

Use Written State Complaints to Investigate Special Education Issues

WHAT IS A WRITTEN STATE COMPLAINT

A written state complaint, sometimes referred to as a “60 day complaint,” is a written document stating that the school has violated a requirement of Part B of IDEA, *Individuals with Disabilities Education Act of 2004*. Written complaints can address matters related to the identification, evaluation, placement, or provision of a free appropriate public education (FAPE) for a child, or a group of children. This process is one of three main formal dispute resolution options available, which also includes Mediation and Due Process Hearing Requests. After a written and signed complaint is sent to the state department, an investigation is initiated into the allegations made. When the investigation is complete, the state department issues a written decision with its findings and conclusions, and if appropriate, will also include corrective actions the school must take to address the needs of the child.

HOW TO INITIATE A COMPLAINT

Complaints may concern only your child, or a group of students. Any person or organization, may file a complaint, including one from another state. The complaint must be made within one year of the violation issue, be in writing, signed, and contain specific information. You may write your own letter which includes all the information, or use a form letter provided on the state department’s website. The written complaint letter must include

a statement that the school has not followed a requirement of the special education law (IDEA), a list of the violations, facts to support the violation, and proposed resolutions to the issues in question. Complaints must list contact information for the person or organization filing the complaint. If the complaint involves a specific child, then include the child’s name and address, name of the school, description of the problem, and proposed resolutions. Forward the written complaint letter to the state department’s special education department, send a copy to the school, and keep a copy for your records.

WHAT HAPPENS DURING INVESTIGATION

When the state department receives the Written Complaint, it is assigned to a special education contact. If the letter contains the required federal components, the 60-day timeline for the complaint begins. A letter is sent to the school district superintendent and special education coordinator along with a copy of your complaint, and they have 15 days to respond by submitting a written resolution statement or statement of position that addresses your complaint. You will be given a chance to submit additional information that relates to your complaint, within 15 days of the school’s response. An on-site investigation team may schedule a visit to the school for clarification or additional information. Mediation may be requested by either party during this process, and if both parties agree, the complaint timeline may be extended if approved by the state special



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education coordinator. A written decision is made no later than 60-calendar days after the written state complaint was received by the state department, unless the timeline was extended.

HOW IS A DECISION MADE

After reviewing all relevant information related to each claim in the complaint and concluding its investigation, the state department makes a decision within 60-days as to whether the school violated the child's rights. The state will provide a closing letter and Investigation Report which provides a summary of the issues, responses, findings, conclusion, and if required, corrective actions the school must take to address the needs of the child or group of children involved in the complaint. Corrective actions could include compensatory services or monetary reimbursement. The letter is addressed to the person filing the complaint, the school district superintendent, and the special education coordinator. Corrective actions are monitored by the state department and expected to be completed. If you disagree with the decision rendered, there is no appeal process.

NEED MORE INFORMATION?

For more information about filing a Written State Complaint, or other dispute resolution options, check out these websites:

Alabama State Department Education, Special Education Services www.alsde.edu/sec/ses

Center for Appropriate Dispute Resolution in Special Education www.cadreworks.org

U.S Department of Education, IDEA <https://sites.ed.gov/idea>

APEC IS HERE TO HELP

APEC's AL PTI provides free training, information, and consultation to families schools, and communities. Visit our training calendar for more information about learning opportunities at www.alabamaparentcenter.com or call our center for personal help and consultation. The contents of this publication were developed in part under a grant from the US Department of Education, #H328M150012. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government. Project Officer, David Emenheiser. Special Education V.11

YOUR OPINION IS IMPORTANT

Your opinion matters. Please take a few moments to tell us what you think by completing a short survey about this sheet or other services of the AL-PTI. <https://www.surveymonkey.com/r/ALPTI>



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