

Due Process

Due Process is the most adversarial of all the dispute resolution processes. It may be used by parents or school divisions when there is a dispute related to any aspect of a student in the special education process. School divisions will **always** be represented by the school board's attorney during a due process hearing. dLCV, therefore, highly recommends that parents seek representation when filing or defending their student in a due process hearing as well. Due Process is an administrative proceeding, but in many ways is very similar to a court proceeding. During a Due Process hearing an impartial Hearing Officer listens to the facts (testimony) presented by both sides of a dispute, reviews all evidence and makes a finding based on a preponderance of the evidence and testimony.

Due Process hearings are more likely to address the parent and school division's disagreement over the appropriateness or the types of services a student does, or one party believes, the student should receive.

Because Due Process is very much like a court proceeding, dLCV again strongly urges parents to seek legal counsel before making a determination to pursue this avenue for dispute resolution.