

Policy for Accepting Electronic Submissions of Written State Complaints and Due Process Hearing Requests

All electronic submissions (e-submissions are those sent by e-mail) of written state complaints and due process hearing requests must be provided in written form and signed.

All e-submissions must be signed in the same manner as those received via regular mail. For example, a signature would be the same on these submissions as a person would use for any other legal document such as a bank check or signing a contract. Exceptions may be made for persons without the ability to sign their name.

The e-submissions will be reviewed Monday through Friday during the regular business hours of 7:00 a.m. to 3:30 p.m. (Central Standard Time). For submissions provided outside of 7:00 a.m. to 3:30 p.m., weekends, or holidays, the document(s) will be reviewed on the next business day. If the document(s) meets requirements, the written state complaint or due process hearing request will be accepted, date stamped, and initiated without delay.

For written state complaints, the signed written submission must have the following required information:

- Allege a violation that occurred not more than one year prior to the date that the complaint is received.
- Include a statement that a public agency has violated a requirement of Part B of the IDEA.
- Include the facts on which the statement is based.
- Include the signature and contact information for the complainant.
- If alleging violations with respect to a specific child, the name and address of the residence of the child, and the name of the school the child is attending (in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending must be provided), a description of the nature of the concern of the child, including facts relating to the problem;
- A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

For due process hearings, the signed, written submission must have the following required information:

- Allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the request for a hearing.
- The name of the child.
- The address of the residence of the child.
- The name of the school the child is attending.
- A description of the nature of the concern of the child relating to the proposed or refused initiation or change, including facts relating to the problem.
- A proposed resolution of the problem to the extent known and available to the party at the time.

In the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending must be provided in the request.

All other requirements regarding either of these processes must be adhered to.

A sample form for filing a written state complaint and a sample form for filing a due process hearing request can be found on the Alabama State Department of Education's website at www.alabamaachieves.org.

Written state complaints may be e-mailed to Ms. Bernice Rush-Harrison @ brush-harrison@alsde.edu.

Due process hearing requests may be e-mailed to dph@alsde.edu or Mrs. Elizabeth Herndon @ elizabeth.herndon@alsde.edu.