



NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Catherine Truitt, *Superintendent of Public Instruction*

www.dpi.nc.gov

MEMORANDUM

TO: Petitioners/Respondents

FROM: Dr. Carol Ann M. Hudgens, Senior Director
Office of Exceptional Children

CAH

DATE: April 12, 2023

IDEA DUE PROCESS PETITIONS – COURT REPORTER/TRANSCRIPTIONIST REQUESTS

State and federal special education laws create certain due process rights for parents, which permit them to challenge a school system's decision relating to the identification, evaluation, educational placement, provision of a free appropriate public education ("FAPE"), or a manifestation determination regarding disciplinary issues, including requesting an administrative hearing.

In accordance with the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), and its implementing regulations, 34 C.F.R. § 300.511(b), an impartial special education due process hearing shall be conducted as determined by State law. The North Carolina General Assembly has assigned the responsibility for conducting impartial due process hearings to the North Carolina Office of Administrative Hearings ("OAH") by amending Article 9 of Chapter 115C of the North Carolina General Statutes.

Within the parental rights at hearings, parents must be given the right to have the record of the hearing and the findings of fact and decisions provided at no cost. 34 C.F.R. § 300.512(c)(3) In order to ensure these rights are upheld, a *Court Reporter/Transcriptionist Request Form* (2 pages) has been included with this Memorandum.

The North Carolina Department of Public Instruction ("NCDPI") shall pay court reporter and transcriptionist invoices including, one (1) original transcript for the Administrative Law Judge, one (1) copy of the transcript for the parent, and court reporters' billable hours for hearing, appearance fees, and travel fees.

The NCDPI will not pay for copies (neither written nor electronic) of transcripts for the public school unit, for cancellation fees, or for expedited transcripts. The party responsible for a late cancellation shall be responsible for the court reporter costs related to that late cancellation.

Questions regarding this process may be directed to Teresa King, NCDPI OEC Due Process Coordinator, at Teresa.King@dpi.nc.gov, Due_Process@dpi.nc.gov, or (984) 236-2573.

CAH/cah

C Administrative Law Judge Stacey Bawtinheimer, N.C. Office of Administrative Hearings
Allison Schafer, General Counsel – N.C. State Board of Education
Teresa King, NCDPI OEC Due Process Coordinator
Exceptional Children Directors/Coordinators

Posted to the NCDPI Website at: <https://www.dpi.nc.gov/districts-schools/classroom-resources/exceptional-children/parent-resources#DueProcessHearings-2879>

OFFICE OF EXCEPTIONAL CHILDREN

Dr. Carol Ann M. Hudgens, Senior Director | CarolAnn.Hudgens@dpi.nc.gov
6356 Mail Service Center, Raleigh, North Carolina 27699-6356 | (984) 236-2550
AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Court Reporter/Transcriptionist Request Part I

NOTICE: The North Carolina Department of Public Instruction (NCDPI) shall pay court reporter and transcriptionist invoices including, one (1) original transcript for the Administrative Law Judge, one (1) copy of the transcript for the parent, and court reporters' billable hours for hearing, appearance fees, and travel fees.

The NCDPI will not pay for copies (neither written nor electronic) of transcripts for the public school unit, for cancellation fees, or for expedited transcripts. The party responsible for a late cancellation shall be responsible for the court reporter costs related to that late cancellation.

PETITIONER is required to:

1. File within five (5) business days before the hearing a completed copy of Part I and Part II forms with the Office of Administrative Hearings via email to oah.clerks@oah.nc.gov or electronically via the electronic filing system;
2. Serve a completed copy of Part I and Part II forms on the local education agency (LEA)/public school unit (PSU); and
3. Serve a completed copy of Part I and Part II forms on the NCDPI, Office of Exceptional Children (OEC) via email to Due_Process@dpi.nc.gov

Case Name(s):			
Case Number(s):		Hearing Dates:	
Presiding Judge:		Hearing Location:	
Hearing Type:	☐ Hearing on the Merits ☐ Dispositive Motions ☐ Dismissal ☐ Expedited DP		

PETITIONER CONTACT INFORMATION AND ACKNOWLEDGEMENT

The following information is required for mailing the transcript and additional contact, if necessary. If the Petitioner is represented by an attorney and you wish for him or her to receive your copy of the completed transcript on your behalf, please provide the attorney's completed contact information below.

Name:			
Mailing Address:			
City/State/Zip:			
Primary Phone #:		Alt. Phone #:	
Email Address:			

By signing below, I, Petitioner(s), in the above-cited case(s), hereby request a court reporter for the hearing scheduled above and understand that the NCDPI will provide one (1) copy of the transcript to the parent at no charge. I also understand that the NCDPI *will not pay for copies (neither written nor electronic) of transcripts for the public school unit, for cancellation fees, or for expedited transcripts* or invoices submitted without this request properly filed per the NOTICE above.

Printed Name of Petitioner(s):			
Signature of Petitioner(s):		Date:	

Court Reporter/Transcriptionist Information Part II

NOTICE: Effective August 1, 2021, and pursuant to 26 NCAC 03 .0123, court reporter and transcriptionist requests shall be made directly to a court reporter or transcriptionist listed by the North Carolina Administrative Office of the Courts¹ as authorized and approved to prepare transcripts of proceedings held in the courts of all counties.

Case Name(s):			
Case Number(s):		Hearing Dates:	
Presiding Judge:		Hearing Location:	
Hearing Type:	☐ Hearing on the Merits ☐ Dispositive Motions ☐ Dismissal ☐ Expedited DP		

COURT REPORTER/TRANSCRIPTIONIST CONTACT INFORMATION

The following information is required for ensuring services are secured and invoices are paid for services rendered in a timely fashion.

Name:			
Mailing Address:			
City/State/Zip:			
Primary Phone #:		Alt. Phone #:	
Email Address:			

COURT REPORTER/TRANSCRIPTIONIST AFFIRMATION

By signing below, I, Court Reporter/Transcriptionist, in the above-cited case(s), affirm the following:

- All transcripts will be completed within fifteen (15) days of any motion hearing and the last hearing date for an evidentiary hearing;
- The NCDPI, Office of Exceptional Children, will pay invoices itemizing one (1) original transcript for the Administrative Law Judge, one (1) copy of the transcript for the parent, and court reporters' billable hours for hearing, appearance fees, and travel fees commensurate with the dates and details contained in this request;
- The NCDPI will not pay for copies (neither written or electronic) of transcripts for the public school unit, for cancellation fees, or for expedited transcripts. The party responsible for a late cancellation shall be responsible for the court reporter costs related to that late cancellation; and
- Invoices shall be submitted at the conclusion of all work related to this request to Due_Process@dpi.nc.gov.

Printed Name of Court Reporter/Transcriptionist:			
Signature of Court Reporter/Transcriptionist:		Date:	

¹ <https://www.nccourts.gov/documents/publications/court-reporters-transcriptionists>