

New checklist aids parents in filing state special education complaint

When parents believe a school district is not following special education laws and inform the district's special education director, the issues are often resolved to the satisfaction of both the parents and the school district.

Parents who are unable to resolve issues they believe are violations, however, may consider filing a state-level complaint with the Minnesota Department of Education.

"To make the process more user-friendly for families, PACER Center has provided parents with an easy-to-follow checklist for filing a complaint," says PACER Advocate Pat Anderson.

Anderson encourages parents to first contact the school district's special education director about the issue prior to filing a complaint. "It may be an issue that can be resolved by talking with the director," Anderson says. "Sometimes a parent's issue may also be a district-wide problem that the director is not aware of and can address."

"We also encourage parents to call and talk to a PACER advocate before filing a complaint, just in case we can help

them resolve the problem at the local level," she adds.

Anyone who is aware of a violation can file a state-level special education complaint. A complaint must be made in writing and contain the following:

Basic Information

- Current date, your name, address, e-mail address (if applicable) and a phone number to reach you if the complaint investigator needs to ask for additional information
- Student's name, address (if different than yours), grade and birth date
- School district name, name of the school and the school's address

Statement of Violation

- State why you believe a state or federal law was violated and that it occurred during the last calendar year (12 months from current date).
- Keep your focus on facts, events and people involved.
- Make a list of each violation you believe the school committed.

Statement of Facts

- For each violation, list the facts to support your claim.

- Describe events with specific dates, names of individuals involved or contacted and a brief description of what happened. Include any additional facts to support your claim.

Proposed Solution

- Identify proposed solutions to your complaint.
- List solutions that would be acceptable to you in resolving the complaint.
- The Minnesota Department of Education will complete an investigation, propose solutions and consider your proposed solution.

To learn more about filing a complaint, parents can refer to the full PACER handout "Filing a Complaint with the Minnesota Department of Education," which is listed on PACER's new dispute resolution web page (www.pacer.org/disputeresolution/index.asp) under publications. The web page also provides links to specific Department of Education resources that provide additional guidance in filing a complaint. For more information about dispute resolution, call 952-838-9000 and ask to speak to an advocate, or visit PACER.org.

Examples of possible violations

A. The school district did not complete a special education evaluation within 30 school days. It took the school 50 school days to complete the evaluation. My son has now failed his math class.

B. The classroom teacher has not been providing the accommodations listed on my daughter's IEP, so she hasn't received assistive technology for written assignments.

C. For the last three months, my son's special education teacher has been on sick leave. He has not received the special education instruction written in his IEP.

Examples of possible resolutions:

A. Since the special education evaluation was not completed within the timelines required, I feel it needs to be completed immediately.

B. Because my child could not use assistive technology for written assignments, she should be allowed to redo those assignments for an accurate grade.

C. My son has not received his special education instruction in more than three months. Services need to be provided to compensate my child for the specialized instruction he has missed.