

IDEA Special Education Written State Complaints

A Guide for Parents of Children & Youth
(Ages 3-21)

This publication is part of a series about IDEA (Individuals with Disabilities Education Act) dispute resolution options. Parent guides in this series include:

IDEA Special Education Mediation
IDEA Special Education Written State Complaints
IDEA Special Education Due Process Complaints/
Hearing Requests
IDEA Special Education Resolution Meetings



This publication describes Written State Complaints generally for Part B of the IDEA. It is not intended to interpret, modify, or replace any procedural safeguards or requirements of federal or state law.

What Is A Written State Complaint?

A written state complaint is used to communicate that a public agency (such as your child's school) has not followed the requirements of the Individuals with Disabilities Education Act (IDEA), and to request an investigation of the problem. Complaints may concern one child or student, or a group of students. Any person or organization, including one from another state, may file a written state complaint.

- Written state complaints are usually sent to the state educational agency (SEA). A copy must be sent to the public agency in the complaint at the same time.
- A few examples of when a parent might file a written state complaint include:
 - ◆ You disagree with a decision regarding your child's eligibility for special education and related services.
 - ◆ You believe the school is not providing the services included in your child's individualized education program (IEP).
- The SEA is responsible for conducting an investigation and making a decision about the complaint. Some written state complaints are resolved without the need for an investigation.

State regulations associated with the IDEA dispute resolution processes vary widely.

Parents and family members are encouraged to contact their state educational agency or a parent center for more information.

Written state complaints must include certain details to be considered complete, including:

- **A statement that a public agency has not followed a requirement of the IDEA;**
- **Facts that support this statement; and**
- **The signature and contact information for the person or organization filing the complaint.**

If the complaint concerns a specific child, this information must also be included:

- **The child's name and address, or contact information for a homeless child;**
- **The name of the child's school;**
- **A description of the problem, including facts relating to the problem; and**
- **Suggestions on how to solve the problem.**

A complaint that is received without the required content may be dismissed or returned, which could delay resolution of the issues.

What Happens After I File A Written State Complaint?

There are many differences across the country as to what happens after you file a written state complaint. Generally:

- **The SEA will send you and the school a letter with information about the complaint resolution process and other options for resolving your concerns, such as mediation.**
- **A person or team is assigned by the SEA to work on the complaint.**

- An investigation takes place, which may include visits to a school or other locations, reviews of documents, and interviews of people who have information relating to the complaint.
- A written decision is made no later than 60 calendar days after the written state complaint was received by the SEA, unless the timeline is extended.

What Does A Written State Complaint Decision Include?

The SEA must provide a written decision that addresses each problem identified in the complaint. It includes facts and conclusions and lists the reasons for the final decision. The decision must also include any actions required to address the needs of the child or group of children involved in the complaint.

Frequently Asked Questions About Written State Complaints

Is there a special form that I have to use?

No. Your SEA must make a written state complaint form available but you do not have to use it. Looking at the form and seeing what information it requests may help you organize your thoughts before writing a complaint.

Is there anything else I need to know about filing a written state complaint?

The issues in your written state complaint must not have occurred more than one year before filing, unless your state provides a longer time period. It is often helpful to include information and copies of evidence (such as IEPs, letters, notes, and reports) that support your claim that a public agency has not followed the requirements of the IDEA.

Is mediation available when I file a written state complaint?

Yes. Mediation is available as an option to resolve the problems identified in a written state complaint, and may be a quicker and more direct way of resolving issues relating to a specific student.

How long will it take to resolve my complaint or receive a decision?

Your written state complaint must be resolved using the 60 day time limit. You and the public agency may agree in writing to extend the complaint timeline so you can participate in mediation, or the SEA may extend the timeline based on exceptional circumstances.

What if I want to provide additional information after I've filed a written state complaint?

You should be given an opportunity to provide additional information that relates to your complaint, either verbally or in writing. It is not unusual for someone to contact the people involved, including you, to gather information needed to resolve the problems identified in your complaint.

May I file a written state complaint on an issue that was previously decided in a due process hearing?

Yes. But be aware that if a due process hearing officer has already made a decision on an issue, and the same facts and parties are involved, the hearing officer's decision is final unless it is appealed.

What if I want to withdraw my complaint?

You can withdraw your written state complaint any time before the SEA issues its written decision.

What happens after a decision is issued?

