



# REQUEST FOR STATE SPECIAL EDUCATION COMPLAINT

## **STATE COMPLAINT INVESTIGATION**

The procedures for filing a special education complaint are established in the Code of Federal Regulations at 34 CFR 300.151-34 CFR 300.153 and the Illinois Administrative Code at 23 IAC 226.570.

The Federal regulations can be accessed at

[https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr300\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr300_main_02.tpl)

The State regulations can be accessed at <https://www.isbe.net/Documents/226ark.pdf>

## **REQUEST FORM**

Per Federal regulations at 34 CFR 300.509, this form has been developed to assist parents and other parties in filing a State special education complaint. The use of this form is recommended, but not required. However, all information requested in this form must be provided before an investigation can proceed. If any required information is missing, processing the complaint may be delayed.

## **TYPES OF COMPLAINT**

A State special education complaint can be filed on behalf of a specific child, or on behalf of a group of children. A complaint on behalf of a group of children is referred to as a systemic complaint.

## **COPY OF COMPLAINT TO SCHOOL DISTRICT**

In accordance with 34 CFR 300.153(d), the party filing a complaint is required to forward a copy of the complaint to the school district that is serving the child at the same time the party files the complaint with this agency.

## **SUPPORTING DOCUMENTATION**

If available, please provide copies of any supporting documentation relevant to the allegations in this request that may be helpful, such as a copy of the current Individualized Education Program (IEP), correspondence related to the issues in the complaint (i.e., emails, letters), etc.

## **CONSENT**

Complaints regarding a specific child lodged by an individual other than the parent/guardian must be accompanied by a letter of consent from the parent/guardian for the Illinois State Board of Education (ISBE) to share information with the complainant regarding the results of the complaint investigation. Likewise, if an individual files a complaint on behalf of a student who has reached the age of majority (18 years of age or older), the complaint must be accompanied by a letter of consent from the student in order for ISBE to share information with the complainant regarding the results of the investigation. A permission form is available at <https://www.isbe.net/Documents/34-26-share-complaint-info.pdf>

## **EARLY RESOLUTION**

A complaint investigation takes up to 60 days and, as such, parents and school districts are encouraged to engage in early resolution. Early resolution is an informal means for districts and parents to resolve complaints at the local level. As part of the complaint procedures, the school district has the opportunity to provide a resolution to the issues in the complaint. Additionally, the parent(s) and school district may engage in State-sponsored IEP facilitation or mediation to resolve the areas of concern.

**IEP Facilitation**—<https://www.isbe.net/Pages/IEP-Facilitation-System.aspx>

State-sponsored IEP facilitation is a free service offered to districts and parents of students with disabilities. The IEP facilitation process is intended to promote effective communication and prevent conflicts. Both parties will need to agree that it would be valuable to have a neutral facilitator present at the IEP meeting to assist with the development of the IEP before a facilitator will be assigned to the case.


**Mediation**—<https://www.isbe.net/Pages/Special-Education-State-Sponsored-Mediation.aspx>

Illinois' mediation service is administered and supervised by the Illinois State Board of Education and is provided at no cost to the parties. Mediation is:

1. Designed as a means of resolving disagreements regarding special education services, placement and related services to children enrolled in Illinois public schools; and
2. Provided when both parties in a dispute voluntarily agree to participate in the mediation process.

Should the parties wish to participate in a State-sponsored IEP facilitation or mediation, please visit the relevant website to access the appropriate request form and to obtain additional information regarding these dispute resolution options.

