educational services, or regarding placement in an interim alternative education setting or a manifestation determination, the Office of Administrative Hearings is responsible for scheduling an expedited due process hearing upon proper notice. This hearing must occur within 20 school days of the date the complaint requesting the hearing is filed. A resolution meeting must occur within seven (7) days of receiving notice of the due process complaint unless it is waived by both parties (34 CFR §300.532 and COMAR 13A.05.01.15(C)).

CHILD'S INFORMATION:

Name: _____

Birth Date: _____

Address: _____

Public Agency or Local Infants and Toddlers Program currently providing services (if applicable): _____

Public Agency or Local Infants and Toddlers Program against which the allegations are made (if different): _____

Check one, if applicable:

- The child is not currently receiving services OR
- The dispute is over a manifestation determination, or a change in placement due to behaviors resulting in disciplinary actions.

PERSON FILING THE REQUEST:

Name: _____ Address (if different from child's): _____

Phone: (W) _____ (H) _____ (Cell) _____

Fax: _____ Email: _____

Relationship to student: Parent Legal Guardian Public Agency Self Parent Surrogate

ATTORNEY/REPRESENTATIVE (if applicable):

Name: _____

Address: _____

Phone: _____ Fax: _____ E-mail: _____

Accommodations are required as follows (please be specific):

- Foreign Language Interpreter: _____ Special Communication: _____
(specify) *(specify)*
- Sign Language Interpreter Special Accommodations for Disability: _____
(specify)
- Other: _____
(specify)

Please Provide ALL of the Additional Required Information:

In accordance with the Individuals with Disabilities Education Act (IDEA), if you are filing a due process complaint you must provide a description of the problem(s) to be reviewed at the hearing, including relevant facts and a proposed resolution to the problem(s) (attach additional paper, if necessary).

If the due process complaint does not meet the content requirements identified in the IDEA, the receiving party may challenge the sufficiency of the complaint. If you are requesting mediation, providing this information will help the mediator.

If additional space is needed to respond to the following, please attach additional paper.

Description of the problem(s) and relevant facts:

Description of proposed resolution:

If you need additional information regarding mediation and due process hearings, please refer to the procedural safeguards document provided to you by either the public agency or the local infants and toddlers program. You may wish to review *A Parent's Guide to Frequently Asked Questions about Mediation*, *A Parent's Guide to Frequently Asked Questions about Due Process*, and relevant federal and State law and regulations, which can be obtained from the MSDE website at www.marylandpublicschools.org. You may also contact the Office of the Director of Special Education in your local school system, the Infants and Toddlers Program Director of the program responsible for the child's early intervention services, or the MSDE Division of Special Education/Early Intervention Services.

You must forward a completed copy of this *Request for Mediation and Due Process Complaint* form to BOTH:

- The opposing party (the Director of Special Education in your local school system or the Infants and Toddlers Program Director responsible for the provision of the child's services); AND
- The Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland 21031, (410) 229-4281, FAX (410) 229-4277, www.oah.maryland.gov.

FREE OR LOW COST ASSISTANCE FOR
SPECIAL EDUCATION DISPUTES

Following is a list of attorneys and advocacy organizations that may provide legal and other services to individuals in special education disputes.

Legal Aid Bureau, Inc.

229 Hanover Street
P.O. Box 907
Annapolis, MD 21404
410-972-2700
800-666-8330

500 East Lexington Street
Baltimore, MD 21202
410-951-7777
800-999-8904

103 S. Hickory Avenue
Bel Air, MD 21014
Northeastern MD
(Cecil & Harford Counties)
410-836-8202
800-444-9529

110 Greene Street
Cumberland, MD 21502
Western MD
(Allegany & Garrett Counties)
301-777-7474
866-389-5243

106 N. Washington Street
Suite 101
Easton, MD 21601
Upper Eastern Shore
(Caroline, Kent, Queen Anne's & Talbot Counties)
410-763-9676
800-477-2543

22 South Market Street
Suite 11
Frederick, MD 21701
Midwestern MD
(Carroll, Frederick & Washington Counties)
301-694-7414
800-679-8813

P.O. Box 249
Route 231
Hughesville, MD 20637
Southern MD
(Calvert, Charles & St. Mary's Counties)
301-932-6661
877-310-1810

8401 Corporate Drive, Suite 200
Landover, MD 20785
Metropolitan MD
(Prince George's & Howard Counties)
301-560-2101
888-215-5316

600 Jefferson Plaza, Suite 430
Rockville, MD 20852
(Montgomery County)
240-314-0373
855-880-9487

111 High Street
P.O. Box 4116
Salisbury, MD 21801
Lower Eastern Shore
(Dorchester, Somerset, Wicomico & Worcester Counties)
410-546-5511
800-444-4099

29 West Susquehanna Ave.
Suite 305
Towson, MD 21204
(Baltimore County)
410-427-1800
877-878-5920
www.mdlab.org

Disability Rights Maryland

1500 Union Avenue
Suite 2000
Baltimore, MD 21211
410-727-6352
410-235-5387 TTY
800-233-7201
disabilityrightsmd.org

Kennedy Krieger Institute

Maureen van Stone, Esq., M.S.
Director, Project HEAL
716 N. Broadway, Office 106
Baltimore, MD 21205
(443) 923-4416
(443) 923-4414 (Intake line)
vanstone@kennedykrieger.org

Mallory Finn, Esq.
Staff Attorney, Project HEAL
716 N. Broadway, Office 111
Baltimore, MD 21205
(443) 923-9571
(443) 923-4414 (Intake line)
finnm@kennedykrieger.org

Parents' Place of Maryland

(provides parent support and training)

802 Cromwell Park Drive
Suite Q
Glen Burnie, MD 21061
410-768-9100
800-394-5694
www.ppmmd.org

University of Maryland Clinical Law Office

500 West Baltimore Street
Baltimore, MD 21201
410-706-7214
410-706-7714 TDD
<http://www.law.umaryland.edu>

Family Support Services / Partners for Success

You may wish to contact the special education office for your local school system to find out about Family Support Services, Partners for Success, or similar services that may be available to provide assistance.