

# CAN I FILE A DUE PROCESS COMPLAINT?

## YES

You are a parent or public agency who believes there has been an IDEA violation.

and

The violation is regarding identification or evaluation of a student.

and/or

The violation is regarding the educational placement of a student with a disability.

and/or

The violation is regarding a provision of a free appropriate public education (FAPE) to a student with a disability.

and/or

You are appealing a district's Manifestation Determination Review (MDR) decision.

and

The violation in the complaint must have occurred not more than two years before the parent knew or should have known of the action.

## NO

You have an issue with an individual staff member or school policy. **The school or district should address this.**

You believe there has been discrimination or a violation of a Section 504 Plan. **The Office of Civil Rights addresses this. 504 plans fall under the Rehabilitation Act of 1973, not IDEA.**

You believe there has been a violation of confidentiality or of student records. **The US Dept. of Education- Student Privacy Office and FERPA should address this.**

You believe that abuse or neglect has occurred. **Contact local law enforcement or Child Protective Services to address this.**