

Filing a Formal State Complaint (Request for Complaint Investigation)

Under the Individuals with Disabilities Education Act (IDEA), you have the right to file a complaint when you believe that the state or school district has violated a requirement of the IDEA.

The State Education Agency (SEA) or the Oklahoma State Department of Education, Office of Special Education Services (OSDE-SES) must resolve your complaint within 60 calendar days (not business days) from the day they receive it, unless there are exceptional circumstances with respect to the complaint.

The IDEA regulations for State Complaint Procedures may be found at 34 CFR § 300.151-153. Parents and schools are encouraged to utilize mediation to resolve special education disputes. Such participation is voluntary.

A complaint must include the following information:

1. Current date.
2. Name, address, and telephone number of the person making the complaint (or available contact information).
3. The signature of the person making the complaint.
4. If alleging violations regarding a specific student, the name and address of the student involved (or available contact information in the case of a homeless student or family).
5. The school and local educational agency (LEA) or other education agency that is the subject of the complaint.
6. One or more statements (allegations) that the LEA has violated one or more requirements of IDEA Part B.
7. The facts and/or a description of the events that support each allegation.
8. Proposed resolution of the problem or the relief sought to the extent known and available to the party at the time.
9. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.

The OSDE-SES has created a form to assist individuals in filing a complete complaint. It is located at:

<https://sde.ok.gov/sites/default/files/Request%20for%20complaint%20investigation%20form.pdf>

The use of this form is optional, however, all Complaint Investigation Requests must include all required elements. The OSDE-SES will notify you if your submission is not sufficient and/or if additional information is required.

The OSDE-SES will accept a complaint received by mail, fax, or hand delivery. You may submit your concerns that meet all of the above requirements to the OSDE-SES address listed on the complaint form or the Sample Letter provided on the next page by the Oklahoma Parents Center.

You must forward a copy of the complaint to the school district (LEA) or public agency serving the child at the same time the complaint is filed with the OSDE-SES.

It is important to note, if you write a complaint on an issue that is also part of a current due process hearing, the OSDE-SES will not investigate the issue. The due process hearing takes precedence over the State complaint process.

To get more information, you can contact the Oklahoma State Department of Education Office of Special Education Services' (OSDE-SES) by:

- calling 405-521-3351,
- visiting the OSDE's website at <https://sde.ok.gov/special-education-dispute-resolution>, or
- found in the Oklahoma Special Education Handbook Chapter 13, Section 4.



Sample - Filing a Formal State Complaint (Request for Complaint Investigation)

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Oklahoma State Department of Education

Office of Special Education Services

Attn: Dispute Resolution

2500 N Lincoln Blvd Ste. 412

Oklahoma City OK 73105

Or via Fax at 405-522-3503

Dear (name),

I am writing to file a complaint on behalf of my son/daughter, (child's name), regarding his/her education in the (name of school district). The nature of my complaint is as follows:

- Explain the problem with BRIEF statements of fact.
- Consider listing the facts that support your complaint with bullets or numbers.

For the above reasons, I believe the school district is in violation of certain requirements in the Individuals with Disabilities Education Act, specifically: (list the requirements of IDEA you feel the school system has violated. For example,

"The school system has violated the following requirements of the IDEA:

- to consider whether my child needs assistive technology services or devices, as required by Section 300.346;
- to make available to my child assistive technology services and devices, as required by Section 300.308; and
- to include in my child's IEP a statement of the special education, related services and supplementary aids and services, including assistive technology, that he/she needs as required by Section 300.347."

Enclosed are copies of relevant documents and correspondence I have sent to and received from the school district concerning this matter. These documents are (List the documents you have enclosed, giving the date sent, by whom, to whom, and the issue discussed.)

Please provide me with copies of any information you obtain in the process of investigating my complaint. If you need further information or clarification on my complaint, I can be reached at (give your phone number). Thank you.

Sincerely,

Your name

cc: school district special education director
your child's principal
your advocate/attorney