

**ILLINOIS STATE BOARD OF EDUCATION**  
**Special Education Support and Services Division**

**SPECIAL EDUCATION COMPLAINT PROCEDURES**

**November 2011**

100 North First Street  
Springfield, IL 62777

Contact Information:

(217)782-5589 (Division)

(866)262-6663 (Parent Toll-Free)

(217)782-0372 (Facsimile)

<http://www.isbe.net/spec-ed/Default.htm>

## GENERAL INFORMATION

Under current federal and state regulations, a parent, individual, organization, or advocate may file a signed, written complaint with the Illinois State Board of Education alleging that a local public school district, cooperative service unit or the state has violated the rights of one or more children with disabilities. The Illinois State Board of Education, Special Education Support and Services Division, is responsible for investigating allegations presented by complainants in accordance with these procedures, identifying any findings of noncompliance and verifying the full completion of any corrective action requirements. Such responsibilities may include direct communications with the parties to the complaint (i.e., telephone contact, formal correspondences), the collection/review of relevant documents and materials, the provision of technical assistance and the application of additional enforcement actions, if necessary.

Applicable regulatory citations include 34 Code of Federal Regulations 300.151 through 300.153 (federal) and 23 Illinois Administrative Code 226.570 (state).

## REQUEST FOR STATE SPECIAL EDUCATION COMPLAINT

A parent, individual, organization, or advocate may file a signed, written complaint which alleges that the public school district has not complied with special education regulations or that the educational rights afforded to a student with a disability or a parent of such a student have been violated. In order to initiate a formal complaint investigation, the complainant may utilize the *Request for State Complaint Investigation* form developed by this agency. This form is available on the division webpage at [http://www.isbe.net/spec-ed/html/complaint\\_investigation.htm](http://www.isbe.net/spec-ed/html/complaint_investigation.htm). The use of this form is recommended, but not required. In the event that the identified form is not utilized, the complainant must submit a written, signed letter to this agency, including the following components:

- The signature and contact information for the person filing the complaint.
- The name and address of residence of the child.
- The child's birthdate, gender and ethnicity.
- District/school information.

- In the case of a homeless child or youth, the available contact information for the child and the name of the school the child is attending.
- A statement detailing the alleged violation(s) and the facts on which the statement is based. The alleged violations must have occurred within one calendar year prior to the date the complaint is received.
- A proposed resolution for the identified issue(s).
- A description of the attempts made to resolve the issue(s) prior to the filing of the complaint. (Optional)

The completed *Request for State Complaint Investigation* form or the written, signed letter of complaint must be submitted to this agency at the following address, **as well as** to the student's local school district.

Illinois State Board of Education  
 Special Education Support and Services Division  
 100 North First Street  
 Springfield, IL 62777-0001

Complaints regarding a specific student lodged by an individual other than the parent/guardian will be investigated pursuant to all applicable requirements; however, any such complaint must be accompanied by a letter of permission from the parent/guardian in order for this agency to share information with the complainant regarding the results of the investigation. Likewise, if an individual files a complaint on behalf of a student who is eighteen (18) years of age or older, it must be accompanied by a letter of permission from the student in order for this agency to share information with the complainant regarding the results of the investigation.

Correspondence that will not be investigated through the formal special education complaint process includes the following:

- Allegations that the complainant refuses to put in writing or sign, despite offers of assistance in preparing the complaint.
- Allegations of violations that occurred more than one calendar year prior to the receipt of the formal complaint.
- Inquiries that may seek advice and/or clarification regarding parental rights, but clearly do not request the initiation of any formal action.
- Anonymous correspondence.
- Courtesy copies of correspondence directed to another entity.
- Allegations that are not violations of the special education regulations (i.e., personnel concerns, Section 504 issues, harassment, etc.).

In the event that the identified allegations will not be investigated through a formal special education complaint, a letter of explanation will be issued to the complainant.

### **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 have the opportunity to engage in mediation, including State-sponsored mediation, in an effort to resolve the areas of concern. Further information regarding the state-sponsored mediation system may be reviewed via the division webpage at <http://www.isbe.net/spec-ed/html/mediation.htm>. Interested parties may also contact the mediation coordinator at this agency at 217/782-5589 or 866/262-6663 (parent toll-free).

