

Filing a Complaint with the Minnesota Department of Education (MDE)

Prior to filing a complaint, PACER Center encourages you to contact the special education director of your school district by phone, email or in writing. You may be able to resolve the concerns at the local level without filing a complaint.

If you are not able to resolve your concerns at the local level, the following checklist may be helpful in writing your complaint to MDE.

*All references are to an IEP (Individualized Education Program), IFSP (Individual Family Service Plan) and IIIP (Individual Interagency Intervention Plan).

The Complaint Checklist:

Your written complaint must contain the following:

Basic Information:

- Current date, your name, address, email address (if applicable), and a phone number to reach you if the complaint investigator needs to ask for additional information
- Student's name, address (if different than yours), grade, and birth date
- School district name, school name, and the school's address

Statement of Violation: State why you believe a state or federal law was violated and that it occurred during the last calendar year (12 months from current date).

- Keep your focus on facts, events, and people involved.
- Make a list of each violation you believe the school committed.

Statement of Facts: For each violation, list the facts to support your claim.

- Describe events with specific dates, names of individuals involved or contacted, and a brief description of what happened. Include any additional facts to support your claim.

Proposed Solution: Identify proposed solutions to your complaint.

- List solutions that would be acceptable to you in resolving the complaint.

The MDE will complete an investigation.

They will propose solutions and consider your proposed solution.

Copying and Mailing

- Sign and date the complaint.
- Make two (2) copies - one to keep for your files and one for the school district.
- Mail a copy of the complaint to your child's school district (specifically the special education director or superintendent). Federal law requires that a copy of the complaint be sent to the school district at the same time it is filed with the Minnesota Department of Education.
- Mail complaint or deliver to:
Due Process Supervisor
Minnesota Department of Education
Division of Compliance and Assistance
1500 Highway 36 W.
Roseville, MN 55113-4266
(651) 582-8725 (fax)

Within 60 calendar days of receiving the complaint, a complaint investigator will make a decision if a violation occurred. You will be notified of the decision, which is binding. If violations are found, MDE will develop a corrective action plan. The school must complete the corrective action within a specified time limit. If no violations are found, the case will be closed. Either party may file an appeal with the Minnesota Court of Appeals within 60 calendar days of the decision.

Examples of possible violations:

- The school district did not complete a special education evaluation within 30 school days. It took the school 50 school days to complete the evaluation.
- The classroom teacher has not been providing the accommodations listed on my daughter's IEP, so she hasn't received assistive technology for written assignments.
- For the last three months, my son's special education teacher has been on sick leave. He has not received the special education instruction written in his IEP.

Examples of possible resolutions:

- Since the special education evaluation was not completed within the timelines required, I feel it needs to be completed immediately.
- Because my child could not use assistive technology for written assignments, she will be allowed to redo those assignments for an accurate grade.
- My son has not received his special education instruction in more than three months. Services need to be provided to compensate my child for the specialized instruction he has missed.

Resources:

PACER Center

8161 Normandale Blvd.
Bloomington, MN 55437
(952) 838-9000

PACER.org/disputeresolution/index.asp

Resources are available online, including information on dispute resolution and links to the Minnesota Department of Education (MDE) website. In addition, you can also speak with a PACER advocate over the phone regarding your concerns.

Minnesota Department of Education

1500 Highway 36 W.
Roseville, MN 55113-4266
(651)582-8689

education.state.mn.us/mde/index.html

"How to File a Special Education Complaint" guidance form, optional complaint form, and additional information can be found at: <http://education.state.mn.us/MDE/dse/sped/conf/Comp/index.htm>

Resources available online include information on filing a complaint and links to the Office of Special Education and the Individuals with Disabilities Education Act (IDEA). You can also speak with MDE staff regarding your concerns.

Minnesota Disability Law Center (MDLC)

430 N. First Ave., Suite 300
Minneapolis, MN 55401-1780
(612) 332-1441
(612) 334-5755 (fax)

mylegalaid.org/about/our-work/disability-law

The Minnesota Disability Law Center (MDLC) addresses the unique legal needs of persons with disabilities. A statewide project, MDLC provides free civil legal assistance to individuals with disabilities on legal issues that are related to their disability.