
INTRODUCTION

As an informed and involved parent, you are vital to the success of your child's education. Federal laws and ND regulations enable you to play an important role in the special education process.

The decisions you make should be based on knowledge and understanding of your rights and responsibilities. This requires trust and open communication with your school district. If problems and misunderstandings do arise, however, there are several ways to address them.

First, you may want to meet with the school personnel directly involved with the problem and discuss your concerns. If the problem is not resolved, you may request IEP Facilitation, a mediation meeting, file a formal complaint, and/or request a due process hearing. Each of these options has a specific purpose for helping you with your concerns, so it is important that you choose the best option for you.

This brochure describes the complaint investigation process.

What is a formal complaint and who may file one?

A formal complaint is a charge that special education laws or regulations are not being followed by a school district or local public agency. Unlike a due process complaint, any individual or organization may file a state complaint.

What steps should you take before filing a complaint?

1. Talk with the school building personnel

involved and let them know that you are seriously concerned. Reasonable efforts should be made to resolve the problem at the school district or public agency level.

2. Make an appointment to see your local director of special education and/or your superintendent of schools.
3. Contact a parent support group or an advocacy organization to discuss your concerns.
4. Call the ND Department of Public Instruction (NDDPI) for assistance

What must be included in a formal complaint?

- It must be written.
- It must include a statement that a named school or local public agency has violated a requirement of Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004).
- It must describe what the school did or did not do that resulted in the alleged violation;
- It must give the facts on which the complaint is based.
- It must allege a violation that occurred not more than one year prior to the date that the complaint is received by the ND Dept of Public Instruction.
- It must be signed by the person making the complaint and give contact information for this person.
- If alleging violations regarding a specific child, the complaint must include:
 - The name and address of the child;
 - The name of the school the child is attending;
 - For a homeless child or youth, contact information for the child and the name of the school the child is attending;

- A description of the problem, including facts relating to the problem; and,
 - A proposed resolution of the problem.
- The person making the complaint must send a copy of the complaint to the school at the same time the complaint is filed with the ND Department of Public Instruction.

What else may be included in a formal complaint?

Parents may include copies of relevant documents, such as IEPs or Prior Written Notices, etc.

Where should I send my complaint?

You are encouraged to use the ND Dept of Public Instruction *Request for a Complaint Investigation* form and may receive the form by calling the numbers listed on the front of this brochure, or you may send a letter of complaint to:

Director of Special Education
ND Department of Public Instruction
600 East Boulevard Avenue, Dept. 201
Bismarck, ND 58505-0440

What happens after the complaint is received?

The ND Department of Public Instruction will review the complaint to make sure it includes the required information and will notify you that it has been received. The school is given the opportunity to draft a formal response to the allegations and propose a resolution to the issues. If you agree to the school's proposed resolution, you may withdraw your complaint. Any withdrawal of the original complaint must be in the form of a written letter to the Director

of Special Education. The complaint will otherwise be investigated and an investigation report will be completed within 60 calendar days.

How is a complaint investigated?

The ND Department of Public Instruction will:

- Notify the school district or public agency in writing that a complaint has been filed, what has been charged, and what facts have been given;
- Request information, records or documents needed for the investigation.

The ND Department of Public Instruction may:

- Request answers to written questions;
- Conduct telephone or in-person interviews with people involved, including the person filing the complaint; and/or
- Conduct an on-site fact finding investigation.

What results may I expect?

You will receive a report of the investigation.

Possible findings may be that:

- The school district or public agency is following the laws or regulations; or
- The school district or public agency is not following the laws or regulations and is required to correct the problem; or
- The problem may be resolved during the investigation and an agreement reached.

Dispute Resolution Options

Other dispute resolution options under the IDEA 2004 exist for resolving special education disputes including *Mediation* and *Due Process Hearing*.

- **Mediation** is a process intended to resolve disputes between parents and schools regarding a broad range of issues, such as communication between the parents and the school, or specific to a child's special education services. The process uses a neutral

mediator to guide the participants toward a mutually satisfactory solution in the best interests of the child. It can be a quick and positive method for resolving disputes. Mediation may occur prior to or concurrent with a request for a complaint investigation or a request for a due process hearing.

- A **Due Process Hearing** is a more formal process that may also be requested by either the parents or the school. A hearing is conducted by an impartial administrative law judge, also known as the due process hearing officer.

IEP Facilitation is an early assistance option available at any time when the IEP team reaches an impasse that delays the development of a student's IEP. This process uses a neutral facilitator to assist the team in the development of an appropriate IEP. The facilitated IEP is offered at no cost to you or the school district.

You may obtain more information about any of the dispute resolution options available through the ND Department of Public Instruction on the Department's website:

<http://www.dpi.state.nd.us/speced/resource/conflict/index.shtm>

The ND Department of Public Instruction believes that this brochure will be useful to you in resolving your concerns. The Department is dedicated to building positive, effective parent and professional partnerships based upon knowledge, trust and open communication.

This brochure describes the special education **state complaint** process. If you wish to discuss other options available to you in resolving your conflict, you may contact the Department at the numbers listed on the front of this brochure.

Dispute Resolution in Special Education

State Complaint Investigations



ND Department of Public Instruction
Dr. Wayne G. Sanstead
State Superintendent
600 E Boulevard Ave, Dept. 201
Bismarck, ND 58505-0440
(701) 328-2277
Toll Free 1-866-741-3519