

**State Lead Agency Internal Procedures Checklist**  
Tracking, Investigating, and Processing Administrative (Citizens) Complaints

Complaint Log #: \_\_\_\_\_

When a formal written complaint is received from any organization or individual with an allegation that an early intervention public agency or private service provider has violated Part C requirements, the state lead agency staff will implement and document completion of the following activities, procedures, and timelines:

**The sixty (60) calendar day timeline**

Begins \_\_\_\_\_ Ends \_\_\_\_\_

**Day 1 - Date Written Complaint Received (The sixty (60) calendar day timeline begins)\_\_\_\_\_.**

*Program Specialist to complete:*

(Name) \_\_\_\_\_

Procedure	Date Completed	Comments
1. Stamp date the written complaint with the date received		
2. Log complaint in the <i>Complaint, Mediation, and Hearing Log</i> with the appropriate information and assign the complaint a case number		
3. <b><i>Develop and maintain</i></b> a complaint case file to contain the following records:		
a. <i>Individual Case Complaint Investigation Log</i>		
b. Original copy of the written complaint		
c. Additional information/documents submitted by the complainant (orally or in writing)		
d. Written correspondence sent to and received from complainant and agency/individual against which the complaint is filed		
e. Copy and distribute written complaint to Program Director		
4. Program Administrator to assign staff ( Program Consultant) to the investigation		

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**Day 5 - Date Written Complaint to be Reviewed & Alleged Violation Evaluated** \_\_\_\_\_

*Program Consultant Assigned to the Investigation to complete:*

(Name) \_\_\_\_\_

Procedure	Date Completed	Comments
1. Review the written complaint and ensure required information is provided and includes:		
a. A statement that the State Lead Agency (SLA), Local Lead Agency (LLA), or service provider agency has violated one or more IDEA, Part C requirement		
b. The facts on which the complaint is based including when the alleged violation(s) occurred		
c. The signature and contact information for the complainant		
2. Determine if a violation may have occurred. The State Lead Agency staff may need to contact the complainant to request additional clarification regarding the written complaint in order to establish the following:		
a. Meets the time period requirement:		
(1) did not occur more than one year prior to when the complaint was received		
(2) or a longer period is applicable because-		
i. the alleged violation continues for the child or other children		
ii. the complainant is requesting reimbursement or corrective action for a violation that occurred not more than three years before the date on which the complaint is received		
b. Establish the alleged violations(s) pertains to a specific Part C IDEA requirement		
c. Establish the alleged violations(s) are or are not subject to a current due process (all or in part)		
(1) Ensure when alleged violation(s) is/are		

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subject to a due process hearing, those alleged violation(s) must be set aside until the conclusion of the hearing		
(2) Ensure when alleged violation(s) is/are not subject to a due process hearing are resolved within the 60 calendar day timeline		
(3) Ensure when alleged violation(s) was/were previously resolved in a due process hearing involving the same parties, the hearing decision is upheld and informs the complainant the hearing decision continues to be binding		
(4) Ensure that a public agency or private service provider implemented a due process hearing decision		
3. Determine a violation has not occurred (Due to not meeting Day 5, 1 and 2 criteria)		
a. the complainant is notified of the determination		
b. the Local Lead Agency/early intervention service provider is notified of the determination		
c. the State Lead Agency closes the complaint case		

**Day 7 - SLA to Send Letter to All Parties Addressing Complaint Status by:** \_\_\_\_\_

Procedure	Date Completed	Comments
1. Within two (2) working days of reviewing the complaint, state staff assigned to investigate the complaint provides written notification verifying the following		
a. IDEA, Part C violation determined to occur		
b. IDEA, Part C violation determined not to occur, provide written communication to all parties explaining, close case		
2. IDEA, Part C violation determined to occur, the SLA		

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staff will: a. Provide written communication to complainant that confirms date complaint was received and include complaint procedures, Parents Rights and Procedural Safeguards, Mediation information, etc		
b. Received LLA/service provider response letter on		
c. Review all information from the complainant and the party against which the complaint was filed		
d. Review the LLA response and other available information		
e. If complainant requests mediation to resolve the complaint, mediation procedures are initiated		
f. Determine if an onsite investigation is needed and carry out the investigation		

**Day 40 - SLA Staff Review Relevant Information and Make an Independent Decision by:** \_\_\_\_\_

Procedure	Date Completed	Comments
1. Review all relevant information and make an independent determination as to whether the agency/individual(s) is violating an IDEA, Part C requirement		
2. Write initial decision that addresses: (a) each allegation in the complaint, (b) the findings of fact, (c) conclusions, and (d) the reasons for the final decision for internal department review		
3. As appropriate, SLA staff obtains review of the written decision by legal counsel		

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**Day 60 - SLA Sends Final Decision to All Parties by:** \_\_\_\_\_

Procedure	Date Completed	Comments
1. Send the final decision to the complainant and agency/individual against which the complaint was filed within sixty (60) calendar days of receipt of the complaint – unless exceptional circumstances arise (describe)		
2. When the investigation and resulting decision finds a violation(s) occurred or are continuing to occur, the decision shall include		
a. procedures for effective implementation of the final decision		
b. the provision of technical assistance		
c. negotiations		
d. Corrective Action Plan (CAP)		
3. When the investigation and resulting decision finds a failure to provide appropriate services occurred, the SLA must determine the actions that need to be taken to remediate the denial of these services and may include:		
a. monetary reimbursement		
b. other corrective action appropriate to the needs of the child and the child's family may be required (e.g., compensatory services)		
c. future provision of services for all eligible infants and toddlers must be provided appropriately		

***Ongoing: State staff follow-up as needed to ensure implementation of the decision and corrective action plan and follow-up activities are documented in the file and in the CAP Tracking Log***