

New Mexico Public Education Department, Special Education Division

Due Process Hearing Request Form



Instructions: Due process hearing requests may be filed to resolve disputes related to identification, evaluation, educational placement, or the provision of a free appropriate public education for a child. The use of this form is not required, but any written request shall include the information required below. Requests may be submitted via U.S. Mail or E-Mail. This completed form should be submitted to:

Via Regular Mail:

Alternative Dispute Resolution Coordinator
Special Education Division/OGC
New Mexico Public Education Department
300 Don Gaspar
Santa Fe, NM 87501

Via E-Mail:

Dispute.Resolution@ped.nm.gov

**If you have any questions, please contact the
Alternative Dispute Resolution Coordinator at
505-309-1214**

Please select one of the following*:

I am the parent/guardian/surrogate parent of the student I am the adult student I am the parent or adult student's attorney/advocate

I am the public agency representative or attorney (this includes schools districts, charter schools, other public agency, and the NMPED)

SECTION I - Student Information*

STUDENT NAME*	DATE OF BIRTH*
STUDENT SCHOOL*	STUDENT SCHOOL DISTRICT/CHARTER SCHOOL/OTHER PUBLIC AGENCY*

SECTION II - Parent Information

NAME OF PARENT/GUARDIAN/SURROGATE PARENT/COMPLAINANT*	DAY TELEPHONE (Include Area Code)
ADDRESS (Street, City, State, Zip Code)	E-MAIL
NAME OF PARENT'S ATTORNEY/ADVOCATE (If applicable)	ATTORNEY/ADVOCATE TELEPHONE (Include Area Code)
ATTORNEY/ADVOCATE ADDRESS (Street, City, State, Zip Code)	ATTORNEY/ADVOCATE E-MAIL

SECTION III - Public Agency Information (Complete if you are the public agency representative or its attorney.)

NAME OF DISTRICT/CHARTER SCHOOL/PUBLIC AGENCY	TELEPHONE (Include Area Code)
ADDRESS (Street, City, State, Zip Code)	E-MAIL
PRIMARY CONTACT NAME/TITLE	PRIMARY CONTACT TELEPHONE (Include Area Code)
PRIMARY CONTACT ADDRESS (If different from public agency)	PRIMARY CONTACT E-MAIL
NAME OF ATTORNEY (If applicable)	ATTORNEY TELEPHONE (Include Area Code)
ATTORNEY ADDRESS (Street, City, State, Zip Code)	ATTORNEY E-MAIL

SECTION IV - Language and Accessibility

Will the assistance of an interpreter or other accommodations be needed?

Yes

No

If yes, please describe the needs.

SECTION V - Issues

I am requesting a due process hearing for the following issues: (check all that apply).

Identification and eligibility for services

Behavior/Discipline/Manifestation Determination

Educational evaluation

Change of placement

IEP development or implementation

Reimbursement for services

Provision of a free appropriate public education

Other

If you are filing a due process hearing request regarding "Change of Placement" or "Behavior/Discipline/Manifestation Determination," are you requesting an expedited due process hearing?

Yes

No

(The Hearing Officer will determine if an expedited hearing is required based on the issues raised in the complaint.)

SECTION VI - DESCRIPTION OF NATURE OF THE PROBLEM*

Describe the nature of the problem(s) relating to a proposed or refused initiation or change in the identification, evaluation, educational placement, or the provision of a free appropriate public education to the student. Include relevant dates, specific events, and/or persons involved. Please include dates and any important facts related to the violation. (Attach additional pages as necessary.)*

SECTION VII - PROPOSED REMEDY, RESOLUTION, OR SOLUTION (student specific allegations only)*

*Briefly explain how you would like the problem to be resolved. (Attach additional pages as necessary.)**

I have additional pages and/or documents that I am submitting with this Due Process Hearing Request Form.

A copy of your due process hearing request must be submitted to your local school district, charter school, or other public agency responsible for providing educational services to your child at the same time this request is filed with the NMPED.

I will send this hearing request to the school district, charter school, or public agency.* (If emailed, please include the dispute resolution email provided above.)

I understand that I am responsible for informing the NMPED if my address or any other contact information changes prior to the completion of the investigation or the order of corrective action.*

SECTION VIII - Alternative Dispute Resolution

Alternative dispute resolution (ADR) includes voluntary processes available to parents at no cost and can often result in the resolution of conflicts without a formal hearing. ADR will proceed concurrently with the hearing process. Mediation and facilitation are the available options for ADR. Please indicate your interest in the options below:

I agree to participate in a mediation session where the public agency and I will meet with an assigned mediator to potentially create a legally binding mediation agreement that resolves some or all of the issues raised in this complaint.

I agree to participate in a state-facilitated individual educational plan (IEP) team meeting with an assigned facilitator who will assist in completing the student's IEP and possibly resolving some or all of the issues raised in this complaint.

SECTION VIII - Signature*

Signature (Electronic or Digital Signatures are acceptable)*

Date:*

Due Process Hearing Request Checklist

Before mailing or emailing your request for a due process hearing, make sure the items below have been completed:

You have provided the student's name, address of residence (if applicable), and the name of the school the student attends.

You have provided your name, address, and contact information where you can be reached.

You have provided information regarding the dispute or issues with the public agency.

You have provided a proposed resolution to the problem.

You have signed your request and provided a copy of it to the NMPED and the school district or charter school.

You have mailed or emailed your due process hearing request in time for it to be received by the NMPED no later than two years after the alleged violation(s) occurred.