

What is an IDEA complaint?

The Oklahoma State Department of Education (OSDE), Special Education Services (SES), and local educational agencies (LEA) have procedures for filing and resolving specific written complaints regarding alleged violations of the requirements under Part B of the IDEA.

How is a complaint filed?

An organization or individual may file a signed written complaint with the LEA or the OSDE using the OSDE, SES complaint forms or in letter form.

Complaints/concerns made in person or over the telephone to OSDE, SES are not considered formal or written complaints.

A copy of the written complaint filed with OSDE, SES will be provided to the LEA.

Note: If the complaint is filed with the LEA, the complainant may have the OSDE, SES review the LEA decision.

What must the complaint include?

The complaint must be written and include a statement that the LEA has violated a requirement under IDEA, Part B; the facts on which the statement is based; and the signature of the person(s) filing the complaint.

Desired remedies are not required; however, they may be helpful.

Note: The complaint must allege a violation occurred not more than one year prior to the date the complaint is received by the LEA or OSDE, SES.

Can additional information be submitted for consideration in the complaint?

Additional information may be submitted orally or in writing about the allegation in the complaint.

All relevant information will be considered to assist in determining if there is a violation of a requirement of IDEA, Part B.

What are the complaint timelines?

A written letter of findings will be issued within 60 calendar days of the receipt of a complaint, unless exceptional circumstances exist which require lengthier involvement.

What will the complaint findings address?

The letter of findings will address each allegation and reasons for the final decision.

Can complaints be resolved through mediation?

Mediation is another approach utilized to resolve issues under IDEA. In many instances, this option can facilitate early resolution of the complaint. A brochure is available to explain this process and information regarding how mediation can be arranged. Contact the OSDE, SES at (405) 521-3351 for additional information.

Formal or Written Complaint Procedures For The Individuals With Disabilities Education Act (IDEA) Part B



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Instruction

**Oklahoma State
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What about complaints filed under the due process hearing system?

If a written complaint and a due process are filed at the same time, any part of the written complaint, which is also the subject of the due process hearing or has previously been decided in a due process hearing, will not be addressed through the complaint procedure. The due process hearing decision shall take precedence.

Where can I get information?

You may contact the OSDE, SES at (405) 521-3351 or talk to the person in charge of special education at your local school district.



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Civil rights compliance inquiries related to the OSDE may be directed to the Affirmative Action Officer, Room 111, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599, telephone number (405) 522-4930; or, the United States Department of Education's Assistant Secretary for Civil Rights. Inquiries or concerns regarding compliance with Title IX by local school districts should be presented to the local school district Title IX coordinator.

REPRINT

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