IDAHO STATE DEPARTMENT OF EDUCATION
PROCEDURES FOR RESOLVING COMPLAINTS
UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT 2004

Section 1. Filing Complaints

A. Filing a Formal Complaint

Any individual or organization from Idaho or another state who believes a school district or other education agency has violated a requirement of Part B of the Individuals with Disabilities Education Improvement Act 2004 (IDEA 2004) may file a formal complaint with the State Department of Education (SDE). The complaint shall:

1. Be in writing. Electronic mail is not acceptable. (The SDE will provide reasonable accommodations to individuals who need assistance in filing written complaints.)

2. Be signed and dated.

3. Include one or more allegations. Allegations are statements that an education agency has violated a requirement of Part B of the IDEA 2004. The alleged violations may not be older than one year from the date the complaint is received by the SDE.

4. Include the supporting facts of each allegation. Supporting facts are a description of the events to support the allegation(s), including the name(s) of the student(s) involved, as appropriate.

5. Include a proposed resolution for the complaint.

B. Contact Information Required

Complainants should include their mailing addresses and work and home telephone numbers as well as the name, address, and telephone number of the student(s) involved.

C. Formal Complaints Address

Complaints shall be mailed to:

Dispute Resolution Coordinator
State Department of Education
Division of Student Achievement and School Accountability
P.O. Box 83720
Boise, ID 83720-0027

Section 2. Evaluating Complaints

At times, the SDE may not be able to proceed with resolution of all of a complainant's concerns. Complaints will be evaluated to determine whether the SDE can proceed with resolution. The SDE will notify the complainant, within 30 days of receipt of a complaint, if it cannot proceed with complaint resolution and the reasons. The complainant has the option of filing a new complaint restarting the 60-day timeline or revising the complaint. If the revised complaint contains additional allegations on which the SDE can proceed, the SDE will modify the scope of complaint resolution and may extend the 60-day timeline.

A. Complaint resolution cannot proceed when:

1. The complaint is not in writing.

2. The complaint is not signed.

3. The complaint does not include allegations of Part B violations. (If appropriate, the SDE will notify the complainant of the appropriate agency, entity, or process to address his or her concerns.)

4. The complaint does not include the facts to support the allegations for any of the allegations.

5. All of the allegations in the complaint have been resolved in a previous due process hearing. However, the SDE will resolve a complaint alleging that the education agency failed to implement a due process hearing decision.

B. Resolution of every allegation cannot proceed when:

1. Some of the statements in the complaint are not allegations that an education agency has violated a requirement of Part B of the IDEA 2004. In this situation, the SDE will proceed with resolution of the statements that are allegations. Where appropriate, the SDE will assist the complainant in clarifying other statements and/or will inform the complainant of the appropriate agency, entity, or process to address concerns that do not allege violations of the IDEA 2004.

2. The facts to support some of the allegations are not provided. In this situation, the SDE will proceed with resolution of the allegations for which facts have been included. If appropriate, the SDE will assist the complainant in identifying the facts for his or her other allegations.

3. Some or all of the allegations in the complaint are the subject of a current due process hearing. In this situation, the SDE will proceed with resolution of allegations that are not part of the due process hearing. The SDE will set aside allegations that are the subject of a due process hearing and will suspend the timeline for those allegations.

When the hearing is resolved, the SDE will proceed with resolution of any allegation on which the hearing officer has not ruled. However, the SDE will proceed to resolve allegations that an education agency failed to implement a due process hearing decision.

C. If the complaint is withdrawn by the complainant prior to expiration of the timeline for resolution, the SDE will close the complaint.

Section 3. Complaint Resolution Processes

The SDE will make every effort to resolve complaints in the least adversarial manner possible. Resolution of a formal complaint may be achieved through one or more of the following four processes:

1. **Verification of resolution:** At any time during an investigation, the education agency may submit information to the SDE to document that one or more of the allegations in the complaint have been resolved. The SDE may also receive similar information from other sources.

2. **Corrective action plan (CAP):** The district may propose a CAP to address the allegations in the complaint. The SDE may accept, reject, or negotiate the proposed CAP or require other corrective actions or timelines to ensure that the district will achieve compliance for each allegation stated in the complaint. If this process is not successful, the SDE will conduct a full investigation.

