

Written State Complaint

A Procedural Safeguard Under IDEA

A **Written State Complaint** can be filed by any individual (including a parent) or any organization that believes a school has violated a requirement of IDEA. Examples of issues contained in complaints are the following:

- **identification** (the referral process prior to an evaluation),
- **evaluation** (the process to determine eligibility for IDEA and needed services),
- **FAPE** (a free appropriate public education--special education and related services),
- **placement** (the educational environment for implementing a student's IEP), and
- **failure to implement a due process hearing decision.**

The complaint must be filed **within one year** of the alleged violation having occurred.



FILING A COMPLAINT



INVESTIGATION



WRITTEN DECISION

60 days

Complainants are advised to use the [HIDOE written complaint form](#) & include:

- ✓ their contact information,
- ✓ the areas of IDEA believed to be violated,
- ✓ facts on which the complaint is based,
- ✓ proposed solutions, and
- ✓ the student's name, address and school attended.

The HIDOE **Complaints Management Program** will carry out an independent on-site investigation, if needed, and review all relevant information. The school is given an opportunity to respond and submit a proposal to resolve the complaint. Parents are offered the opportunity to engage in mediation.

A written decision is given to the complainant and the school within 60 days. It contains:

- ✓ findings of fact and conclusions,
- ✓ reasons for the decision, and
- ✓ requirements for corrective action to achieve compliance with IDEA, if violations are found.

