



## National Indian Parent Information Center

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541- 472-9467

### **A Note from the Director, Judy Wiley:**

If you are a parent of a child in special education it is important that you work with the school to develop an educational plan for your child. The National Indian Parent Information Center (NIPIC) wants to ensure parents who have a child in special education are part of the decision making process.

In order to be part of the decision making process, parents should attend meetings where decision are being made regarding their child's education. The most important meeting is called the Individualized Education Plan (IEP). Your child's teacher and other school personnel who are on your child's educational team will meet with you to develop the IEP. Once the IEP is written, the school must follow the plan.

Even though NIPIC wants schools and parents to work together cooperatively, we know that there will be times when parents and the schools disagree. Most of these disagreements can be worked out by talking to other members on your child's educational team or at the IEP meetings. However, if parents feel that the school is not following the IEP or is violating special education law, there are several methods that parents can use to work this out with the school district. This article will tell you how to file a Letter of Complaint. A letter of Complaint is one way that parents can resolve conflicts with the school district. Please call me at 1-877-205-7501, if you have any question regarding this article or want to discuss your child's program.

## **FILING A LETTER OF COMPLAINT**

### ***What is a letter of complaint and why would I file one?***

If you have a child with a disability and you disagree with the way the school is providing services for your child you can write a Letter of Complaint. A Letter of Complaint is one way that you can resolve a disagreement with the school.

There are two other means of resolving conflicts with the school system: "mediation" and "due process". This information will tell you about writing a Letter of Complaint.

### ***Why would I write a letter of complaint?***

Under the Individuals with Disabilities Education Act (IDEA), the law that protects children with disabilities, you have the right to file a Letter of Complaint when you believe that your school has violated a requirement of the law.

Some examples of issues you might write a complaint letter about include:

- Your child is denied the opportunity to attend or participate in school-sponsored events, such as field trips or after school activities.
- Your child has a shorter school day, because the special education students arrive later or are dismissed from school earlier than the general education students.
- You use medication to resolve a disagreement with the school, but the school fails to implement the signed agreement.
- The school fails to inform you about meeting or get your permission to test your child. (Prior Written Notice, Parental Consent)
- You have a decision from a hearing officer that the school district is not implementing.
- The school is not implementing your child's IEP

### ***Where do I send the letter?***

If your child attends a public school you would file a letter of complaint with the State Education Agency (SEA). To view the address of the State Education Agency for your state go to <http://www.directionservice.org/cadre/state/>. If your child attends a school funded by the Bureau of Indian Affairs (BIA), you would file with the BIA Office of Indian Education (see list for addresses). The SEA or the BIA OIEP must review and resolve your complaint within 60 calendar days (not business days) from the day they receive it, unless there are exceptional circumstances with respect to the complaint.

### ***How do I file a complaint with the State Department of Education or the Office of Indian Education***

***Program?*** The policies for filing a complaint should be included in the IDEA regulation for your state or the Office of Indian Education Programs at the BIA in Albuquerque. Call your local special educating office if you need more information about the policies. Also ask for the name and address of the person to whom you should write your letter. Your complaint must be signed. It must also contain: a statement that a public agency (for example, your school system) has violated a requirement of Part B of the IDEIA or its regulations, and the fact on which you base this statement.

***TIP:*** Before you send a Letter of Complaint you must let your school district know that you are going to do this. Once you write your letter you will need to send a copy of the letter to the Special Education Directory or give it to the principal and ask him/her to give it to the Special Education Director. If the school district agrees with you, they may want to sit down and work things out. You can still send your letter while you are working things out. Once you feel that the problem is solved you can write a note to the SEA or the BIA OIEP and withdraw your Letter of Complaint.

## **GETTING STARTED**

### **➤ GET THE FACTS**

You need to check all your facts before you send your letter. NIPIC can help you decide if you need more information before you write the Letter of Complaint. You will need to send proof. Your proof will be all the documentation that you have collected about the issue. Write down all the phone calls that you receive from the school and what was said. Keep all the notes that the teacher sends home. Send copies of any papers that you have. *Do not send your originals!*

### **➤ CHECK THE LAW**

It is very helpful if you know the exact law that was broken. Call NIPIC and we will help you get the wording exactly right. You may need help determining if your child is getting a Free Appropriate Public Education (FAPE). NIPIC will go over your concerns with you.

### **➤ COME UP WITH A SOLUTION**

Once you have determined that the school is not following the law, you need to think about a solution that you feel would fix things. How would you resolve this problem?

### **➤ HAVE ALL THE INFORMATION**

You need to send your child's information along with your documentation of proof. Send copies of your child's IEP, evaluations, and other background information that will help the investigator understand the issue.

## **WHAT'S NEXT?**

### **➤ THE INVESTIGATION:**

Once the SEA or the BIA-OIEP receives your letter, they have 60 days to investigate your complaint. An investigator will get in touch with you and they will get in touch with the school.

### **➤ THE FINDING:**

At the end of the 60 days the investigator will send you a letter and tell you their decision. If you are correct and the school is not following the law, the letter will include what the school has to do to correct the problem. If the investigator finds that the school was not breaking the law they will explain to you why they made that decision.

## Sample Letter: Filing a Complaint

*Here is an example letter of how you might write this complaint. Note that it is important to state what requirement of the law has been violated. Call NIPIC at 877-205-7501 if you need help identifying the specific sections of IDEA to list in your complaint. You must send a copy of this letter to your child's school district.*

Today's Date (month, day, year)

Your Name  
Street Address  
City, State, Zip Code  
Daytime telephone number

Name of Person to whom you are writing  
State Department of Education or BIA-OIEP  
Street Address  
City, State, Zip Code

Dear (name),

I am writing to file a complaint on behalf of my son/daughter, (child's name), regarding her/his education in the (name of school district or school if it is a BIA funded program). The nature of my complaint is as follows:

- Explain the problem with brief statements of fact.
- Consider listing the facts that support your complaint with bullets or numbers.

For the above reasons, I believe the school district is in violation of certain requirements in the Individuals with Disabilities Education Act, specifically: (Examples)

- The school did not consider whether my child needs assistive technology services or devices
- The school did not include in my child's IEP a statement of the special education, related services and supplementary aids and services, including assistive technology, that he/she needs

Enclosed are copies of documents and letters I have sent to and received from the school district concerning this matter. These documents are (List the documents you have enclosed, giving the date sent, by whom, to whom, and the issue discussed).

Please provide me with copies of any information you obtain in the process of investigating my complaint. If you need further information or clarification on my complaint, I can be reached at (give your phone number).

Thank you.

Sincerely,  
Signature

Your typed name

Send a copy to your school district special education director or your child's principal.  
The following pages contain the addresses of all the State Educational Agencies and the BIA-OIEP.

