The Complaint Process

Division of Compliance & Assistance
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Purpose

• To provide information on what to expect when you receive a special education complaint.

• To see How to File a Special Education Complaint for Part B of the IDEA: State Complaint Procedures. Dated October 2014.

• To hear from our complaint investigators.

Authority

• The federal regulations to the Individuals with Disabilities Education Act (IDEA) give us the authority to review special education complaints.

• For more information, you can review the regulations listed in 34 C.F.R. §§ 300.151-153.
Complaint Form

- MDE’s complaint form has all of the information needed to include in the complaint.

- Or a complainant may send a signed letter that meets the requirements of 34 C.F.R. § 300.153(b).

Timeline

- We have 60 calendar days from the date we receive the complaint to finish the complaint investigation and write our decision.

- We may also take more time if the complainant and the district agree to put the complaint on hold during mediation, or if there is a due process hearing pending.

Issues

- We assign a complaint investigator and the complaint investigator contacts the complainant.

- The complaint investigator talks to the complainant about the claims, facts, or issues that are appropriate to investigate.

- The complaint investigator will also provide mediation information.
MDE’s Letter

- The complaint investigator will contact the special education director and see if the issues can be resolved informally.

- The complaint investigator will send a letter to the school with details about the original complaint and any new information or allegations shared through discussions with the complainant.

Investigation

- The complaint investigator reviews the documents and determines the scope.

- The investigation may include an onsite visit to review documents and/or interview staff, telephone interviews, or review of additional documentation.

- The complainant has the opportunity to submit additional information.

Written Decision

- MDE will review all relevant information and make an independent decision about whether the school violated special education law.

- If we do not find violations of special education law, we send out the decision saying there was no violation and then close the file.

- If the school violated special education law, we may develop an action plan to fix the problem.
Corrective Action

• The school must complete corrective action according to the decision.

• In any event, the school must complete all corrective action within one calendar year of the complaint decision.

• We will check in with the school to monitor the corrective action.

Dismissal or Withdrawal

• If the alleged violation does not involve special education law, regulations, or rule, or if the alleged violation falls outside of the one-calendar-year complaint period.

• If the complainant lets us know in writing that the complaint is withdrawn.

• When the alleged violation was resolved in an earlier due process hearing or state complaint.

FY14 Top Five Violations

1. Failure to provide special education and related services in conformity with a Student’s IEP.
2. Failure to provide appropriate prior written notice.
3. Failure to implement restrictive procedures laws.
4. Unclear modifications and adaptations.
5. Parent participation.
Introducing the Panel

- Policy/Procedural
  Charter School Complaints
  Charter School Compliance

- Cough Eula
  Section 504
  Methods of Assurance

- Saro Wilc
  Restriction Procedures
  Targeted Trainings

- Sara Vos Vosona
  Part B Grant Application
  Legal Research
  Determination
  Hearings

- Sarah McQuire
  Student Discipline
  Expulsion Appeals
  Truancy/Attendance
  Homeschool Compliance