

SPECIAL EDUCATION STATE COMPLAINT PROCEDURES

Connecticut State Department of Education

Bureau of Special Education

As part of the Connecticut State Department of Education's (CSDE) general supervisory responsibility to monitor the implementation of Individuals with Disabilities Education Act (IDEA) requirements in the State, the CSDE must implement complaint resolution procedures as required under IDEA. The CSDE has developed this document to inform parents, public education agencies, and concerned citizens about the state complaint process and the procedures for filing a state complaint with the CSDE. The state complaint process is different from the other dispute resolution options – the impartial due process hearing system (due process complaint), and mediation.

An individual or organization may file a formal written complaint with the CSDE, Bureau of Special Education (BSE) if the complainant believes a local school district or other public educational agency has violated a requirement of state special education law or the IDEA Part B. A complaint must be submitted to the BSE in writing and must include certain elements as required under IDEA and as described in these procedures. The BSE will carry out an investigation and issue a written Findings Letter within sixty (60) calendar days of receiving a complaint that meets the requirements of IDEA. If the BSE determines that the local school district or other public education agency is in compliance with special education requirements, the Findings Letter will report that and the complaint file will be closed. If the BSE determines the local school district or other public education agency to be in violation of a special education requirement, the BSE, where appropriate, will direct the public education agency to take corrective action.

What is a special education state complaint?

A special education state complaint is a signed, written statement alleging that a local school district or other public education agency, including the CSDE, violated a requirement of IDEA or state special education law. A state complaint may be used to address claims regarding a single student or a group of students. In addition, a complaint alleging that a public education agency has failed to implement a special education due process decision will be reviewed and resolved through these complaint procedures.

Who handles and investigates special education state complaints?

The Bureau of Special Education (BSE) investigates complaints alleging violations of special education laws and regulations. Complaints should be submitted to:

Connecticut State Department of Education
Bureau of Special Education
450 Columbus Boulevard
P.O. Box 2219
Hartford, CT 06145-2219
860-713-6928
dueprocess.sde@ct.gov

State complaints may be submitted to the BSE via electronic mail, using the email address above. If a state complaint is submitted via electronic mail during a time outside of normal business hours, the complaint will be viewed as submitted at the start of the next business day.

Who may file a special education state complaint?

An individual or organization may submit a signed, written complaint. If the complainant is not a parent or guardian (for example, an educational advocate or teacher), the BSE cannot disclose to the complainant personally identifiable information about the student, including the BSE's Findings Letter, without written parent consent. Without consent, the BSE will not respond directly to the non-parent complainant regarding the complaint investigation. The BSE will notify the parent of the complaint filing, proceed with the investigation, and issue a Findings Letter directly to the parent and public education agency.

What must the state complaint include?

To assist individuals and agencies in completing all required elements in the complaint, the BSE has provided a model [State Complaint Form](#).

The use of the model form is not required, but the written complaint must include:

- a) A statement claiming that a public education agency has violated a requirement of state or federal special education law;
- b) The facts on which the allegation is based; and
- c) The complainant's signature and contact information.

If the alleged violation relate to a specific child, the written complaint must also include:

- The child's name and resident address. In the case of a homeless child or youth, available contact information for the child;
- The name of the child's school;
- A description of the nature of the problem and related facts; and
- To the extent known and available at the time of the complaint filing, a proposed resolution of the problem.

A state complaint may allege systemic noncompliance based on a policy, practice, or procedure applicable to a group of children that is inconsistent with Part B of the IDEA, or state law. Systemic complaints must identify the policy, practice, or procedure that constitutes the alleged violation and the facts upon which the alleged violation is based. A systemic complaint must contain sufficient facts to support the allegation. If the systemic complaint identifies specific children as similarly situated children, the BSE will review all relevant information regarding the named children. If no violations are found involving the named children, no further action is required to resolve the complaint. If the BSE identifies violations for the named children, the resolution must involve all other children who are part of the group of similarly situated children.

If a written state complaint includes allegations that are also the subject of an active due process hearing, the BSE must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. If a state complaint raises an issue previously decided in a due process hearing involving the same parties, the hearing decision is binding on that issue.

Can a complainant seek help in writing/submitting a complaint?

Yes. A complainant may contact the Bureau of Special Education at 860-713-6928 or the Connecticut Parent Advocacy Center at 860-739-3089 for assistance.

What is the time period for filing a special education state complaint?

The violation cited in a complaint must be alleged to have occurred within one (1) year of the date that the complaint is filed. The complaint is considered “filed” when the complaint is received by the BSE, includes all the required elements, and has been sent to the public education agency (see below).

Who else must be informed of the state complaint?

At the same time that an individual or agency submits a written complaint to the BSE, a copy of the complaint must be sent to the school district or public education agency responsible for providing educational services to the child. Failure to send a copy of the complaint to the school district will delay the start of the sixty (60) calendar day investigation timeline.

What happens after the state complaint is submitted?

Upon receipt of a state complaint, the BSE assigns the complaint a case number. The BSE reviews each complaint to determine whether all the required elements are included and confirms that the complaint was sent to the local school district or public education agency. Upon receipt of a signed and complete state complaint and confirmation that the complaint was sent to the public education agency, the investigation timeline begins. If elements are omitted, the complainant will be provided an opportunity to complete the necessary components.

