

Special Education Complaint Toolkit

A step-by-step guide for families of children receiving special education services to help them understand one of their dispute resolution options: Oregon's Written Special Education Complaint.



Dear Family or Community Partner,

FACT Oregon's mission is to empower Oregon families experiencing disability in pursuit of whole lives in their community. Through services created "by families for families," we help thousands of families each year navigate barriers, create a culture of inclusion, and demonstrate that whole lives are possible. The outcome of our work is engaged, equipped families who hold high expectations for their children and have a vision for the future; in other words, families who dream big dreams as they raise children experiencing disability and prepare them for whole, full adult lives.

Through expertise gained as the U.S. Department of Education and Oregon Department of Education designated Parent Training & Information Center for Oregon (PTI), and by designing and providing support, trainings, resource and referral, and leadership development to families since 2002, FACT Oregon has seen firsthand the struggles many families experience in trying to access the education their children are entitled to under the law. **FACT Oregon toolkits are created to help families - and community partners that support them - understand and engage in special education processes and services.** Parents/caregivers serve a critical role on the IEP team as their child's number one fan and advocate!

Entering the dispute resolution process and filing a State Special Education [IDEA] Complaint [referred to from now on in this document as Complaint] is a decision that requires careful thought and preparation. **In special education advocacy, families always have three choices:**

- **ACCEPT** what is offered as is,
- **NEGOTIATE** and seek consensus, or
- **DISPUTE** what is offered.



A Complaint is one tool parents can use to DISPUTE what is offered.

Remember, if at any time you are unsure about what choice to make, you can:

➤ **Visit our website** (www.factoregon.org) to:

- Watch our on-demand training: "The IEP: What You Need to Know"
- Review our Special Education Toolkit.

➤ **Reflect on why** you feel you need to file a complaint and how you think it will help address your concern.

➤ **Focus on positive outcomes** for your child and seek productive solutions. Nurturing positive and collaborative relationships between families and schools is an important part of the special education process.

➤ **Contact us** to talk through next steps:

- Call/text (503) 786-6082
- Call/text (541) 695-5416
- Email support@factoregon.org

Navigating special education can be hard. Remember that you are not alone! FACT Oregon is here to encourage and support you. Questions? Email, call or text!

Sincerely,

Your Friends at FACT Oregon

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COMPLAINT BASICS

A written **Complaint** can be filed if you believe that a school district or other public education agency responsible for providing a free appropriate public education [FAPE] has not followed the requirements of the Individuals with Disabilities Education Act [IDEA] to students:

- Who have an Individualized Family Service Plan [IFSP], or
- Who have an Individualized Education Program [IEP], or
- Who should have an IFSP/IEP and have not yet been identified or found eligible

Once filed, an **investigation** takes place. The complaint must allege violation(s) of IDEA that occurred not more than one year before the date that the Oregon Department of Education [ODE] receives the complaint.

Those involved in the Complaint process are the **Complainant**, a **District Representative**, and an assigned **Complaint Investigator**. ODE does not accept anonymous complaints.

Any person or organization can file a Complaint. This person or organization filing the Complaint is the “complainant.”

- If parent Alex Smith files a complaint on behalf of his son, Joey, against ABC School District, Alex Smith is the complainant.
- If XYZ Company files a complaint on behalf of Joey Smith, XYZ Company is the complainant.

Written Complaints are sent to ODE. The complainant must also **send a copy at the time the complaint is filed with ODE to the school district** or other public education agency responsible for providing FAPE to the student(s).



Section A “Filing a Complaint: Step by Step” walks through the process of completing the complaint process.

ODE must investigate and provide a written decision of its finding no later than 60 calendar days after it receives the complaint. The 60-day timeline can be extended under exceptional circumstances, or if the parent agrees to extend the timeline for mediation.

Timeline:

1. File the State Special Education Complaint with ODE and send a copy to the district/public education agency
2. ODE sends out a Request for Response
3. District Representative responds
4. You will have a chance to add more information
5. The Investigator meets with you and the district/agency
6. ODE issues a final order within 60 days of receiving complaint

AM I READY TO FILE A COMPLAINT?

The following activities will help you decide if you are ready to file a Complaint. Preparing these answers will also help you write your Complaint. **Let's get started!**

1 WRITE DOWN YOUR SPECIFIC CONCERN(S):

2 WRITE DOWN THE ACTIONS YOU HAVE TAKEN TO RESOLVE THE CONCERN(S).

This checklist includes actions you may have taken to resolve your concern(s), as well as space to describe other actions you have already taken.

