

Quick Tips

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Essential information and/or interesting facts from Special Education Services, Alabama State Department of Education.

for Dispute Resolution



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UNDERSTANDING THE COMPLAINT PROCESS

When a *60-Day Special Education Complaint* letter is filed, an accurate, timely response is essential. The following information was prepared to help Superintendents, Special Education Coordinators, and other pertinent staff make decisions to assist in a resolution of the matter that appropriately benefits the student.

- **When a 60-Day Special Education Complaint letter is received, the complaint is assigned to a complaint contact. The letter is reviewed to determine if it contains the required federal components.**
- If the 60-Day Special Education Complaint letter contains the required federal components, the 60-day timeline for the complaint begins. A letter to the public agency's Superintendent is prepared for the Special Education Services (SES) Program Coordinator's signature. This letter specifies the 15 day response date for the public agency. A copy of the complainant's letter is provided to the public agency's special education coordinator and superintendent. A copy of the letter from the SES Program Coordinator is sent to the person filing the complaint along with a copy of the Special Education Rights.
- **A copy of the 60-Day Special Education Complaint letter is faxed to the Special Education Coordinator. The fax cover sheet indicates the date the complaint was received and the date the public agency should respond to SES (i.e., 15 days from when the complaint was received).**
- As necessary, at any time during the complaint process, an on-site investigation may be scheduled. The on-site investigation team will include the complaint contact, the monitoring Team Leader or Regional Specialist, and as necessary, another person with expertise concerning the complaint issues.
- **When the public agency's response is received, the response is reviewed and compared to the complaint letter. The public agency is contacted as necessary for clarification or additional information.**
- The party filing the complaint is provided a status letter notifying them of their right to submit additional information. This additional information should be submitted within 15 days of the public agency's response. The public agency is sent a copy of this status letter.
- **If someone other than the parent, as defined by federal regulations, is filing a formal State Complaint, SES must have signed documentation from the parent that authorizes SES to release information regarding the complaint to the complainant.**
- Mediation may be requested by either party during the complaint process. If both parties agree to mediation, the complaint timeline may be extended. If a timeline extension is required for exceptional circumstances, or for mediations, written documentation is provided to the public agency and the person filing the complaint, including reason(s) for the extension and the projected closure date of the complaint. Any extension of the 60-day timeline must be approved by the SES Program Coordinator.
- **All complaint documentation is reviewed and analyzed by appropriate SES staff. Complaint determinations are proposed to the SES Program Coordinator. A closing letter and *Complaint Investigation Report* are drafted for the SES Program Coordinator's review and signature. The *Complaint Investigation Report* provides a summary of the issue(s), response from the public agency, other sources of information, findings, conclusions, and, if required, corrective actions. The letter is addressed to the person filing the complaint, the public agency superintendent, and the special education coordinator.**
- Corrective actions are tracked by the complaint contact until completed. When the corrective actions are completed, the public agency is notified. All findings are reported and counted in indicator 15. Findings must be corrected with 100% compliance within one year.
- **Following the completion of the *Complaint Investigation Report* and documentation that corrective actions have been completed if necessary, the complaint folder is maintained at SES for five years.**

This information is provided as a general guide to understanding State Complaints, under IDEA, in the State of Alabama. It is not provided as specific legal advice.