

How to File a Special Education Complaint for Part B

This document explains how to file a complaint with the Minnesota Department of Education (MDE) about possible violations of special education laws or rules. The complaint system is free and can be an alternative to a due process hearing. The intention of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal situation. This document may not include a complete rendition of applicable state and federal law.

STEPS TO TAKE BEFORE FILING A COMPLAINT

Before filing a complaint, MDE encourages parents or other persons to first contact the school district's Director of Special Education, who may be able to help resolve the issue. [View the Special Education Directors List](#).

WHO MAY FILE A SPECIAL EDUCATION COMPLAINT?

Anyone, including an organization, may file a special education complaint with MDE.

WHY FILE A COMPLAINT?

A complaint can be filed about any entity that provides publicly funded educational services directly to students that has allegedly violated a state or federal special education law or rule within one year of the date the complaint is received by MDE. If you are not sure if your concern is appropriate, you can contact an advocacy organization or MDE for help in deciding if you should file a complaint. Access a list of advocacy organizations at the [National Dissemination Center for Children with Disabilities](#) website.

WHAT TYPES OF CONCERNS HAVE PARENTS EXPRESSED ABOUT THEIR CHILDREN'S SPECIAL EDUCATION SERVICES THROUGH THE COMPLAINT PROCESS?

The special education complaint system is designed to ensure that all students with disabilities are provided a free appropriate public education. The following are examples of the types of issues that MDE has addressed through the complaint system:

- Did the school district provide the special education services needed by a student with a disability?
- Did the school district educate the student in the least restrictive environment?
- Did the school district fail to identify the child as a student with a disability?
- Did the school district suspend or remove the student from school so often that it interfered with the student's education?
- Did the student receive necessary extended school year services?

HOW TO FILE A COMPLAINT

Send a signed, written statement that includes specific facts supporting the claim that an education agency has violated a requirement of state or federal special education laws or rules along with a proposed resolution to

the alleged violation. Include in your written statement: your address and phone number, the name and address of the child, and the name and address of the school the child is attending. You must also send a copy of your complaint to the school district.

WHERE TO SEND THE WRITTEN, SIGNED COMPLAINT

Send the written complaint by fax (651.582.8725), by mail, or deliver in person to: Due Process Supervisor, Minnesota Department of Education, Division of Compliance and Assistance, 1500 Highway 36 West, Roseville, Minnesota 55113-4266.

WHAT DOES MDE DO ONCE IT RECEIVES THE COMPLAINT?

- When MDE receives the written complaint, it is assigned to a complaint investigator who reviews the written complaint to determine the issues for investigation.
- The complaint investigator will contact the person who sent the letter to acknowledge receiving the complaint and to discuss the claims, facts, or issues and may amend the complaint based on this discussion.
- The complaint investigator will send an issue letter to the public agency with details about the original written complaint and any new information or allegations determined through discussions with the complainant.
- The complaint investigator will contact the special education director to see if the issues can be informally resolved.
- The complaint investigator will allow an opportunity for the public agency to propose a resolution to the complaint as well as an opportunity for the parent who filed the complaint to voluntarily engage in mediation with the public agency.
- During the investigation, the complaint investigator will, among other things:
 1. Contact staff from the education agency to get additional information or assist in resolving the disagreement.
 2. Send a letter to the person who filed the complaint, listing the issues MDE will investigate.
 3. Determine whether the investigation requires phone contacts, requests for written documentation, on-site reviews, interviews, consultations with educational specialists or other methods needed to successfully resolve the complaint.
- The complaint investigator will review all relevant information and make an independent determination as to whether the education agency violated state or federal laws or rules.

HOW LONG WILL IT TAKE FOR MDE TO RESOLVE THE COMPLAINT?

MDE has 60 days to resolve the complaint. This timeline starts the day MDE receives the written letter of complaint. Under exceptional circumstances, MDE may extend this 60-day timeline. The 60-day timeline may also be extended if the parties agree to voluntarily participate in mediation or other alternative means of dispute resolution.

HOW DO I GET THE RESULTS OF THE INVESTIGATION?

MDE writes a final decision and sends a copy to the person who filed the complaint and to the education agency. The final decision is in effect and binding when issued.

WHAT HAPPENS IF MDE FINDS NO VIOLATIONS?

If MDE finds no violations after investigating, the file is closed when the final written decision is issued.

WHAT HAPPENS IF MDE FINDS LEGAL VIOLATIONS?

If the education agency committed violations that require corrective action, MDE develops a corrective action plan which is written into the final decision. Corrective action addresses any harm to the student by providing additional programming or other compensatory education. Corrective action also addresses any district noncompliance, for example, by requiring staff training. The responsible education agency must complete the corrective action within the stated time period. MDE follows up with the education agency and with the person who sent the letter to make sure the corrective action is completed. If the education agency fails to complete the corrective action, MDE will take action to ensure the matter is resolved.

WHAT CAN BE DONE IF EITHER PARTY TO THE COMPLAINT IS NOT PLEASED WITH THE RESULT OF MDE'S INVESTIGATION?

A parent who has been injured-in-fact, or a school district that has been injured-in-fact, may appeal to the Minnesota Court of Appeals within 60 days of receiving notice of the final decision.

CAN THE COMPLAINT CONTINUE IF I AGREE TO MEDIATION?

Yes. MDE must continue to investigate the complaint unless both you and the education agency agree to extend the deadline for the complaint so that you can participate in mediation.

HOW CAN I GET MORE INFORMATION?

For more information, you may call MDE at 651-582-8689 or go to [the Minnesota Department of Education, Division of Compliance and Assistance web page](#).

WHERE CAN I FIND A COMPLAINT FORM?

[The Minnesota Department of Education, Special Education Complaints web page](#).