

HE SAID, SHE SAID, AND OTHER CHALLENGING STATE COMPLAINTS

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AGENDA

- State Complaint Requirements
- Working through Hypothetical Situations



STATE COMPLAINT PROCEDURES

- ⦿ Part B: 34 CFR §§300.151-300.153
- ⦿ Part C: 34 CFR §§303.432-303.434



THE BASICS

- How long does the SEA/LA have to resolve a State complaint?
 - §300.152(a), §303.433(a)



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- When may the SEA/LA extend the 60 day timeline?
 - §300.152(b), §303.433(b)



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 - §300.152(a), §303.433(a)
- When may the SEA/LA extend the 60 day timeline?
 - §300.152(b), §303.433(b)
- What remedies are available for denial of appropriate services?
 - §300.151(b), §303.432(b)



THE BASICS, CONT'D

- What is the SEA/LA's obligation when a State complaint is received that is also the subject of a due process hearing, or contains an issue that is part of a hearing?
 - §300.152(c), §303.433(c)



THE BASICS, CONT'D

- What is the SEA/LA's obligation when a State complaint is received that is also the subject of a due process hearing, or contains an issue that is part of a hearing?
 - §300.152(c), §303.433(c)
- What must be included in a State complaint?
 - §300.153(b), §303.434(b)



LET'S DIG IN—HYPOS!

- 1. Read the first hypothetical situation
- 2. Discuss in small groups
- 3. Engage in large group discussion



SMALL GROUP QUESTIONS

- 1. What is the issue/allegation?
- 2. What would you include in your plan to resolve the complaint?
 - Who would you talk to? Alone or as a group?
 - Would you need/want an on-site investigation?
 - What additional info would you request?
 - What documentation would you want to see?
- 3. What challenges are you likely to experience?
- 4. If you have encountered a similar situation, how did you handle it?



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TO DISCUSS IF TIME PERMITS...

- ◉ What are your biggest challenges?
- ◉ How do you decide that an extension is necessary?
- ◉ How do you decide if an on-site investigation is necessary?
- ◉ How do you handle complaints where the key witness is unavailable?



QUESTIONS?



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