

**Connecticut State Department of Education
Bureau of Special Education**

**COMPLAINT
RESOLUTION PROCESS**

Revised July, 2017

INTRODUCTION

The Individuals with Disabilities Education Act (IDEA, the federal special education law) establishes the requirement that State Education Agencies adopt written procedures for the investigation and resolution of any complaint which alleges that an education agency has violated a requirement of the IDEA. This booklet specifies the process to be used by the Connecticut State Department of Education, Bureau of Special Education, in the investigation and resolution of these complaints as well as complaints which allege that an education agency has violated a requirement of the Connecticut laws regarding special education (Connecticut General Statutes Sections 10-76a to 10-76h inclusive, of the general statutes and the implementing regulations).

Complaints and questions regarding the Complaint Resolution Process or requests for copies of this booklet should be directed to:

Connecticut State Department of Education
Bureau of Special Education
450 Columbus Boulevard
P.O. Box 2219
Hartford, CT 06145-2219
(860) 713-6928

DEFINITIONS

<u>Bureau</u>	Bureau means the Bureau of Special Education, an entity of the Connecticut State Department of Education.
<u>Bureau Chief</u>	Bureau Chief means the Chief of the Bureau of Special Education.
<u>Bureau Consultant</u>	Bureau Consultant means an education consultant in the Bureau of Special Education.
<u>Complaint</u>	Complaint means a signed, written grievance of sufficient detail to indicate that an education agency may have failed to comply with a requirement of the Individuals with Disabilities Education Act and/or with a requirement of the Connecticut laws regarding special education.
<u>Complainant</u>	Complainant means the parent, student (aged 18-21 years inclusive or an emancipated minor), advocate, attorney or other interested party who has submitted the Complaint to the Bureau.
<u>Day</u>	Day means calendar day.
<u>Due Process Hearing</u>	Due Process Hearing means a formal adjudicatory hearing before an impartial Hearing Officer which is guaranteed under federal and state special education law and in which both parties may be represented by legal counsel and may present evidence and sworn testimony to be considered by the Hearing Officer.
<u>Education Agency</u>	An Education Agency is the entity against which a complaint may be filed and includes those schools, institutions, boards of education and agencies listed under the definitions of <u>Private School</u> and <u>Public Agency</u> , below.
<u>IDEA</u>	Individuals with Disabilities Education Act, the federal special education law.
<u>Private School</u>	Private School means a private special education program which has been approved by the Connecticut State Department of Education to provide special education and related services to eligible students.
<u>Public Agency</u>	Public Agency means a local or regional board of education in Connecticut, the Connecticut Technical High School System, a unified school district, a regional educational service center (RESA), the Department of Children and Families (DCF), the Department of Developmental Services (DDS), the Department of Mental Health and Addiction Services (DMHAS), the Department of Correction or the Judicial Department to the extent the agency may be responsible for the provision of special education and related services to children eligible for such services and/or their actions impact upon a child's receipt of a free appropriate public education.

CONNECTICUT STATE DEPARTMENT OF EDUCATION
Bureau of Special Education
Procedures for Complaints Regarding Special Education

Any individual or organization (the “complainant”) may submit to the Connecticut State Department of Education a written complaint that claims that a Connecticut education agency, as defined in this document, has failed to comply with a requirement of the Individuals with Disabilities Education Act (IDEA - the federal special education law) or with a requirement of the Connecticut laws regarding special education. The complaint procedures are available to resolve disagreements over any matter concerning the identification, evaluation or the educational placement of a student or the provision of a free and appropriate public education to such student. The Bureau of Special Education will review and address each submitted complaint. In addition, a complaint alleging that an education agency has failed to implement a special education due process decision will be reviewed and resolved through this complaint process.

Submitting a Complaint

A complaint must be submitted in writing and must be signed. The complainant must forward a copy of the complaint to the education agency against whom the complaint has been filed at the same time the complainant files the complaint with the Bureau of Special Education. (An individual who is unable to write may submit a complaint by telephoning Bureau staff at 860-713-6910.) If the complaint is being submitted by an organization, the complaint must be signed by a person who is authorized to represent the organization. (A model complaint form is attached to these procedures although this form does not have to be used to submit a complaint.)

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint was received by the Bureau of Special Education and include the following:

- A statement that an education agency has violated either a requirement of the Individuals with Disabilities Education Act *or* a requirement of Connecticut laws regarding special education *or* a requirement of both;
- A listing of the facts that are the basis for the statement that a requirement of special education law has been violated;
- The signature and contact information for the complainant;
- The name and address of the residence of the child;
- The name of the school the child is attending;
- In the case of a homeless child, available contact information for the child and the name of the school the child is attending;
- A description of the nature of the problem of the child, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

Review of the Complaint:

