

CHILD COMPLAINT: A Checklist of What to Expect

Complainant (Parent, Advocate, or other interested party)	School District or State Education Agency
<input type="checkbox"/> Consider mediation prior to the filing of a child complaint. The Department of Elementary and Secondary Education provides mediation, at no cost, to allow parents and school districts the opportunity to resolve disagreements involving any matter under Part B of the Individuals with Disabilities Education Act (IDEA). The mediation process is voluntary. If both parties agree to mediation they will need to mutually agree upon a mediator from a list of qualified mediators provided by the department. To request mediation, send a written request (or use the model form on the department website) to the department.	<input type="checkbox"/> Consider mediation prior to the filing of a child complaint. The Department of Elementary and Secondary Education provides mediation, at no cost, to allow parents and school districts the opportunity to resolve disagreements involving any matter under Part B of the Individuals with Disabilities Education Act (IDEA). The mediation process is voluntary. If both parties agree to mediation they will need to mutually agree upon a mediator from a list of qualified mediators provided by the department. To request mediation, send a written request (or use the model form on the department website) to the department.
<input type="checkbox"/> A written complaint is sent to the department (model form on the department website can be used for guidance). If a due process complaint is filed on the same issue(s) as the child complaint, the child complaint will not be investigated until the conclusion of the due process. <input type="checkbox"/> A copy of the written complaint is sent to the school district.	<input type="checkbox"/> District receives copy of the written complaint from the complainant. <input type="checkbox"/> Within five days of receipt of the letter, the school district must provide a copy of the Procedural Safeguards and the Parents' Bill of Rights to the complainant.
<input type="checkbox"/> Receive a letter from the department indicating receipt of complaint, listing the allegations that will be investigated, asking for documentation or information to support the allegations and notifying the participants of the opportunity for mediation. A copy of the Procedural Safeguards is enclosed with the letter to the complainant for the first complaint issued for the school year.	<input type="checkbox"/> Receive a letter from the department indicating receipt of complaint, listing the allegations that will be investigated, asking for documentation or information to support the allegations and notifying the participants of the opportunity to propose a resolution and for mediation.
<input type="checkbox"/> State and federal regulations implementing the IDEA allow for public agencies to propose a resolution to the allegations made in the child complaint. If the public agency proposes an acceptable resolution to the allegations of noncompliance, the final decision will reflect the resolution and corrective action proposed by the public agency.	<input type="checkbox"/> State and federal regulations implementing the IDEA allow for public agencies to propose a resolution to the allegations made in the child complaint. Within one week of receipt of the letter, the school district must contact the department to discuss the proposed resolution for correction of acknowledged noncompliance. If accepted, the proposal is included in the final decision. If not accepted, the investigation continues.

<input type="checkbox"/> Send supporting documentation related to allegations to department staff assigned to investigate the child complaint <input type="checkbox"/> Provide information related to allegations through interviews with department staff assigned to investigate the child complaint	<input type="checkbox"/> Send supporting documentation related to allegations to department staff assigned to investigate the child complaint <input type="checkbox"/> Provide information related to allegations through interviews with department staff assigned to investigate the child complaint
<input type="checkbox"/> Consider mediation during the investigation of the child complaint. The timeline for the investigation is extended for 30 days from the date the Department notifies the agreed upon mediator when both parties agree to mediation and an extension of the timeline. If mediation is successful, the complainant must withdraw the child complaint in writing, otherwise the department will proceed with the investigation of the child complaint.	<input type="checkbox"/> Consider mediation during the investigation of the child complaint. The timeline for the investigation is extended for 30 days from the date the department notifies the agreed upon mediator when both parties agree to mediation and an extension of the timeline. If mediation is successful, the complainant must withdraw the child complaint in writing, otherwise the department will proceed with the investigation of the child complaint.
<input type="checkbox"/> Receive a letter from the assistant commissioner within 60 days of the department's receipt of the original written complaint letter detailing the finding of facts, a determination as to whether a violation of IDEA has occurred, and a finding of whether the school district is found "not out of compliance" or "out of compliance" for each allegation. The assistant commissioner may extend the 60 day timeline due to extenuating circumstances.	<input type="checkbox"/> Receive a letter from the assistant commissioner within 60 days of the department's receipt of the original written complaint letter detailing the finding of facts, a determination as to whether a violation of IDEA has occurred, and a finding of whether the school district is found "not out of compliance" or "out of compliance" for each allegation. The assistant commissioner may extend the 60 day timeline due to extenuating circumstances.
<input type="checkbox"/> If the district is found "out of compliance," review the corrective action plan to determine if complainant participation is required <input type="checkbox"/> If the district is found "not out of compliance," this ends the child complaint process. There are no appeals to the child complaint findings. However, if a parent believes their child has been denied FAPE, or that there is an unresolved issue concerning identification, evaluation, or educational placement of the child, the parents can file a due process complaint and proceed to an evidentiary hearing. At the hearing, the parent has the burden to prove the allegations.	<input type="checkbox"/> If found "out of compliance" – the district must complete the corrective action plan required by the department and submit documentation to department staff within 45 days of the decision. <input type="checkbox"/> If found "not out of compliance" – no response is required