



Special Education Complaint (511 IAC 7-45-1)

What is a complaint?

- A complaint is a formal investigation process that starts with a written claim alleging the public agency:
 - Has not implemented federal or state special education rules; or
 - Has failed to comply with a mediation agreement, an agreement reached during a resolution meeting, or an order issued by an impartial hearing officer (IHO).
- The assigned complaint investigator will speak to the parties to learn more and identify the issues raised in the complaint, and in some instances may visit the school to obtain additional information.
- The complainant(s) and the public agency have the opportunity to submit additional information, either verbally or in writing, to the complaint investigator related to the allegations.
- The complaint investigator reviews all of the information and submitted documentation and issues a complaint investigation report based upon the complaint investigator's independent determination. The report includes findings of fact, conclusions, a reason for the decision, and may include corrective action if the public agency is found to be noncompliant with state or federal special education rules or laws.

What issues can a complaint investigation address?

- A complaint investigation may address any allegations that a public agency has violated a requirement of 511 IAC 7, Part B of the Individuals with Disabilities Education Act (IDEA) or its implementing regulations; or has failed to comply with a mediation agreement, an agreement reached during a resolution meeting, or an order issued by a hearing officer.



Who may file a complaint?

- A complaint may be filed by: the parent(s); any individual; group of individuals; agency; or organization.

Who can a complaint be filed against?

- A public agency includes the state educational agency (SEA), local education agencies (LEAs), educational service agencies (ESAs), public charter schools that are not otherwise included as LEAs or SEAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing special education or related services. 34 CFR § 300.33

What must be included in a complaint?

- The student's name and address;
- The name of the school corporation or charter school, and school the student attends;
- A statement that the public agency is not following one or more requirements of [Article 7](#) or the [Individuals with Disabilities Education Act](#) (IDEA);
- Any facts supporting the allegations;
- A proposed resolution (if the person filing the complaint has a recommendation);
- Contact information for the person filing the complaint; and
- A signature of the complainant.

How can I file a complaint?

- To file a complaint electronically, please use [I-CHAMP](#).
- A written request for a complaint can also be printed, completed with a handwritten signature and submitted to IDOE and the public agency serving the student via mail, fax, or in person. If not using the [special education complaint form](#), the written request for a complaint should include similar components to the form. Click [here](#) for a sample complaint request. To translate a page or form to another language, please review translation instructions [here](#).



Who must receive a copy of a complaint request?

- The Indiana Department of Education (IDOE); and
- The public agency serving the student.
- A copy may be submitted electronically using [I-CHAMP](#), in person, by mail, or via fax. A complaint cannot be filed with IDOE through electronic mail.

What is the deadline for filing a complaint?

- A complaint must be filed within one year of the alleged violation.

How is a complaint assigned?

A complaint is assigned to a complaint investigator on a rotating basis, unless other factors require a deviation from the norm. These factors may include a conflict of interest between the complaint investigator and the public agency or the complainant, or if a complaint investigator has unique knowledge or familiarity with the parties because the complaint investigator had a recent complaint involving the complainant and the public agency.

How may a public agency respond to a complaint?

A public agency has the discretion to take any of the following actions within ten (10) calendar days (preliminary investigation period) from the date the public agency receives the complaint:

- Respond to the complaint in writing and forward the response to the complaint investigator and the complainant;
- Resolve the complaint with a written agreement signed by the public agency and the complainant. The agreement must be forwarded to the complaint investigator and specify whether any issues remain that require investigation;
- Agree with a parent who has filed a complaint to engage in mediation under 511 IAC 7-45-2; or
- Notify the complaint investigator to begin investigation of the complaint.

Participation by the complainant in any resolution effort with the public agency is voluntary.



How long does a complaint investigation take?

- The public agency has the discretion to respond to the complaint during the preliminary investigation period.
- If the complaint investigator does not receive:
 - A written resolution covering all issues;
 - A signed agreement to mediate under 511 IAC 7-45-2 and pause the complaint investigation; or
 - Notice from the School to begin the formal investigation,

the complaint investigator will begin the formal investigation period 11 calendar days from the date of receiving the complaint.

- A written complaint report will be issued by IDOE within 40 calendar days of receiving the complaint, unless an extension has been granted due to exceptional circumstances or if the complainant and public agency involved agree to extend the time to engage in mediation under 511 IAC 7-45-2.
- Either the complainant or public agency can request reconsideration by the director of the Office of Special Education within 10 calendar days of the report being issued. If reconsideration is requested, the director's final decision shall be made within 60 calendar days of the date the original complaint request was received by IDOE.

What happens if a violation is found?

- Corrective action may be ordered.
- The date by which the public agency must complete the corrective action will be included in the report.
- The complaint investigator will monitor the public agency's compliance with the ordered corrective action and ensure all corrective action is completed within one year of the issuance of the report.



**INDIANA
DEPARTMENT of
EDUCATION**

**Mike Braun, Governor
Katie Jenner, Secretary of Education**

Where are prior complaint investigation reports located?

- Reports are available electronically on [I-CHAMP](#) and may be searched by school corporation, special education planning district, topic, or year.