- An education consultant (“consultant”) who is a member of the Bureau staff will be assigned to take responsibility for the complaint. This consultant will conduct an independent review of each issue raised in the complaint. The review will include the actions listed below.
- The consultant will communicate with the complainant by telephone and/or by mail. The consultant will use this communication to acknowledge receipt of and clarify, as needed, the complaint and to indicate that the complainant may submit additional information, orally or in writing, about the allegations in the complaint up to 15 calendar days after the date the complainant receives notification that the complaint has been filed with the Bureau. The consultant will forward a copy of these complaint procedures and the procedural safeguards notice to the complainant upon the first filing of a complaint in a school year.
- The consultant will also communicate by telephone and/or by mail with the education agency that is the subject of the complaint. The consultant will use this communication to obtain information about the allegations in the complaint from the perspective of the education agency and to provide the education agency with the opportunity to respond to the complaint, including, at the discretion of the education agency, a proposal to resolve the complaint. The consultant will forward a copy of the written complaint to the education agency. The consultant will also forward a copy of these complaint procedures upon the first filing of a complaint in a school year regarding that education agency.
- If applicable to the complaint, the consultant will communicate by telephone and/or by mail with any private school, regional education services center, state agency, or other service provider that the Bureau believes has been providing services, or should have been providing services, on behalf of the education agency that is the subject of the complaint. The consultant will also communicate by telephone and/or by mail with each entity, such as a state or private agency, that the Bureau believes may have been impeding the provision of services by the education agency that is the subject of the complaint. The consultant will use these communications to obtain information about the allegations in the complaint from the perspective of the service provider and/or entity.
- The consultant will review all available information relative to the complaint issues. The consultant will request in writing, from the relevant organization or individual, a copy of any education records or other documentation that the consultant believes will be helpful in the review of the complaint.
- The consultant will carry out an independent on-site investigation if the consultant determines that an on-site investigation is necessary.
- The consultant will not review any issue in a complaint if the consultant determines either that the issue is not a violation of either federal or state special education law or that the issue has been previously decided through a special education due process hearing or complaint. The consultant will notify the complainant that the issue will not be reviewed and that no further action will be taken regarding that issue. A copy of the notice will be forwarded to the education agency that is the subject of the complaint.

Mediation

The complaint resolution process provides an opportunity for a complainant and education agency to voluntarily engage in mediation. Mediation services are available through the Bureau of Special Education to assist a complainant and education agency to reach an agreement. To obtain mediation services, the model mediation form (a copy of which is attached to these procedures) should be completed and sent to the Bureau.

Complaint Issues and Due Process Hearings

Written complaints may be received that are also the subject of a special education due process hearing or contain multiple issues of which one or more are part of a due process hearing. The following applies in such situations:

- Any complaint issues that are being addressed through the hearing will be set aside and not reviewed until the conclusion of the hearing.
- Any issue in the complaint that is not a part of the hearing will be reviewed and resolved using the time limits and procedures set forth herein. Upon conclusion of the hearing, those issues that were set aside but were not resolved by the hearing decision will be reviewed and resolved by the assigned consultant.
- If an issue raised in a complaint has been previously decided through a special education due process hearing involving the same complainant and the same education agency, the hearing decision is binding.
- Complaints alleging the failure of an education agency to implement a special education due process hearing decision will be reviewed and resolved through this complaint process.

Time Limits and Extensions

- The consultant will complete the review of the complaint and will issue a written final decision within 60 days of the date the Bureau received the complaint.
- The 60-day time limit for the review and resolution of a complaint may be extended if the parties agree to extend the time in order to engage in mediation.
- An extension of time may also be granted by the consultant if exceptional circumstances exist with respect to the particular complaint in which case all parties will be informed in writing of the specific length of the extension and the circumstances requiring the extension.
- If new issues are raised during the course of the investigation, or if additional information is submitted by the complainant on either related or different issue(s), the consultant will determine whether the new issues and/or information constitute a new complaint or are an amendment to the existing complaint. If considered an amendment to the existing complaint, the 60 day time limit may be extended if exceptional circumstances exist. All parties will be informed in writing of the specific length of the extension and the circumstances requiring the extension. In addition, the education agency will be afforded the opportunity to respond to the new and/or amended complaint under any new timelines as determined by the consultant investigating the complaint(s).

Decision of State Department of Education

Upon completing the review of the complaint, the consultant will issue a written final decision that contains the following:

- Findings of fact and conclusions;
- The reasons for the decision;
- In the event that the decision indicates that the education agency has failed to comply with a requirement of the Individuals with Disabilities Education Act and/or with a requirement of the Connecticut laws regarding special education, any corrective actions that must be taken by the education agency in order to achieve compliance with said requirement(s). Such corrective action shall be appropriate to the needs of the child who has been the subject of the complaint (such as compensatory services or monetary reimbursement) and may address, if applicable to the final decision, the appropriate future provision of services for all children with disabilities who are the responsibility of the education agency.
- Date(s) by which each corrective action must be completed.
- There is no review or appeal of a written final complaint decision. However, a party to the complaint who has the right to request a due process hearing (that is, a parent or school district) may raise the same issues through a due process hearing and/or mediation. Copies of the forms that may be used to file for a due process hearing or request mediation are attached to these procedures.

Implementation of Decision

- The education agency must report completion of the corrective action(s) to the consultant by the date(s) set forth in the decision. This date(s) may be extended at the discretion of the consultant.
- The Bureau will provide technical assistance to an education agency if the consultant determines that such technical assistance is necessary.
- Upon the request of the education agency that must complete the corrective action(s), the consultant will participate in negotiations, as may be appropriate, with that entity regarding an alternative plan for effective implementation of the decision. However, if no agreement is reached through such negotiations within a reasonable period of time, the education agency must complete the corrective action(s) delineated in the final decision by the date set by the consultant.

Withdrawal of a Complaint

- At any time prior to the date that the consultant issues the final decision regarding a complaint, the complaint may be withdrawn by the complainant. Upon withdrawal of a complaint, the Bureau will not take further action regarding the matter.
- The withdrawal of a complaint may be made by the complainant either in writing or during a conversation with the consultant. If the complaint is withdrawn during a conversation, the consultant will send a written confirmation of the withdrawal to the person who signed the complaint and a copy of the confirmation to the other party.
- Withdrawal of a complaint does not preclude the person who signed the original complaint from refileing the complaint at a later date.