If the complaint does not allege a possible violation of state special education law or the IDEA, or otherwise does not meet the IDEA complaint process criteria, an investigation will not begin. The BSE will send a letter to the complainant and the public education agency explaining why the BSE will not be opening an investigation and the complaint file will be closed. Further, the BSE will dismiss any allegation made in a complaint, when, based on all of the facts and information provided by the complainant, the BSE cannot reasonably conclude that the public education agency has violated a special education requirement.

How does the investigation proceed?**Inquiry Letter**

When a complaint meets all of the required elements, it is assigned to a BSE education consultant (Investigator) to conduct an investigation. A written Inquiry Letter is sent to the Special Education Director of the school district or public education agency against which the complaint is filed setting forth the issues to be investigated and requesting a response to the complaint (including available supporting documentation) and the Inquiry Letter within a specified time period, usually between ten (10) and fourteen (14) calendar days. The public education agency’s response to the Inquiry Letter may include a proposal to resolve the complaint.

A copy of the Inquiry Letter is also sent to the complainant by regular mail or electronic mail.

The Inquiry Letter:

- Identifies the assigned complaint investigator;
- Confirms the date the complaint was received and found sufficient;
- Identifies the issue(s) to be investigated;
- Identifies any issue(s) that will not be investigated with an explanation;
- Includes a timeline for the public education agency to respond to the complaint and the identified issue(s); and

- Includes, to the complainant, a copy of the *Special Education State Complaint Procedures*, and *Notice of Procedural Safeguards*.

Investigation

The Investigator will investigate the complaint issues as set forth in the Inquiry Letter, gather evidence, and conduct a review of all relevant information and documents provided by the complainant and the public education agency to determine the facts in the matter. During the investigation, the Investigator may request additional documentation, conduct individual interviews and/or conduct an on-site visit. The complainant will be provided a copy of the public education agency's response to the complaint, upon request. The complainant may submit additional information, either verbally or in writing, to the Investigator regarding the allegations in the complaint or the public education agency's response but is not required to do so. Such additional information will be considered as long as such additional information is submitted in a timely manner as determined by the Investigator. Any additional allegations of violations not included in the identified issues in the Inquiry Letter will be processed as a new complaint.

The Investigator reviews all relevant information and evidence in determining the facts and makes a determination regarding whether the alleged complaint is substantiated by fact and whether the public education agency is in compliance with either state or federal special education law and regulations.

How does the BSE report the investigation's findings?

Within sixty (60) calendar days of the filing of a complaint that meets IDEA requirements, the BSE issues a final written decision – Letter of Findings – to the complainant and school district or public education agency that addresses the allegations in the complaint, and includes: (1) findings of fact and conclusions; and (2) the reasons for its final decision. (An extension in time beyond the sixty (60) days is permitted only if exceptional circumstances exist with respect to a particular complaint).

If, during the investigation, the Investigator identifies a violation not alleged in the complaint, the Investigator will notify the public education agency that the violation has been identified and provide the public education agency an opportunity to respond to the finding of noncompliance. The noncompliance will be addressed through BSE general monitoring activities, technical assistance activities or added to the complaint investigation Letter of Findings.

What if the investigation finds the public education agency in noncompliance with IDEA or state requirements?

If the BSE identifies noncompliance, the Findings Letter will specify steps, which the public education agency must take to bring it into compliance. The BSE will order specific corrective action to remediate the denial of services or procedural violations which may include, but is not limited to, compensatory education, monetary reimbursement, staff training and professional development and appropriate future provision of services for children with disabilities.

The Findings Letter will include explicit timelines by which the public education agency is required to implement corrective action. The BSE may direct the school district or public education agency to develop a corrective action plan. The plan shall specify timelines and sufficient detail to describe how the violations will be corrected, and it must be approved by the BSE.

The BSE is responsible for tracking and ensuring the implementation of corrective action ordered through the complaint process. The BSE will verify that the corrective actions are implemented as soon as

possible within the timelines specified in the Findings Letter, and, in most cases, no later than one (1) year from the BSE's identification of noncompliance.

When the public education agency submits satisfactory evidence that all actions in the corrective action plan have been completed and correction of noncompliance is verified, the BSE will notify the public education agency and the complainant and close the complaint.

Can the decision be appealed?

The BSE's final decision cannot be appealed. However, if the issue(s) are still in dispute, the parent complainant or public agency may, if they have not already done so, use mediation or file a due process hearing request to resolve disputed issues.

Is mediation available when a state complaint is filed?

Yes, in the interests of building cooperative, collaborative relationships with all parties involved in the child's education, mediation is available, but not required, when a state complaint is filed and while the investigation is ongoing. If the complainant and the public education agency agree to attempt to resolve the complaint issue(s) through mediation, the complaint investigation timeline may be extended with the agreement of the parties. The BSE will notify both the complainant and the public education agency if the timeline is extended.

Can a state complaint be withdrawn?

At any time prior to the issuance of the Findings Letter, the complaint may be withdrawn by the complainant. Upon withdrawal of a complaint, the BSE 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 BSE. A written confirmation of the withdrawal will be provided to the complainant and the public education agency.

Have these procedures been shared with the public?

These procedures have been posted on the CSDE's website at <https://portal.ct.gov/SDE/Services/Special-Education> and disseminated to the Connecticut Parent Advocacy Center, the State's parent training and information center.