

Frequently Asked Questions

Due Process Requests

What happens if a parent files a due process complaint with the system but does not forward a copy of the due process complaint to the Georgia Department of Education? When does the timeline for convening a resolution meeting begin?

The system is responsible for sending a copy of the complaint to the GaDOE. The timeline for convening a resolution meeting begins on the day the system receives the request.

May a parent file a due process complaint because their child's teacher is not highly qualified?

No. The regulations at 34 C.F.R. §300.18(f) state that there is no right of action on behalf of an individual student, or class of students for the failure of a particular state or system employee to be highly qualified. However, a parent may file a GaDOE complaint about staff qualifications with the GaDOE.

If a due process complaint is amended and the 15-day timeline to conduct a resolution meeting starts over, must the system conduct another resolution meeting?

Yes. The complaint can be amended only if the parties mutually agree in writing to the amendment and **are given the opportunity for a resolution meeting**, or the hearing officer grants permission to amend the complaint at any time not later than five days before the due process hearing begins. This process ensures that the parties involved understand and agree on the nature of the complaint before the hearing begins. When a due process complaint is amended, the timelines for the resolution meeting and the time period for resolving the complaint begin again with the filing of the amended due process complaint.