1. Prior Written Notice *(*[*34 CFR §300.503*](https://sites.ed.gov/idea/regs)*)*

* Schools must inform you in writing when they propose or refuse to change your child's special education services, evaluation, or placement.
* The notice must include:
  + Action and reason for the change.
  + Information used to make the decision.
  + Your rights and available resources.
  + Alternatives considered.
* It must be in plain language and, if possible, in your native language.

2. Native Language Rights *(*[*34 CFR §300.29*](https://sites.ed.gov/idea/regs)*)*

* All important information must be provided in a language you understand, whether it's a translation or oral explanation, such as sign language or Braille.

3. Electronic Mail *(*[*34 CFR §300.505*](https://sites.ed.gov/idea/regs)*)*

* If your school allows it, you can receive notices about your child's special education services via email.

4. Parental Consent *(*[*34 CFR §§300.9 & 300.300*](https://sites.ed.gov/idea/regs)*)*

* You must give written consent before:
  + Evaluation for special education.
  + Services start.
  + Reevaluation occurs.
* You can revoke consent at any time, but past services will remain in records.
* Refusing consent cannot be overridden by the school unless in specific cases (e.g., wards of the state).

5. Independent Educational Evaluations *(*[*34 CFR §300.502*](https://sites.ed.gov/idea/regs)*)*

* If you disagree with the school’s evaluation, you can request an independent evaluation (IEE).
* The school must either:
  + Pay for the evaluation, or
  + Prove the original evaluation is correct in a hearing.
* You have the right to one publicly funded IEE per school evaluation.

6. Transfer of Rights at Age 18

* At age 18, special education rights transfer to your child unless they have a legal guardian.

7. Confidentiality of Information *(*[*34 CFR §§300.611 & 300.32*](https://sites.ed.gov/idea/regs)*)*

* Your child’s educational records are private.
* Personally identifiable information (e.g., names, addresses) must be protected.

8. Notice to Parents *(*[*34 CFR §300.612*](https://sites.ed.gov/idea/regs)*)*

* The Alaska Department of Education must inform parents about how personal information is collected, stored, and protected. Notices must be accessible in native languages.

9. Access Rights *(*[*34 CFR §300.613*](https://sites.ed.gov/idea/regs)*)*

* Parents can review their child's educational records within 10 business days of request.
* They can ask for explanations, copies (if needed for review), and authorize representatives to inspect records.

10. Record Keeping & Access *(*[*34 CFR §§300.614-300.617*](https://sites.ed.gov/idea/regs)*)*

* Schools must track who accesses records, except for parents and authorized staff.
* Parents can request a list of records and where they are stored.
* Fees may apply for copies, but not for searching/retrieving records.

11. Amending Records *(*[*34 CFR §§300.618-300.621*](https://sites.ed.gov/idea/regs)*)*

* Parents can request corrections to inaccurate records or those that violate privacy.
* If denied, parents can request a hearing. If still unresolved, they can add a statement of disagreement.

12. Consent & Confidentiality *(*[*34 CFR §§300.622-300.624*](https://sites.ed.gov/idea/regs)*)*

* Parental consent is required before sharing identifiable information unless in specific cases (e.g., transition services).
* Schools must protect confidentiality at all stages.
* Parents can request the destruction of records no longer needed (except basic student information).

13. Resolving Disagreements

* Mediation [*(34 CFR §300.506*](https://sites.ed.gov/idea/regs/b/e/300.506)*)*: A free, voluntary, and impartial process to resolve disputes. If an agreement is reached, it’s legally binding.
* IEP Facilitation: A neutral third party helps facilitate productive IEP meetings.

14. Complaint & Due Process:

* + Administrative Complaint: Can be filed by anyone if a school violates special education laws. Resolved within 60 days.
  + Due Process Complaint: Filed by parents or schools over issues related to a child's educational plan. Resolved within 45 days unless extended.

15. Administrative Complaint Procedures *(*[*34 CFR §300.151*](https://sites.ed.gov/idea/regs)*)*

* The Alaska Department of Education & Early Development handles complaints about special education services.
* Complaints are resolved within 60 days unless there are exceptional circumstances.

16. Filing an Administrative Complaint *(*[*34 CFR §300.153*](https://sites.ed.gov/idea/regs)*)*

* Anyone can file a written complaint alleging a violation within the past year.
* The complaint must include:
  + Violation details and supporting facts.
  + Contact information of the complainant.
  + Information about the affected child (if applicable).
  + A proposed resolution (if known).
* Complaints must be sent to both the school district and the Department of Education.