3. **Early complaint resolution (ECR):** The SDE may propose the use of ECR to resolve the complaint. This mutual approach provides the complainant and the district an opportunity to immediately resolve the issues prompting the complaint, even though the parties may not agree on particular findings of fact and conclusions. The SDE Dispute Resolution Coordinator or a contracted investigator will facilitate a resolution through the development of a written agreement to be signed by both parties. If this process is not successful, the SDE will conduct a full investigation.

4. **Investigation:** If necessary, the SDE will investigate the complaint by conducting interviews and reviewing files, correspondence, and other information. An on-site investigation may occur if necessary.

Section 4. Compliance Activities

The SDE will negotiate or require corrective actions, including timelines, as necessary, for the education agency to achieve compliance.

A. **Remedies:** The SDE will identify the specific corrective action necessary for the district to achieve compliance. If it is determined that the district has failed to provide appropriate services, the SDE will address:

1. How to remedy the denial of those services including, as appropriate, the award of compensatory education, monetary reimbursement, or other corrective actions appropriate to the needs of the student that is the subject of the complaint; and

2. Appropriate future provision of those services for all students with disabilities in the education agency.

B. **Documentation:** The SDE will verify implementation of corrective actions and compliance by obtaining documentation from the district or education agency, confirming compliance with the complaint, or conducting an on-site follow up.

1. **Technical assistance:** If necessary, the SDE will provide technical assistance to the district or education agency during or following complaint resolution. The SDE will maintain a record of technical assistance provided to districts or education agencies.

2. **Sanctions:** If the district or education agency fails to achieve compliance, the SDE may initiate procedures to withhold federal funds until compliance is achieved.

Section 5. Complaint Resolution Steps

Within 60 days of receiving the complaint, the SDE will complete the following:

A. The SDE will decide to accept or reject the complaint based on the allegations and supporting facts.

B. Notify both parties in writing of the SDE determination, including a copy of the complaint and "Procedures for Resolving Complaints".

C. Offer mediation to both parties as a method for resolving the complainant's concerns.

D. The complainant will be notified of his or her right to submit additional information, either orally or in writing. Complainants will be asked to submit additional written information within 15 days of receiving notice of the right to do so. The complainant may submit additional oral information through an interview with the complaint investigator.

E. Gather sufficient additional information to make a determination for each allegation through informal fact finding; telephone or personal interviews; and a review of files, documents, correspondence, and other information. If both parties agree that one or more violations have occurred, additional fact-finding will not be conducted in those areas.

F. Carry out an independent on-site investigation if it is determined necessary.

G. Review all relevant information and make an independent determination for each allegation filed by the complainant as to whether the education agency has violated a requirement of Part B of the IDEA 2004.

H. Issue a Final Report to the complainant and district or education agency that contains:

1. An introduction with:

   a. An assigned case number per the date the complaint was received by the SDE.

   b. The name of the parties involved.

   c. The complainant's allegations.

   d. The complaint investigator's name.

   e. Identified information gathered and reviewed.

   f. If relevant, a description of any extension of the 60-day timeline and the exceptional circumstances that warranted the extension.

2. The SDE's findings of fact.

3. The SDE's conclusion regarding each allegation.

4. If the SDE determines the education agency violated a Part B requirement, required Corrective Action(s) will be stated in the report. A timeline and method of documenting compliance will be included.

I. Personally identifiable information about the student will not be included in the final report. The use of personally identifiable information about personnel employed by the education agency will be avoided.

J. The 60-day timeline may be extended if exceptional circumstances exist and are documented by the SDE, or the parties agree to voluntarily engage in mediation or other dispute resolution options offered by the SDE. If the timeline is extended, both parties will be notified. The notification will include the length of the extension and a description of the exceptional circumstances that warrant the extension.

Section 6. Record of Complaints

Each complaint file will be maintained for a period of at least 5 years and will include an original or copy of:

1. The complaint.
2. The investigative notes, documents, correspondence, phone logs, etc.
3. The Final Report, or documentation that the complaint was withdrawn.
4. Verification of compliance if additional activities are required in the report.