



Child Complaint Timelines

Timeline	Event Title:	Event Description:
<p>Note: A Child Complaint must allege a violation that occurred not more than one year prior to the date the complaint was received by the Department of Elementary and Secondary Education (Department).</p>		
Prior to Filing	Consider Mediation	<p>Mediation is provided at no cost. Mediation is an opportunity to allow both parties to resolve the issue prior to filing a complaint. A parent, advocate or other interested party may request mediation in writing to the Department. Mediation is voluntary so if both parties do not agree to participate it will not occur.</p>
Day 1	Child Complaint is Filed	<p>An individual, parent or organization may file a signed written complaint. The complaint must include:</p> <ul style="list-style-type: none"> • A statement that the school district has violated a requirement of IDEA; and • The facts on which the statement is based (state facts describing an alleged violation of state and/or federal regulations implementing IDEA); and • The signature and contact information for the person filing the complaint including an email address (if available); and • If alleging violations with respect to a specific child, the name and address of the child and the name of the school that the child is attending. If the child is homeless, any available contact information for the child; and • A description of the nature of the problem, including the facts relating to the problem; and • A proposed solution of the problem to the extent known and available to the party at the time the complaint is filed. <p>The party filing the complaint must forward a copy of the complaint to the Local Education Agency (LEA) / district serving the child at the same time the complaint is filed with the Department.</p> <p>If a description of the nature of the problem, including the facts relating to the problem is not included at the time the complaint is filed, the Department may dismiss the complaint and allow the individual or organization filing the complaint the opportunity to re-file with the required information included.</p>
Upon Receipt	Child Complaint Processed	<p>Upon receipt, the complaint will be reviewed by the appropriate complaint coordinator and staff assigned to investigate it. The complaint shall be entered into the complaint tracking system.</p> <p>Staff will review the complaint to determine the parameters of the investigation. This would include determining whether the information may be obtained through the use of a data request and phone interviews or will require an on-site review.</p> <p>Within approximately 10 calendar days of receiving the complaint, the Department will send written acknowledgement to the person filing the complaint that will include a statement of the elements of the complaint, a description of the investigation process and an invitation to provide any additional information either orally or in writing about the allegations in the complaint.</p>



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Day 2 - 59	Investigation of the Complaint	<p>The investigator collects documentation from the parent, individual or organization who filed the complaint as well as from the district. Telephone interviews are conducted of the people identified as having information about the issues raised in the allegation(s). The same person may need to be contacted more than once as the investigation progresses. Often times someone will be called and asked to respond to statements made by others. The supervisor may request certain documents to verify or deny statements made by people interviewed. On-site visits will be conducted if needed. During the investigation process, either side can see what the other party has provided for documentation.</p> <p>After the investigator has reviewed the documents and finished the interviews the findings of fact are drafted. The report always begins with the allegation and then describes the findings from both parties including documents and interviews. The decision portion sets forth law and then applies the law to the facts.</p>
Day 60	Decision Made	<p>Complaints are to be processed within 60 calendar days of their receipt unless an extension has been granted. Extensions are only granted when extenuating circumstances exist, such as the amount of documentation, makes a thorough review difficult in 60 calendar days or crucial witnesses are not available to be interviewed.</p> <p>A determination will be made whether or not there has been a violation of IDEA and the Commissioner of Education will send a letter with the final report that informs the parties whether a school district is found not out of compliance or out of compliance for each allegation contained in the child complaint.</p>
TBD	Out of Compliance	<p>Districts found out of compliance must take actions to remedy violations. Sometimes districts have discovered and remedied a problem before the Office of Special Education investigates the matter. In that case, the Commissioner recognizes that the correction has already been made and no further action is required.</p> <p>If the district is out of compliance, they will be ordered to take corrective action. The corrective action is based on the identified noncompliance and what is required to correct the noncompliance. In some situations, the corrective action may consist of a statement of assurances that the error will not be repeated or that school staff be required to participate in specific technical assistance activities. If the violation resulted in a denial of FAPE, the district will be ordered to consider and provide, if appropriate, compensatory services.</p>
<p>Note: There is no appeal from a child complaint investigation. Parents or school districts who are dissatisfied with the decision may be able to file a due process complaint.</p> <p>There is no limit on the number of child complaints a party may file. If a party has a pending due process complaint and files a child complaint, the Office of Special Education will draft the issue. If the child complaint alleges issues that are also part of the due process complaint those issues will not be investigated as they will be resolved as part of the due process. (See the Child Complaint Checklist)</p>		