### **COMPLAINT INVESTIGATION TIMELINES**

- Alleged Violations—Federal regulations require that only alleged violations occurring **not more than one year** prior to the date on which the complaint is received be investigated. Any issues prior to that date will not become a part of the investigative process.
- Any student enrolled in **Chicago Public School (CPS) District #299**, and to whom appropriate special education or related services may have been delayed or denied in the **2016-2017** or **2017-2018** school year as a result of the adoption of policies and procedures identified by the State Board of Education as unlawful, may file a complaint on or before **September 30, 2022**. The issues subject to these complaints would apply to the following concerns as described in the [Final Report of Public Inquiry](#) :
  - Transportation
  - Paraprofessional Services
  - Specific Learning Disability (SLD) Eligibility
  - Therapeutic Day Placements
  - Extended School Year (ESY) Services
- Investigation—Federal regulations require that complaints be investigated, and findings identified within 60 days, unless exceptional circumstances require an extension of time to properly investigate and resolve the complaint. Such extensions are determined on an individual basis by the complaint investigator.
- Extensions—An extension must be granted if the parties involved agree to extend the 60-day investigation timeline in order to participate in State-sponsored mediation to resolve the issues identified in the complaint.

### **COMPLAINT INVESTIGATION PROCESS**

Upon receiving a written, signed complaint alleging a violation of special education requirements that includes the facts on which the complaint is based, ISBE will conduct an investigation and provide a written report of findings to the school district and to the person or agency making the complaint. If one or more violations are found, the report will contain corrective actions and timelines to be followed by the school district. There is no formal appeal of the written complaint decision.

### **PROPOSED RESOLUTION**

The written complaint must include a proposed resolution to the problem identified in the complaint. The proposed resolution will be considered if any corrective actions are required of the school district. However, the final decision on corrective actions will be determined by ISBE.

### **CORRECTIVE ACTIONS**

The complaint process is designed to identify and correct procedural noncompliance of special education regulations. It is not punitive and will not result in disciplinary action to individual staff members.

### **JURISDICTION**

This department is only authorized to investigate allegations regarding special education. The Special Education Department **does not** have the authority to investigate complaints that are not specifically related to State and/or Federal special education rules and regulations, such as:

- Abuse/Neglect—If you suspect a child has been harmed or is at risk of being harmed by abuse or neglect, call the 24-hour Child Abuse Hotline at 800-25-ABUSE (800/252-2873).
- Section 504/Discrimination, Harassment, and/or Retaliation—Such issues must be addressed through the U. S. Department of Education’s Office for Civil Rights (OCR) at 312/730-1560.
- Local matters (i.e., conduct of staff, teaching/instructional methodology, general education regulations, bullying, etc.)—These concerns must be addressed with local school district administrators and/or the local board of education, or the Regional Office of Education (ROE). A directory of ROEs is available at <https://www.isbe.net/roe>.
- Content or accuracy of education records—Per the Illinois Administrative Code at 23 IAC 375.90, parents have the right to a hearing to challenge any entry in the school student records (except for academic grades). A request must be submitted in writing to the school.
- Enforcement of a mediation agreement—Per the Federal regulation at 34 CFR 300.506(b)(7), a written signed mediation agreement is enforceable in State court or U.S. district court.
- Enforcement of a due process hearing decision—Contact the due process hearing coordinator of ISBE at 217/782-5589 or 866/262-6663 regarding the enforcement of a hearing decision.

## **HELPFUL TIPS**

- Before filing a complaint, please read the information on the previous pages carefully.
- Complete all sections of the form on pages 4 and 5. Failure to provide all information requested on this form may delay the initiation of an investigation.
- Be specific. You do not have to know specifically what law was violated, but you must explain what you believe the school has done wrong and describe what happened to lead you to believe the school has violated the law. For example:
  - The school is not following my child's IEP. The IEP says that he will be seated in the front of the classroom, but when I visited his class, he was seated in the back of the classroom.
  - On October 23, my child was not allowed extra time on her science test.
- Provide relevant documentation to support your allegations.

