

Expedited Due Process Hearing Request

Expedited due process hearing requests are only for issues related to discipline and extended school year (ESY) services.

A parent/legal guardian may file an expedited due process hearing request if they disagree with the school district's decision about placement for disciplinary removals, with the manifestation determination and whether the child's behavior is related to his or her disability; and/or the school district believes that maintaining the child's current placement is substantially likely to result in injury to the child or to others

Student Information

Student Name

School District related to expedited due process hearing request

Student's school

Student Address

Reason(s) for expedited due process hearing request

Although not required, it would be helpful to include the information in Parts A and B.

A. Check the category of disability listed on the student's IEP:

- ☐ Developmental Delay
- ☐ Intellectual Disability
- ☐ Specific Learning Disability
- ☐ Emotional Disability
- ☐ Speech or Language Impairment
- ☐ Deaf and Hard of Hearing
- ☐ Visual Impairment
- ☐ Deaf-blindness
- ☐ Orthopedic Impairment
- ☐ Other Health Impairment
- ☐ Traumatic Brain Injury
- ☐ Autism
- ☐ Multiple Diseases

B. Check the type of class the student is in:

- ☐ Regular class
 - ☐ Regular class with supportive services (itinerant/resource)
 - ☐ Self-contained class
 - ☐ Special school
 - ☐ Home-based instruction
 - ☐ Hospital/medical homebound instruction
 - ☐ Other program option (please describe):
-
-

Please explain the discipline placement decision that you disagree with, manifestation determination decision you disagree with, or the district's decision to change the student's placement during an ongoing due process proceeding as it finds maintaining the placement would result in injury to the child or others. If the basis for your expedited hearing request is ESY, please explain the reasoning below.

[illegible]

What is your proposed resolution? In other words, what should be done to address the situation?

Parent/Guardian Information

Parent/Guardian Name(s)

Phone Number

Email Address

Street address

City/zip

In case of a student experiencing homelessness, please include available contact information for the child and the name of the school at the time of alleged violation(s)

We understand that both the school district and the parent/guardian have the right to:

- Bring an attorney and/or persons with special knowledge or training about the problems of students with disabilities to the hearing;

SOUTH CAROLINA DEPARTMENT OF EDUCATION

- Request the attendance or a subpoena for the attendance of particular witnesses;
- Present evidence as well as question and cross-examine witnesses;
- Object to evidence at the hearing that was not shared with the school district/agency and the parent/guardian or his/her/their attorney at least five days before the hearing;
- Get a written, tape-recorded, or electronic transcript of the hearing;
- Get a written statement of the findings of fact and the decision made at the due process hearing; and
- Appeal if either the parent/guardian or school district disagrees with the decision.

*If the family has obtained the services of an attorney for the due process hearing request, please list the attorney's contact information below. As a reminder, you are not required to hire an attorney for due process hearing proceedings.

Attorney's Name

Phone Number

Email Address

Street address

City/zip

Submission Instructions

You may scan and email this form to Ms. Barbara Drayton, Esq. of the Office of General Counsel at BDRAYTON@ed.sc.gov or send via post to: Office of General Counsel, Attn: Barbara Drayton, 849 Learning Lane, West Columbia SC 29172

1. Upon receipt of the expedited due process hearing request Ms. Drayton will confirm that the district special education department has received a copy of the complaint.
2. Ms. Drayton will inform the parent(s) and school district of timelines.
3. We have reviewed the information regarding expedited due process hearing found at <https://oses.ed.sc.gov/parents-family-community/dispute-resolution-information/due-process/>

SOUTH CAROLINA
DEPARTMENT OF EDUCATION

Parent signature

Parent signature

Date