



PROCEDURAL SAFEGAURDS: Understanding Dispute Resolution: State Complaint Procedures

The State Complaint Process

When a parent, interested party or adult student believes that the school has broken the law (Chapter 101, Maine Unified Special Education Regulation Birth-20 and the Individuals with Disabilities Education Improvement Act) they have a right to formally disagree through the complaint process. The term “school” includes public schools, private schools, Child Development Services sites, or the Maine Department of Education (MDOE).

Filing a Complaint

An individual or organization must submit a complaint in writing to the MDOE. While it is okay to submit a letter outlining the complaint, the MDOE recommends that you use the Complaint Form, which outlines everything that must be included in the complaint. This form can be found on the MDOE’s website at www.maine.gov/education/specec/dueprocess/documents. The complaint procedures can also be used for the enforcement of a mediation agreement or for the enforcement of a resolution agreement made under Chapter 101.

The complaint must include:

- ★ The facts on which the complaint is based (explain what the problem is).
- ★ How the individual or organization would like to have the situation resolved.
- ★ What the school has done to attempt to resolve the issue.
- ★ The signature of the person who is filing the complaint.

Once the complaint form is completed, it should be mailed to the MDOE, with copies provided to the school.

The Department of Education’s Responsibilities

The MDOE is required to investigate and resolve the complaint within 60 calendar days from the date the complaint is filed (unless an extension of the timeline is permitted). Within 10 business days of the complaint the MDOE Commissioner will determine whether or not an investigation is necessary and assign a complaint investigator (if needed).

After being appointed, the complaint investigator must:

- ★ Carry out an independent on-site investigation.
- ★ Notify both parties of the date, time and place scheduled for a complaint investigation meeting. The parties may agree to go through mediation prior to the complaint investigation meeting.
- ★ Give the parent the opportunity to submit additional information about the complaint, either orally or in writing.
- ★ Give the school the opportunity to respond to the state complaint.

- ★ Review all relevant information.
- ★ Make an independent determination on the complaint.
- ★ Issue a written decision to the parent.
- ★ Have procedures to ensure effective implementation of the MDOE's final decision.

Timeline for Filing a Complaint

A complaint must be filed within 1 year of the violation, unless the parent is also seeking compensatory educational services (additional services to make up for services that should have been provided). Then the complaint can be filed up to 2 years after the violation.

Complaint Investigation Report

A Complaint Investigation Report will explain all the findings (answers) relating to each allegation and the reasons for the final decisions. If a violation is found, the MDOE Commissioner will issue an order called a corrective action plan, directing the school to remedy the problem within a specified period of time. Compliance with the corrective action plan must be completed within 30 days. If the corrective action plan is not achieved within 45 days (or other specified time frame), the Commissioner may withhold financial aid from the school until it complies with the corrective action plan and/or refer the matter to the Attorney General who shall take appropriate action.

For a copy of the Notice of Procedural Safeguards go to:
Web: <http://www.maine.gov/education/speced/documents/ProceduralSafeguards.doc>

For a copy of the Maine Unified Special Education Regulations:
Web: www.maine.gov/education/speced/contentrules.htm



The contents of this fact sheet were developed, in part, by P³, a Parent Program Partnership between the Learning Disabilities Association of Maine, Maine Parent Federation and Southern Maine Parent Awareness.

This fact sheet was designed to inform the reader and its contents should not be taken as legal advice or a complete document on the subject. For more information on Understanding Dispute Resolution: State Complaint Procedures and other topics of importance to families of children with disabilities and special health care needs, contact Maine Parent Federation by telephone at 1-800-870-7746 (Statewide), 207-588-1933, or by email at parenconnect@mpf.org.

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