

Special Education Complaint Process

The state complaint investigation process is a procedure that is established under both the Federal and State special education laws and rules. In a state complaint, a person who has knowledge of the educational issues concerning the child may file a written, signed complaint. The complaint must identify the child (or in some cases children), the facts that have led to the dispute and the suggestions for how the situation needs to be fixed.

Per federal regulations at 34 CFR 300.509, this form has been developed to assist parents and other parties in filing a State complaint. The use of this form is recommended, but not required. The completed form should be sent to the Illinois State Board of Education (ISBE) as well as the child's local school district or to the public agency that is serving the child.

- [State Complaint Form](#) *

*If the form is not used to submit a State complaint, a letter with the following information must be submitted: (a) signature and contact information for the person filing the complaint; (b) name and address of residence of the child; (c) name of school the child attends; (d) a statement detailing the alleged violation(s) and the facts on which the statement is based; and (e) a proposed resolution to the problem. If able, provide necessary documentation such as copies of Individualized Education Programs (IEPs). The complaint letter must be forwarded to the local school district or the public agency serving the child, and should also be sent to:

The Illinois State Board of Education
Special Education Services Division
100 North First Street
Springfield, Illinois 62777-0001

- Within 60 days after a valid complaint is filed, the State Board of Education will carry out an independent investigation to gather information, and an on-site visit will be conducted, if necessary. An extension of time to complete the investigation shall be allowed if exceptional circumstances exist, or if the parent and school district agree to extend the timeline to engage in mediation or other alternate means of dispute resolution.
- The individual filing the complaint has the opportunity to submit additional information about the allegations of the complaint, either orally or in writing.
- The public agency has an opportunity to respond to the complaint, including a proposal to resolve the complaint and an opportunity for the parent who has filed a complaint and the public agency to voluntarily engage in mediation.
- The State Board of Education will review all relevant information and make an independent determination whether the public agency is violating a requirement of federal or state special education regulations.
- The State Board of Education will issue a written decision to the individual filing the complaint that addresses each allegation and contains (a) findings of fact and conclusions; (b) the reasons for the State Board of Education's decision; and (c) orders for any actions necessary to bring the public agency into compliance with federal or state requirements. If the local school district or the special education cooperative does not verify compliance with the Illinois State Board of Education, additional enforcement proceedings may occur.
- Use of the complaint process does not preclude an eligible party such as a parent, school district, or a student from requesting a special education due process hearing.
- All action relative to the complaint will be set aside if a hearing has been initiated and the issues in the complaint are addressed in the hearing request. Potential violations alleged in the complaint that are not addressed in the due process hearing will be handled through the complaint process.
- If an issue raised in a complaint has already been decided in a due process hearing, the decision of the due process hearing officer is binding.