17. Filing a Due Process Complaint *(*[*34 CFR §300.507*](https://sites.ed.gov/idea/regs)*)*

* Parents or schools can file a complaint if they disagree on issues such as:
  + Evaluation, placement, or services.
  + Denial of Free Appropriate Public Education (FAPE).
* A request must be filed within 12 months of the disputed decision, except in cases of misrepresentation or withheld information.

18. Due Process Hearing *(*[*34 CFR §300.508*](https://sites.ed.gov/idea/regs)*)*

* A written complaint requesting a hearing must include:
  + Child’s name, address, and school.
  + Description of the issue and proposed resolution.
* A hearing officer is assigned, and the process includes:
  + A pre-hearing conference (optional).
  + A resolution meeting within 15 days (can be waived).
  + A decision within 45 days (or faster for disciplinary cases).

19. Student Placement During a Dispute *(*[*34 CFR §300.518*](https://sites.ed.gov/idea/regs)*)*

* The child stays in their current educational placement unless both parties agree to change it.

20. Resolution Process *(*[*34 CFR §300.510*](https://sites.ed.gov/idea/regs)*)*

* Schools must hold a resolution meeting within 15 days unless waived.
* If no resolution, the hearing proceeds within 30 days.
* Any settlement is legally binding but can be voided within 3 days.

21. Impartial Hearing Officer

* The hearing officer must not be employed by the school or state involved and should understand IDEA laws.
* The department maintains a list of qualified hearing officers.

22. Hearing Rights

* Parties can be represented by a lawyer, present evidence, cross-examine witnesses, and get a copy of the hearing record and decision.
* Evaluations and recommendations must be shared at least 5 business days before the hearing.

23. Hearing Decisions

* Decisions must be based on substantial grounds, especially in procedural violation cases.
* Decisions are shared with an advisory panel and the public.

24. Finality of Decision & Appeals

* The decision is final, but either party can appeal by filing a civil action within 90 days.
* Courts review records, hear additional evidence, and make decisions based on preponderance of the evidence.

25. Attorneys' Fees

* Courts may award reasonable attorney fees to the prevailing party, but fees are not awarded for rejected settlement offers or non-IEP meetings.

26. Discipline Procedures

* School personnel can remove a child for up to 10 days for misconduct but must provide services if removal exceeds 10 days in a year.
* Schools must review if the behavior is linked to the child’s disability and correct it if necessary.

27. Change of Placement

* A removal over 10 consecutive days or multiple removals over 10 days constitutes a change of placement, requiring a new IEP.

28. Appeal (Placement and Manifestation Determinations) *(*[*34 CFR §300.532*](https://sites.ed.gov/idea/regs)*)*

* Parents can file a complaint if they disagree with placement or manifestation decisions.
* Schools can file if keeping the current placement could harm the child or others.
* Expedited hearings occur within 20 school days of the complaint, with decisions within 10 school days.

29. Placement During Appeals *(*[*34 CFR §300.533*](https://sites.ed.gov/idea/regs)*)*

* While awaiting the hearing officer's decision, the child remains in an interim alternative educational setting unless agreed otherwise.

30. Protections for Ineligible Children *(*[*34 CFR §300.534*](https://sites.ed.gov/idea/regs)*)*

* If a child hasn't been determined eligible but the school knew the child had a disability before misconduct, the child may still have protections.

31. Referral to Law Enforcement *(*[*34 CFR §300.535*](https://sites.ed.gov/idea/regs)*)*

* Schools can report crimes committed by children with disabilities to law enforcement.

32. Unilateral Placement by Parents in Private Schools *(*[*34 CFR §300.148*](https://sites.ed.gov/idea/regs)*)*

* Schools are not required to pay for private school placements if they offered a FAPE, but a court may order reimbursement if the district didn’t provide FAPE.

