

## 4. Settlement or hearing

If your case settles at mediation or before hearing, your due process case is dismissed.

If you have not reached a settlement, your case proceeds to hearing, where you and the district present your case to an OAH hearing officer. It runs like a mini trial, where you can call and question witnesses, present evidence and expert testimony, and be represented by an attorney.

## 5. Right to appeal

You can appeal an OAH decision in court within 90 days.

### REMEMBER:

It is very important that you file for due process within **2 years** of the date you knew or should have known about the issue.

**\*\*This deadline does not apply if a district withheld information or told you it had solved the problem when it had not.**

## What happens to your student's IEP during the dispute?

During due process, your student is protected by "stay put," which means that the last IEP placement and services you and the district agreed on cannot be changed until the OAH hearing officer makes a decision or you and the district reach a settlement.

## Does OAH offer other due process options besides a hearing?

If you would like to try to resolve your dispute before or instead of having a due process hearing, you can request **mediation**.

Mediation gives you the chance to work out the conflict with a neutral and experienced OAH mediator. If mediation is not successful, you can still file for hearing.



Neighborhood Legal Services  
of Los Angeles County

# FILING FOR DUE PROCESS: WHAT TO DO WHEN YOU DISAGREE WITH A DISTRICT OVER SPECIAL EDUCATION



For free legal help, please contact NLSLA:  
NLSLAEducationTeam@nlsla.org | (888) 907-0444 |  
nlsla.org/services/education-rights

All Services are Free of Charge

## What is Due Process?

If you disagree with a district's decision on a student's special education eligibility, placement, program needs, or services, either you or the district can ask for a due process hearing with the Office of Administrative Hearings ("OAH").

At this hearing, both you and the district can present evidence, call witnesses and experts, submit any reports or evaluations that support your positions, and be represented by attorneys. The OAH Hearing Officer will hear your arguments and help solve the disagreement with the district.



## What steps are involved in due process?

Due process usually involves the following steps:

1. Requesting the due process hearing
2. Resolution Session
3. Mediation (optional)
4. Settlement or hearing
5. Right to appeal

### 1. Requesting the due process hearing

The first step is to help your attorney learn the facts of your case so they can draft a complaint outlining the district's legal violations.

File your complaint on OAH's website or mail it to:

Office of Administrative Hearings  
Special Education Division  
2349 Gateway Oaks Drive  
Sacramento, CA 95833

## 2. Resolution Session

After you file the complaint, the district has 15 days to schedule a resolution meeting with you and relevant members of the IEP team.

This meeting runs similar to an IEP where the district will try to solve the issues raised in your complaint.

You and the district can agree to waive this meeting.

## 3. Mediation (optional)

Mediation sessions after due process complaints are filed are automatically offered to you.

An OAH hearing office will work with you and the district at this session to try to reach a settlement, which is binding if agreed to and ends your due process case before the hearing.

