

INSTRUCTION FOR FORM H-06E
“PETITION FOR A CONTESTED CASE” AND “CERTIFICATE OF SERVICE”

PLEASE PRINT CLEARLY OR TYPE

You are completing a contested case petition for a hearing (sometimes referred to as a "due process hearing") on a special education case. A hearing is designed to resolve legal disputes between parents of children with disabilities and school systems concerning identification, evaluation, placement, a manifestation determination, and/or the denial of a free appropriate public education (FAPE). The petition starts a proceeding against the school board. At the hearing an independent administrative law judge will determine the facts and law supporting your allegations about the educational services provided or not provided to your child. Normally, you have the burden of proving that the school board has violated the law and you must provide evidence and witnesses to support your allegations.

FILL IN BLANKS:

Fill in your county of residence on line (1). Special education cases are confidential and the Office of Administrative Hearings will not disclose your identity or that of your child, without authorization. If you do not want your identity or your child's identity disclosed, please print your initials and/or your child's initials on line (2). Print the name of the school board about which you are complaining on line (3). Print the name of school or charter school that the student attends on line (4). Enter student's name on line (5); student's birthdate on line (6); and the address of the student's home or residence on line (7).

Check all of the items that apply in section (8). In section (9) describe the problem and state the facts that support your Petition using additional pages if needed; and in section (10) describe the resolution or remedy you are seeking as a result of this contested case (additional pages may be attached if needed).

After filing a contested case petition, you may ask for mediation with an Administrative Law Judge to try to settle your disputes before the hearing. The Administrative Law Judge is an independent third party who will be a different judge from the one appointed for your contested case. All settlement discussions are confidential and cannot be used against you if the case does not settle. If you would like to request a mediated settlement conference check “Yes” on line (11).

Enter the date on line (12), your telephone number on line (13), your address on line (14), print your name on line (15), and sign the petition on line (16).

CERTIFICATE OF SERVICE:

You must mail or hand deliver a copy of your completed petition to the school board named on line (3) and complete the “Certificate of Service” section on your petition, entering the name of the Superintendent of the school board to whom you mailed or delivered the petition on line (17). You should contact the school board office to determine the name of the Superintendent. Print

the name of the school board on line (18), the address of the school board on line (19), sign your name or initials on line (20) and enter the date on line (21). If you have not identified yourself or your child, you must disclose your child's full name and your full name to the school board listed on line "3" in a separate document or letter so the school board will know your child's identity.

FILING YOUR PETITION WITH THE OFFICE OF ADMINISTRATIVE HEARINGS:

Your contested case will commence or begin as soon as you file your completed **original** petition, along with a **copy**, properly signed, with the Office of Administrative Hearings. Below are the mailing and physical addresses:

**Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714**

**Office of Administrative Hearings
424 North Blount Street
Raleigh, NC 27601-2817**

If you mail this form, the case commences or begins when it is **received and filed** in this office.

If you choose to file your petition by fax, you may fax the petition during normal business hours to the Clerk's Office at (919) 733-3478. OAH **must receive the original document and a copy** within **five business days** following the fax transmission for the petition to be deemed "filed" on the fax transmission date.

If you have any questions about how to complete this form, you should contact an attorney or call the North Carolina Department of Public Instruction, Exceptional Children's Division at (919) 807-3969.