If the SEA finds that a public agency has not followed the IDEA, it may require the public agency to take certain actions. The SEA must make sure that the actions are taken to resolve the problems identified. Parents can contact the SEA if they believe this is not happening.

Can I appeal the SEA's decision?

While the IDEA does not require states to offer an appeal process for written state complaint decisions, check with your SEA for appeal options that may be available.

Do I need to hire an attorney or advocate to file a written state complaint?

No, you do not need to hire an attorney or advocate to file a

written state complaint. Before you file a complaint, you may find it helpful to talk with someone who knows about the process, such as a parent center staff member.

What happens if I file a written state complaint and request a due process hearing at the same time?

It depends upon the issues in each. If the issues are the same in both, the written state complaint resolution process will be postponed until after a due process hearing decision is made by the hearing officer.

If the due process hearing officer includes the issue in the decision, the SEA will not make a separate decision on the same issue. If the due process hearing officer does not make a decision on the issue, the SEA must start or resume the written state complaint resolution process.

Any issue in the written state complaint that is not in the request for a due process hearing must be resolved using the 60 day time limit, unless the SEA extends the timeline.

Considerations About Written State Complaints

- This is the only IDEA dispute resolution option available to any person or organization, including people who are unrelated to the child or students that the complaint concerns.
- The outcome of the written state complaint is a final decision, which must include actions that are required to address the needs of the child or group of children involved in the complaint.

For more information on resolving special education disputes and dispute resolution options available under the IDEA, visit the CADRE Website: directionservice.org/cadre

Sources Of Important Information

A current list of all parent centers in the nation is available through the Center for Parent Information and Resources (CPIR):

parentcenterhub.org/find-your-center

or call (973) 642-8100



The Center for Appropriate Dispute Resolution in Special Education (CADRE) is the national technical assistance center on dispute resolution:

directionservice.org/cadre

or call (541) 686-5060



Information on the Individuals with Disabilities Education Act (IDEA) is available online:

idea.ed.gov/



Notes

To Find A Parent Center In Your Area, Contact:

Region 1 Parent TA Center

NJ Statewide Parent Advocacy Network
35 Halsey St., 4th Floor
Newark, NJ 07102

Tel: (973) 642-8100 Fax: (973) 642-8080

Website: spanadvocacy.org

Region 3 Parent TA Center

Parent to Parent of Georgia
3070 Presidential Pkwy, Suite 130
Atlanta, GA 30340

Tel: (800) 229-2038 Fax: (770) 458-4091

Website: p2pga.org

Region 5 Parent TA Center

PEAK Parent Center
611 N. Weber, Suite 200
Colorado Springs, CO 80903

Tel: (800) 284-0251 Fax: (719) 931-9452

Website: region5ptac.org

Region 2 Parent TA Center

Exceptional Children's Assistance Center
907 Barra Row, Suites 102/103
Davidson, NC 28036

Tel: (704) 892-1321 Fax: (704) 892-5028

Website: ecac-parentcenter.org

Region 4 Parent TA Center

WI FACETS
600 W. Virginia St., Ste. 501
Milwaukee, WI 53204

Tel: (877) 374-0511 Fax: (414) 374-4655

Website: wifacets.org

Region 6 Parent TA Center

Matrix Parent Network & Resource Center
94 Galli Drive, Suite C
Novato, CA 94949

Tel: (415) 884-3535 Fax: (415) 884-3555

Website: matrixparents.org

Center for Parent Information and Resources (CPIR)

35 Halsey St., 4th Floor
Newark, NJ 07102

Tel: (973) 642-8100 Fax: (973) 642-8080

Website: parentcenterhub.org

Your Local Parent Center:

CADRE produced this document under U.S. Department of Education, Office of Special Education Programs Cooperative Agreement No. H326D080001. Tina Diamond, Ph.D., served as the project officer. The views expressed herein do not necessarily represent the positions or policies of the Department of Education. No official endorsement by the U.S. Department of Education of any product, commodity, service or enterprise mentioned in this publication is intended or should be inferred. This product is public domain. Authorization to reproduce it in whole or in part is granted. While permission to reprint this publication is not necessary, the citation should be: CADRE (2014). IDEA Special Education Written State Complaints, Eugene, Oregon, CADRE. This publication also contains hyperlinks and URLs created and maintained by outside organizations and provided for the reader's convenience. The Department is not responsible for the accuracy of this information. Publication Date: January 2014.