

## Administrative Complaint

*When parents believe that the school district has failed to follow the requirements of the Individuals with Disabilities Education Improvement Act (IDEIA), they may file a written complaint with the Commissioner of Education.*

### **What is an administrative complaint?**

The Vermont Department of Education is required by federal law to have written procedures for resolving disagreements between parents and schools regarding the special education process. Information about filing an administrative complaint must be provided to parents as part of the state parental rights form.

An organization or a group of parents may also file an administrative complaint regarding violations of the special education process that affect a number of students.

### **How do I file an administrative complaint?**

You have the right to file an administrative complaint regarding your child's identification, evaluation, special education services, or educational placement. In addition, you may file a complaint when you believe the school has failed to follow federal or state special education regulations.

For example, special education rules require schools to provide the services listed on your child's IEP as soon as possible after the IEP meeting. If the school

fails to provide these services, it is not complying with federal and state special education regulations to provide your child with a free appropriate public education in a timely way.

Your complaint must describe the special education requirements that you believe the school failed to follow and include any facts you have to support your statement. The complaint must be signed by you and contain your contact information. You have one year from when the problem occurred to file a complaint.

To file an administrative complaint, you must write to the Commissioner of Education. You must also send a copy of your complaint to the school at the same time.

When the administrative complaint concerns your child, additional information will be needed, such as your child's name and address, the name of your child's school, the nature of your complaint, facts to support the complaint, and recommendations to resolve the complaint.

*When you can't resolve disagreements through mediation, an administrative complaint may be the next step.*



To order copies of this fact sheet, or to learn more about VFN's materials and services, contact the Vermont Family Network  
600 Blair Park,  
Suite 240,  
Williston, VT 05495  
1-800-800-4005  
You can also contact us via e-mail at [info@vtfn.org](mailto:info@vtfn.org). And don't forget to visit our website at [www.vtfn.org](http://www.vtfn.org).

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Send your written complaint to the Commissioner of Education, Vermont Department of Education, 120 State Street, Montpelier, VT 05620-2501. If you need assistance in filing the complaint, please contact the Department of Education's legal section at (802) 828-3136, or you can contact any of the resources listed on this fact sheet.

Note: The Vermont Department of Education is developing a form to be used in filing an administrative complaint.

#### ***What will happen after I file a complaint?***

The Commissioner of Education will appoint one or more staff members from the Department of Education to investigate your complaint. The investigation must be completed within 60 days of receiving your complaint, unless an extension is granted by the Commissioner.

The 60 day timeline may be extended for special circumstances or when you and the school agree to resolve the disagreement through mediation or other means.

Department staff (the investigator) will review the information you and the school provide. He or she has the authority to decide how your complaint will be investigated, for example, by reviewing records, holding a meeting or hearing, or doing an on-site review. The investigator may give you an opportunity to present additional information about the complaint verbally or in writing. He or she may ask the school to make recommendations for resolving the disagreement or, with your consent, to use other methods for settling the complaint, such as mediation.

#### ***What will happen after the investigation is completed?***

The Commissioner of Education will make a decision regarding your complaint within the 60 day timeline and you will receive a written report of the decision. If the Commissioner finds that the school failed to follow federal or state special education rules, the report will describe how the school must correct the problem.

The Commissioner's decision is final, and parents do not have a right to appeal the findings.

#### ***What happens if I also filed a due process complaint to resolve the problem?***

If your complaint is also the subject of a due process hearing, the investigator will not review any part of the complaint that is being addressed in the due process hearing until the hearing ends.

Can I file an administrative complaint regarding my child's Family, Infant and Toddler Program Services?

You may file an administrative complaint regarding services to infants and toddlers under Part C of the IDEIA. The complaint will be investigated in coordination with the Agency of Human Services, Child Development Division. A written complaint should be sent to the Director of the Family, Infant, and Toddler Program, 103 S. Main Street, Waterbury, Vermont 05671-0204.

#### ***Resources***

For more information or for assistance in filing a complaint, contact any of the following resources.

Vermont Family Network  
help for families navigating the education system  
(802) 876-5315 • 1-800-800-4005  
[info@vtfn.org](mailto:info@vtfn.org) • [www.vtfn.org](http://www.vtfn.org)

Vermont Department of Education  
help with special education issues for schools and families  
(802) 828-5114 ( v/tty ) or  
(802) 828-3136 ( legal section )  
[www.state.vt.us/educ/](http://www.state.vt.us/educ/)

Disability Law Project  
legal support for special education services  
(800) 747-5022 Burlington/Champlain Valley  
(800) 789-4195 Central Vermont  
(800) 769-7459 Addison/Rutland/Bennington Area  
(800) 769-6728 Northeast Kingdom  
(800) 769-9164 Windham/Windsor Area  
(800) 889-2047 Statewide  
All phones ( v/tty ).