Resources

Alaska Department of Education and Early Development

* Phone: (907) 465-8693
* Fax: (907) 465-2806
* Website: [education.alaska.gov/sped](https://education.alaska.gov/sped)

Stone Soup Group (Statewide)

* Phone: (907) 561-3701
* Toll-Free: (877) 786-7327
* Website: [stonesoupgroup.org](http://stonesoupgroup.org)

Disability Law Center (Statewide)

* Toll-Free: (800) 478-1234
* Anchorage: (907) 565-1002
* Fairbanks: (907) 456-1070
* Juneau: (907) 586-1627
* Website: [dlcak.org](http://dlcak.org)

**NOTICE OF ADMINISTRATIVE COMPLAINT**

The **use of this form is optional** – If this form is not used, please include necessary areas of this document in your complaint. If the complaint is not related to a specific child, addressing a proposed solution is not required. To file an administrative complaint, send the signed and dated, complete complaint to:

DEED Special Education - Administrative Complaint

P.O. Box 110500

Juneau, Alaska 99811-0500

Fax: (907) 465-2806 / Email: sped@alaska.gov

When filing the complaint, forward a copy of the complaint to the school district or public agency serving the child at the same time you file the complaint with the Alaska Department of Education and Early Development.

Alaska regulation 4 AAC 52.500: “An organization or parent or other individual may file with the department an administrative complaint alleging that a district or other public agency has violated a requirement of AS 14.30.180 - 14.30.350, this chapter, 20 U.S.C. 1400 - 1482 (Individuals with Disabilities Education Act), or a regulation adopted under 20 U.S.C. 1400 - 1482. However, only a parent may file a complaint alleging that a district has failed to implement a due process hearing decision issued under AS 14.30.193. The violation alleged in the administrative complaint must have occurred not more than one year before the date that the administrative complaint is received by the department. An administrative complaint may allege a systemic violation, a violation of the rights of a specific child, or both.”

**1. STUDENT & COMPLAINANT INFORMATION**

SECTION 1 INSTRUCTIONS:

* *If this is not related to a specific student, only the following sections are required to be completed: school district/public agency, and complainant information.*

STUDENT’S NAME:

STUDENT’S ADDRESS:

SCHOOL OR PROGRAM:

DISTRICT OR AGENCY NAME:

COMPLAINANT NAME/AGENCY:

COMPLAINANT ADDRESS:

COMPLAINANT PHONE NUMBER:

**2. PROBLEM AND RELATED FACTS**

SECTION 2 INSTRUCTIONS: *Required for all complaints*

* Describe the problem with the student’s special education program, including any known violation of Alaska or federal law or regulation. Describe any relevant, specific actions the district or public agency has taken or refused to take. If not related to a specific child, describe the problem with the public agency, including any known violation of Alaska or federal law or regulation and the fact(s) on which the statement is based.

**3. PROPOSED SOLUTION**

SECTION 3 INSTRUCTIONS: *Required for a child specific complaint*

* Describe what you think needs to be done to solve the problem, if you know or have any specific ideas at this time.

SIGNATURE and DATE (REQUIRED):

**NOTICE OF REQUEST FOR DUE PROCESS HEARING**

The **use of this form is optional** – If this form is not used, please include necessary areas of this document in your due process hearing request.

To file a notice of request for a due process hearing send the signed and dated, complete request to:

DEED Special Education - Due Process Hearing Request

P.O. Box 110500

Juneau, Alaska 99811-0500

Fax: (907) 465-2806 / Email: sped@alaska.gov

Alaska statute AS 14.30.193: “A school district or a parent of a child with a disability may request a due process hearing on any issue related to identification, evaluation, or educational placement of the child, or the provision of a free, appropriate, public education to the child. A request is made by providing written notice to the other party to the hearing. A parent shall make a request for a due process hearing not later than 12 months after the date that the school district provides the parent with written notice of the decision with which the parent disagrees. A school district shall make its request for a due process hearing in accordance with the time limit established by the department by regulation.”

A district must a request for a due process hearing within 60 days after a parent takes the action or inaction that is the subject of the complaint. (4 AAC 52.550)

**1. STUDENT & PARENT/DISTRICT INFORMATION**

STUDENT’S NAME:

STUDENT’S ADDRESS:

DATE OF BIRTH (MM/DD/YY):

INVOLVED SCHOOL DISTRICT/AGENCY:

IF HOMELESS, PROVIDE CONTACT INFORMATION:

COMPLAINANT NAME:

RELATIONSHIP TO STUDENT:

COMPLAINANT ADDRESS/PHONE:

EMAIL:

**2. PROBLEM AND RELATED FACTS**

Describe the nature of the problem of the child relating to the proposed or refused initiation or change that is the basis of the complaint, including facts relating to the problem.

**3. PROPOSED SOLUTION**

Describe what you think needs to be done to solve the problem, to the extent known and available at this time.

SIGNATURE and DATE (REQUIRED):