

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)).

Rev. 02/2019

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 (please specify):**
- ☐ **Special Communication (please specify):**
- ☐ **Sign Language Interpreter (Yes or N/A):**
- ☐ **Special Accommodations for Disability (please specify):**
- ☐ **Other (please 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 (LIMITED TO 500 CHARACTERS):

Description of proposed resolution (LIMITED TO 500 CHARACTERS):

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 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 Early Intervention and Special Education Services at (410) 767-7770.

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.

Signature of Applicant

Date

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.		
<u>Legal Aid Bureau, Inc.</u> 229 Hanover Street P.O. Box 907 Annapolis, MD 21404 410-972-2700 800-666-8330	P.O. Box 249 Route 231 Hughesville, MD 20637 Southern MD (Calvert, Charles & St. Mary's Counties) 301-932-6661 877-310-1810	<u>Project HEAL (Health, Education, Advocacy, and Law) at Kennedy Krieger Institute</u> Representation for current Kennedy Krieger patients only. Does not provide representation for Due Process Hearings.
500 East Lexington Street Baltimore, MD 21202 410-951-7777 800-999-8904	8401 Corporate Drive, Suite 200 Landover, MD 20785 Metropolitan MD (Prince George's & Howard Counties) 301-560-2101 888-215-5316	Mallory Finn Legg, Esq. Director, Project HEAL 1741 Ashland Avenue, Office 413 Baltimore, MD 21205 (443) 923-4414 (Intake line) ProjectHEAL@kennedykrieger.org
103 S. Hickory Avenue Bel Air, MD 21014 Northeastern MD (Cecil & Harford Counties) 410-836-8202 800-444-9529	600 Jefferson Plaza, Suite 430 Rockville, MD 20852 (Montgomery County) 240-314-0373 855-880-9487	<u>Parents' Place of Maryland</u> (provides parent support and training) 802 Cromwell Park Drive Suite Q Glen Burnie, MD 21061 410-768-9100 800-394-5694 www.ppmmd.org
110 Greene Street Cumberland, MD 21502 Western MD (Allegany & Garrett Counties) 301-777-7474 866-389-5243	111 High Street P.O. Box 4116 Salisbury, MD 21801 Lower Eastern Shore (Dorchester, Somerset, Wicomico & Worcester Counties) 410-546-5511 800-444-4099	<u>University of Maryland Clinical Law Office</u> 500 West Baltimore Street Baltimore, MD 21201 410-706-7214 410-706-7714 TDD www.law.umaryland.edu
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	29 West Susquehanna Ave. Suite 305 Towson, MD 21204 (Baltimore County) 410-427-1800 877-878-5920 www.mdlab.org	<u>Family Support Services / Partners for Success</u> 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.
22 South Market Street Suite 11 Frederick, MD 21701 Midwestern MD (Carroll, Frederick & Washington Counties) 301-694-7414 800-679-8813	<u>Disability Rights Maryland</u> 1500 Union Avenue Suite 2000 Baltimore, MD 21211 410-727-6352 410-235-5387 TTY 800-233-7201 disabilityrightsmd.org	