## **RESOURCES**

- Effective Dispute Resolution:  
<https://www.isbe.net/Pages/Special-Education-Effective-Dispute-Resolution.aspx>
- Parent Guide—Educational Rights and Responsibilities: Understanding Special Education in Illinois:  
<https://www.isbe.net/Documents/Parent-Guide-Special-Ed-Aug20.pdf>
- The Center for Appropriate Dispute Resolution in Special Education (CADRE):  
<https://www.cadeworks.org/>

## **COMPLAINT CHECKLIST**

- You have provided your name, address, and contact information.
- You have provided the student's name, contact information, and name of the school district and school the student attends.
- You have provided detailed information regarding when, where, and how the alleged violation(s) took place.
- You have provided a proposed solution to the problem.
- You have signed the complaint.
- You have sent pages 4 and 5 of your complaint to ensure that ISBE receives the complaint no later than ONE YEAR from the occurrence of the alleged violation, unless you are filing a complaint against CPS #299 (see Complaint Investigation Timelines on p. 2 for more information).
- You have provided a copy of your complaint to the public agency against which you are filing the complaint.

# Request for State Special Education Complaint

## ILLINOIS STATE BOARD OF EDUCATION—SPECIAL EDUCATION DEPARTMENT

This form may be utilized when an individual or organization believes that a school district has violated the requirements for special education under the Individuals with Disabilities Education Act (IDEA) or its implementing regulations (34 CFR), Article 14 of the Illinois School Code, and/or Title 23 of the Illinois Administrative Code (Part 226). Use of this form is optional, but all information is required in order to process the complaint.

For more information about the special education complaint investigation process or for assistance in completing this form, please contact the Special Education Department at 217/782-5589. Additional information regarding the special education complaint investigation process is also available at:

<https://www.isbe.net/Pages/Special-Education-Complaint-Investigation-Process.aspx>

**The Illinois State Board of Education, Special Education Department is only authorized to investigate allegations regarding special education.**

### COMPLAINANT INFORMATION:

Name/Organization\*:

Address\*:

City:

State:

Zip Code:

Best Daytime Phone Number\*:

Home  Work  Cell

Email address:

Check here to receive correspondence via email.

Relationship to Student:  Parent/Guardian  Advocate  Attorney  Other:

Primary Language/Mode of Communication:

### STUDENT INFORMATION [Required if alleging violations with respect to a specific child]:

Name\*:

Address\*:

City:

State:

Zip Code:

Birthdate:

Race/Ethnicity:

Disability:

SIS ID:

Grade:

Gender:

Does the student have an IEP?  Yes  No

In the case of a homeless child or youth, please provide available information for the child and the name of the school the child is attending.

### DISTRICT INFORMATION:

Is the child currently enrolled in school?  Yes  No

Name of District/School the child currently attends:

[Required if alleging violations with respect to a specific child]

Name of District/School in which alleged violation(s) occurred:

**COMPLAINT INFORMATION:**

Date(s) of Alleged Violation(s)\* [Not more than one year prior to the date the complaint is received by ISBE, unless this is a complaint against CPS #299 (see Complaint Investigation Timeline on p.2).]

Description of Alleged Violation(s) and Supporting Facts\* [e.g., relevant dates, sequence of events, names/titles of individuals involved, facts specific to the nature of the problem, information regarding how the district failed to meet special education requirements] (Attach additional pages if necessary.)

Description of Proposed Resolution [e.g., convene an IEP team meeting, training for staff, provide compensatory education services, etc.] (Attach additional pages if necessary)

Please identify the individuals you have contacted to resolve the concerns identified in this complaint.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Description and Outcome of Attempts Made to Resolve the Issues(s) Prior to Filing Complaint:

Has mediation, IEP facilitation, or due process been requested related to the issue(s) in this complaint?

Yes  No

Are you interested in participating in state-sponsored mediation or IEP facilitation in an effort to resolve the issue(s) in this complaint? (See Early Resolution on pages 1-2 of this document for more information regarding these dispute resolution processes.)

Yes  No

**The party filing the complaint must forward a copy of the complaint to the school district or public agency serving the child at the same time the party files the complaint with ISBE.\***

Complainant Signature\*: \_\_\_\_\_

Date: \_\_\_\_\_

\*Information is required in order for an investigation to be initiated.

The completed form and copies of any relevant documents may be mailed, faxed, or emailed to:

Illinois State Board of Education  
Special Education Department  
Attn: Complaint Coordinator  
100 North First Street  
Springfield, IL 62777-0001  
217/782-0372 (fax)  
statecomplaints@isbe.net