

Do-It-Yourself Special Education Due Process, An Educational Guide

By Dorene Philpot

Chapter 1

Deciding to do a hearing on your own: options and alternatives.....	1
■ Financial considerations.....	2
■ Other costs.....	3
■ Emotional considerations.....	3
■ When the district files against the parent.....	4

Chapter 2

Timing is everything.....	5
---------------------------	---

Chapter 3

Setting up your case to improve your chances of winning.....	6
■ Get an IEE	6
■ Get a copy of your child’s records	7

Chapter 4

Writing a good hearing request letter	10
■ Specificity and sufficiency issues.....	11

Chapter 5

Types of special education cases.....	16
■ Child find/eligibility cases	16
■ Expulsion cases.....	17
■ Private placement cases.....	18
■ Failure to implement cases.....	19
■ Inappropriate IEP cases	20
■ Disciplinary cases.....	20
■ Transition cases	21

Chapter 6

What happens after the due process hearing request is filed?.....	23
■ How to learn more about your specific hearing officer.....	23
■ The school files its answer to your complaint.....	24
■ The resolution session.....	25
■ Prehearing conferences.....	28
■ Handling district requests for a do-over of its own evaluation	31
■ Going back to the IEP team meeting after the hearing request is on file	31
■ Mediation	33
■ Writing a good settlement agreement.....	36
■ Timing of motion to dismiss	37

Chapter 7

Mechanics of Preparing for A Special Education Due Process Hearing.....	38
■ Scheduling witnesses	38
■ Exhibit book preparation instructions	39
■ Making a witness list	42
■ Making an exhibit list	43

Chapter 8

Discovery requests.....	44
■ Requests for production	44
■ Depositions.....	45
■ Interrogatories	45
■ Requests for admissions	45
■ Timelines on discovery requests.....	45
■ Subpoenas.....	46

Chapter 9

Devising your trial plan and strategy.....	47
--	----

Chapter 10

The Big Day is Here: Due Process.....	49
■ Objections to exhibits	49
■ Opening statements.....	50
■ Pointers on questioning witnesses.....	50

- Your own testimony 52
- Handling objections to testimony.....52
- The most common objections to testimony.....53
- Making your own objections.....54
- Demeanor matters.....55
- Breaks, lunch and length of day56
- **Closing arguments, briefs** 56

Chapter 11

The decision is in.....58

About the author.....59

Chapter 12

Samples of 2011 due process hearing decisions.....63

Student v. Beaumont ISD, an ABA private placement case for a student with autism63

Student v. Birdville ISD, a child find/private placement case for a student with an Emotional Disturbance.....90

Highland Park ISD v. Student, school district files against family and loses child find/evaluation failure case110

Student v. Caldwell ISD, denial of FAPE to student with vision impairment.....152

Appendix contents

Sample Independent Educational Evaluation (IEE) request.....i

Sample records request.....ii-iii

Sample notice of private placement.....iv

Sample due process hearing request.....v-xiii

Sample witness list.....xiv-xv

Sample exhibit list with admissions chart.....xvi-xx

Sample motion and subpoena.....xxi-xxv

Sample request for production.....xxvi-xxx