### **RESPONSE FROM SPECIAL EDUCATION SUPPORT AND SERVICES DIVISION**

With the receipt of either the completed *Request for State Complaint Investigation* form or the written, signed letter of complaint, the Special Education Support and Services Division will document the complaint as received within the Special Education Data System (SEDS) and assign the case to an individual investigator.

Upon assignment, the investigator will initiate contact via telephone or e-mail with the complainant in order to clarify the identified allegations and the overall complaint process. The investigator will also contact the state-approved director of special education and/or a representative of the local school district regarding the receipt of the complaint.

### **GENERAL COMPLAINT TIMELINES**

Within sixty (60) calendar days of the receipt of a formal complaint, the Special Education Support and Services Division will conduct a full investigation relative to the

identified allegations and issue a written decision which details the investigative process, any findings of compliance or noncompliance and relevant corrective action requirements, if appropriate.

An extension of time to complete the investigation may be allowed if exceptional circumstances exist or if the parent and school district agree to extend the timeline in order to engage in state-sponsored mediation or another alternate means of dispute resolution.

## **INVESTIGATIVE PROCESS**

The assigned investigator will issue an initial formal correspondence to the state-approved director of special education and the superintendent of the district, with a carbon copy to the complainant, which summarizes the complainant's allegations, identifies relevant federal and state regulations and requests the submission of specific documentation and information relative to the allegations. The complainant may also submit any additional information, either orally or in writing, in support of the identified allegations.

The investigator will utilize the documents and materials submitted by the involved parties to conduct a full investigation of the identified allegations in relation to the applicable regulatory requirements. Follow-up communications may occur with the complainant or the district in order to provide further clarification or seek additional information. During the course of the investigation, the investigator may conduct an on-site visit to the district and/or educational program, if determined necessary.

If information reviewed during the course of the investigation identifies a possible additional area of noncompliance not alleged by the complainant, the assigned complaint investigator will contact the district/cooperative to request additional information/documentation to support or refute the suspected area(s) of concern. Additionally, if needed, the assigned complaint investigator will contact the complainant for further clarification of the issue(s). If, after reviewing the additional information, ISBE determines that the district is not in compliance with an additional area that was not alleged in the original complaint, the issue will be addressed in the letter of findings as detailed below.

Within the required sixty-day timeline, unless a formal extension has been established, the investigator will issue a formal letter of findings to the state-approved director of

special education, the superintendent of the district and the complainant. The letter of findings includes the following components:

- The documents and materials reviewed.
- Direct communications with the involved parties.
- Any activities conducted during on-site visits, if applicable.
- The findings of fact and conclusions of the investigator relative to the compliance status of each identified issue.
- The specific corrective actions required to correct any identified areas of noncompliance.

If no violation of federal or state regulations was identified, the complaint investigation will be formally closed. In the event that findings of noncompliance are determined through the investigative process, the district will be required to conduct specific corrective actions within an identified timeline. The investigator will monitor the completion of the corrective action requirements and verify full compliance via the submission of specific documents and materials. The district will be expected to fully correct all findings of noncompliance within the specified timeline, but no later than one calendar year from the date of the letter of findings.

## **DUE PROCESS**

The use of the formal special education complaint process does not preclude an eligible party such as a parent, school district, or a student from requesting a special education due process hearing. If a due process hearing is requested and the issues in the complaint are addressed in the hearing request, under applicable regulatory requirements, all actions relative to the complaint will be set aside until the resolution of the hearing. Potential violations alleged in the complaint that are not addressed in the due process hearing will be handled through the complaint process, as described above. If an issue raised in a complaint has already been decided in a due process hearing, the decision of the due process hearing officer is binding. Further information regarding the state-level due process system may be reviewed via the division webpage at [http://www.isbe.net/spec-ed/html/due\\_process.htm](http://www.isbe.net/spec-ed/html/due_process.htm).

## **ADDITIONAL INFORMATION**

For further information regarding the formal special education complaint procedures or technical assistance relative to other special education issues, please contact the Special Education Support and Services Division at 217/782-5589 or 866/262-6663 (parent toll-free). Additional information regarding special education issues is available via the division webpage at <http://www.isbe.net/spec-ed/Default.htm>.