

Filing a State Complaint

Filing a state complaint can be a difficult decision. There are many factors to consider before you file. Following these steps will assist you in understanding all your options as you attempt to find a resolution with your child's school district. You may also choose to speak with an advocate or other supports that are knowledgeable about special education in WY.

Steps to resolve my concern regarding my child's education....

The best practice is always to contact the person with whom you have a concern, and then follow the chain of command.

- 1) **Discuss** concern with the teacher/case manager.
- 2) **Put your concerns in writing to them**
- 3) **If unresolved** → Discuss with the principal.
- 4) **If still unresolved** → Discuss with the special education director or his/her designee.
- 5) **Put your concerns in writing to them.**
- 6) **If still unresolved** → Discuss with the superintendent.
- 7) **If still unresolved** → Consider the dispute resolution process.

Filing a Complaint with the Wyoming Department of Education (WDE)

If you are not able to resolve your concerns at the local level, you may choose to file a complaint with the WDE. This is a fairly easy process. You may access the forms on the WDE website at: http://edu.wyoming.gov/Programs/special_education/dispute_resolution.aspx

You may also call the **WDE at (307) 857-9285** and ask that the appropriate forms be mailed to you directly.

Please feel free to call the Parent Information Center for more information about your due process rights. You may also find this information on our website at www.wpic.org.

Your written complaint must contain the following (These sections are on the WDE form)

Basic Information:

- Current date, your name, address, email 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.

Allegations:

- Focus on issues that resulted in a denial of FAPE. This stands for Free Appropriate Public Education under the Individuals with Disabilities Education Act (IDEA).
- Describe the issue/problem and why you believe the IDEA was violated.
- Keep your allegations focused on the facts, events and people involved.
- Make a list of each violation you believe the school committed.

Examples of Violations and Solutions:

Examples of Violations

The school district took 85 days to complete the special education evaluation instead of the 60 required by state statute. In the meantime, my daughter failed three classes and did not earn enough credits for a semester.

For the last four months my daughter's speech therapist has been on a leave of absence. She has not received S/L services during that time as the school was not able to find a substitute.

The classroom teacher has not been providing the accommodations listed on my son's IEP. He has not received assistive technology for written assignments, test questions were not given orally nor was any extended time on classroom work given. He has failed Language Arts and Science.

Examples of Solutions

▶ The school district needs to complete the evaluation immediately.

▶ Speech/Language services need to be provided to my daughter for the specialized instruction she lost over the past four months. This should be compensatory and at no cost or burden to the family.

▶ My son should be given an opportunity to re-do the assignments and/or assessments with accommodations and assistive technology so that a more accurate grade may be determined. The general education staff should receive an in-service on providing accommodations to students on IEP's

Supporting Facts:

For each violation, list the facts that support your claim

- Describe the events that led up to filing, with specific dates, names of those involved and a brief description of what happened. This is also where you might attach any letter or email correspondence or evidence in a phone log, note from IEP meeting, etc.

Proposed Solution:

This is a place on the complaint form that is asking what you think would solve the problem. This is not a place to say things like "fire a teacher or principal." Personnel issues should not be considered in a State complaint. You can, however, list your ideas for improving the academic situation that relates to the violations you listed prior.

Mediation Request:

This is a section on the form asking if you would be willing to have an unbiased mediator, hired and paid for by the WDE, in an attempt to help you and the district find common ground without filing the complaint.

Options	Mediation	State Complaint	Due Process
What are the Issues?	Parents and school disagree about one of the following: identification, evaluation, placement, services or anything related to the IEP	The district is not following the law or state regulation in regard in Special Education Services	Disagreement regarding identification, evaluation, placement or services
Who is Involved	Mediator, District Staff, Parents	WDE staff, parent, district staff. A copy of the complaint must be sent to both the district and the state	Hearing officer, school district attorney, witnesses, parents and parent's attorney
Decision maker and Timeline	Parents and District reconcile in a timely manner	WDE Decision within 60 calendar days. Date of the last known offense must be listed on the Complaint Form. This is to show that it occurred within the last 12 months	Hearing Officer- may file within two years of allegation- decision within 45 days of filing
Cost to Parent	None	None	Parent pays for own attorney fees which may be recovered if parents win

For more information about FILING A STATE COMPLAINT

CONTACT:



Parent Information Center

500 W. Lott St, Suite A
Buffalo, WY 82834
1-800-660-9742 (WY only)
(307) 684-2277
(307) 684-5314 (fax)
tdawson@wpic.org
www.wpic.org

To talk with the
PIC Outreach Parent Liaison
in your area, contact:

PHP of WY is a non-profit, 501(c) 3 organization; therefore, your donation is tax deductible. We welcome all donations. Every donation helps us strengthen our network of support for families.

.....
The contents of this brochure were developed under a grant from the U.S. Department of Education. However, the contents do not necessarily represent the policy of the Department of Education, and endorsement by the Federal Government should not be assumed.
.....

FILING A STATE COMPLAINT

Disability Brochure #26



Making an Informed Decision about Your Due Process Rights

Parent Information Center

1-307-684-2277

A project of
Parents Helping Parents
of Wyoming, Inc.