



## **New York State Education Department Sample State Complaint Form**

If a parent, individual or organization believes that a school district or public agency (such as a Board of Cooperative Educational Services (BOCES), charter school or school operated by a State agency) has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) or State law/regulation related to students with disabilities, they may submit a written, signed State complaint to the New York State Education Department (NYSED). Attached is a New York State (NYS) Sample Complaint Form that may be used to submit a complaint. Use of this form is not required. However, if using your own format to submit a State complaint, you must provide the required information, as appropriate, as indicated on the sample form. Upon receipt of a written complaint by an individual or agency, NYSED must determine if the alleged violation occurred and issue a written decision of its findings.

NYSED encourages parents and school districts to use mediation to resolve complaints regarding the education of a student with a disability.

### **Parent, Individual or Organization (Complainant) Submitting the State Complaint**

- Requests for a State complaint must be made in writing.
- The State complaint must include:
  - a statement that a school district or public agency has violated a requirement of Part B of IDEA or State law/regulation related to students with disabilities;
  - the facts on which the statement is based;
  - the signature and contact information of the person filing the complaint;
  - if alleging violations with respect to a specific child, include:
    - 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 or youth, 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 (the concerns that led you to file the complaint), including the facts relating to the problem; and
    - a proposed resolution of the problem to the extent known and available at the time the person is filing the complaint.
- The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
- The individual filing the complaint must forward a copy of the complaint to the school



district or other public agency serving the child at the time the person files the complaint with NYSED.

### **State Complaint Procedures**

- The school district or public agency must give the procedural safeguards notice to the parent upon receipt of the first State complaint in a school year.
- The parent, individual or organization filing the complaint has the opportunity to submit additional information, either orally or in writing, about the allegations in the State complaint.
- The school district or public agency has the opportunity to respond to the State complaint, including, at a minimum: (a) at the discretion of the public agency, a proposal to resolve the complaint and (b) an opportunity for the school district or public agency and the parent who filed the complaint to voluntarily engage in mediation.
- Within 60 calendar days after a complaint is filed (received), NYSED will issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact and conclusions and the reasons for the final decision. NYSED will include, if needed, procedures for effective implementation of its final decision, including technical assistance, negotiations and corrective actions to achieve compliance.
- NYSED can grant an extension of the 60-calendar-day time limit only if exceptional circumstances exist with respect to a particular State complaint or the parent, individual or organization and school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation.
- NYSED is required to set aside the complaint or any part of a State complaint that is being addressed in a due process hearing until the conclusion of the hearing. Any issue in the complaint that is not part of a due process hearing must be investigated and resolved. If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties, then the due process hearing decision is binding on that issue and NYSED will inform the complainant that the decision is binding. A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision will be resolved by NYSED.
- NYSED will review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of IDEA or State law/regulation and must, if it determines it to be necessary, carry out an independent on-site investigation.

**Instructions: Complete, sign and make two copies of the original State complaint form.**

- Send the original State complaint form to NYSED, Office of Vocational and Educational Services for Individuals with Disabilities (VESID), Room 1623, One Commerce Plaza, Albany, NY 12234. Attention: State Complaints.
- Send one copy of the State complaint form to the Board of Education or Trustees of the school district serving the child at the same time that the complaint is filed with NYSED.
- Retain a copy of the State complaint form for your records

## SAMPLE STATE COMPLAINT FORM

The following sample form may be used to file a State complaint.

- If alleging violations with respect to a specific child, you must complete Sections I. Complainant Contact Information, II. Child-specific Information, III. School Information, and IV. Complainant Information (Alleged Violation is Child-specific).
- For systemic State complaints that reach beyond an individual child and appear to be the result of flawed district policies, procedures or practices, you must complete Sections I. Complainant Contact Information, III. School Information, and V. Complainant Information (Alleged Violation is Systemic).

<b>I. Complainant Contact Information</b>	Name of Parent, Individual or Organization filing the complaint:	Date:
	Check one: <input type="checkbox"/> Parent or Person in Parental Relationship <input type="checkbox"/> Surrogate Parent <input type="checkbox"/> Parents' Attorney <input type="checkbox"/> School District/State Agency Representative <input type="checkbox"/> School District/State Agency Attorney <input type="checkbox"/> Other _____	Signature:  <input type="checkbox"/> Yes, I forwarded a copy of the State complaint to the school district or public agency
	Mailing Address of Parent, Individual or Organization:	
	Telephone:	
<b>II. Child-specific Information</b>	Child's Name:	Date of Birth:
	Address of the Residence of the Child (if any):	
	Name/Address of the School the Child is Attending:	
	Additional Contact Information for Homeless Child or Youth, if available:	

<b>III. School Information</b>	Name of School District (or Public Agency) Responsible for the Provision of Services:	
	School Representative or Contact (if known):	Address:
<b>IV. Complaint Information – Alleged Violation is Child-specific</b>	Describe the <b>nature of the problem</b> of the child (the concerns that led you to file this complaint), including <b>facts</b> relating to the problem. Attach additional pages or documents as necessary.	
	State your <b>proposed resolution</b> of the problem to the extent known and available at this time. Attach additional pages or documents as necessary.	
<b>V. Complaint Information – Alleged Violation is Systemic</b>	Statement that the school district or public agency has violated Part B of IDEA or a State law/regulation related to students with disabilities not more than one year prior to the date that the complaint is received.	
	Description of the facts on which the above statement is based:	