- I gathered documentation that supports the concern(s) I would like addressed. (E.g., learning logs, progress notes, prior IFSPs/IEPs.)
- I shared a one-page profile of the child that includes vision for the future, what works/doesn't work, and the child's strengths.
- I attempted to participate in the special education process by contacting the school district/agency to share issues, concerns, and requests for changes. (These contacts can take many forms and examples may include email, meeting notes, calls, letters, and/or a prepared written parent input statements at IFSP/IEP meetings.)
- I discussed the concern(s) directly with the case manager, service provider, or teacher and documented the outcome/agreements of these discussions with written notes in follow-up emails.
- I discussed the concern(s) with the building principal and/or the district-level special education representative (whichever is most appropriate).
- I requested an IFSP/IEP meeting in writing to discuss the concern(s).
- I reviewed the IFSP/IEP and any other relevant documents.
- I have taken other actions to address the concern(s) (please describe):

3 WRITE DOWN WHAT IT WOULD TAKE TO ADDRESS THE CONCERN(S) AND WHAT YOU WANT THE DISTRICT TO DO.

4 DESCRIBE HOW THE CONCERN(S) IS/ARE A VIOLATION OF SPECIAL EDUCATION LAW [IDEA].

The Complaint process is focused on IDEA violations. It does not consider feelings (such as feeling that someone was rude, dismissive, or mean), so focus on what you can document as violation(s) of IDEA. You can consider the six core principles of IDEA, when you are describing how your concern(s) is/are a violation of special education law [IDEA]. The six core principles of IDEA are:

- a. Free Appropriate Public Education
- b. Appropriate Evaluation
- c. Individualized Education Plan
- d. Least Restrictive Environment
- e. Parent Participation
- f. Procedural Safeguards



Use the space below or a separate piece of paper to document your concerns:

See Resources, Examples of Allegations and Supporting Facts, and “Examples of Written Complaints” to support you in completing this activity.

After completing the exercise noted above, you will determine if it is time to file a Complaint.

FILING A COMPLAINT: STEP BY STEP

Below are the steps that must be included in any Complaint. It is up to you whether to use the specific Complaint form included in this toolkit but doing so can help ensure that you have included all necessary information. A blank template of this form is also provided on ODE's website (www.oregon.gov/ode) by searching for 'Request for Complaint Investigation'. See Appendices B, C, and D for examples of completed forms and a copy of the blank template.

WHAT DOES A REQUEST FOR COMPLAINT INVESTIGATION NEED TO INCLUDE?

1 The person filing the Complaint.

- Include the contact information for the person or organization filing the Complaint, including name, mailing address, phone number, email address, and fax. Include as much information as possible to ensure you can be reached by ODE or the Complaint Investigator. If you do not have an email or fax, you can still file a Complaint. Explain how best to reach you in your complaint.
- If you need language support, select "yes" on the question, 'Is an Agency provided interpreter required for this investigation?' and include the language.

2 The Local School District/ESD or EI/ECSE Program against whom the complaint is made.

- The official name of the local school district or other public educational agency that is responsible for providing special education [FAPE] to the student.
- The mailing address and telephone number for the district/agency named in the Complaint.

3 The child involved.

- If the Complaint is about a specific child, include the child's name and address, and the name of the school or program the child is attending.
- If the child is homeless, include any available contact information.
- It is helpful, but not required, to include the child's age and disability



FILING A COMPLAINT: STEP BY STEP

4 Number and list each allegation separately.

- Describe the alleged IDEA violation(s) and the specific facts that relate to each. Remember, these **must have occurred within the 12 months** before the Complaint is received by ODE. **Refer to Definitions Examples of Allegations and Supporting Facts.**
- Be thorough (include all critical information) but concise (use as few words as needed). If additional pages are needed, they can be attached.
- Focus on the allegations and the facts that support them. It is important to remember that the Complaint process focuses on IDEA violations, not feelings.



5 Proposed Solution(s).

- State clearly what you would like to see happen to address the concern(s) and correct the alleged violation(s). If additional pages are needed, they can be attached.
- Each allegation must have a proposed solution. If a solution addresses more than one allegation, it must be written out for each allegation.

6 Mediation (check any applicable boxes) (OPTIONAL)

- Mediation is available at no cost if both parties agree to participate. Mediation does not stop the Complaint process unless the complainant and district reach an agreement to dismiss the complaint.
- A district/agency may choose to decline mediation if the parent is unwilling to extend the 60-day deadline.
- During mediation, an impartial third-party mediator assists the complainant and district/agency to seek a mutually acceptable agreement that resolves the concerns raised in the Complaint.
- If you are interested in mediation, check the applicable boxes:
 - I request mediation and authorize the school district and ODE to share educational information with the mediator about my child's identity, educational needs, and information pertinent to the mediation. I understand the mediator will keep this information confidential.
 - I would like more information about mediation.
 - I agree to extend the Complaint timeline if the District/Program also agrees, and an extension is necessary to engage in mediation.

7 Sign and File

The completed Complaint form MUST be:

- (i) Signed and dated by the complainant. The signature line is at the bottom of the document/template.
- (ii) Sent via mail, fax, or email to BOTH:

- (1) **Assistant Superintendent**
Office of Enhancing Student Opportunities Public Service Building
255 Capitol Street NE
Salem, Oregon 97310-0203
Email: ODE.DisputeResolution@ode.state.or.us
Fax: 503-378-5156

- (2) **The Local School District/ESD or EI/ECSE Program against whom the complaint is made.**



- Name:** Name of the person, often the Special Education Representative for the District
- Superintendent:** Name of the superintendent, which can be found on the school's website.
- Email:** Email address of the person you are sending the complaint to, often the Special Education.
- Address City, State, Zip:** The School District or other public educational agency responsible for providing special education [FAPE] to the student who is the subject of the complaint.



All this information can be found on the school district or other public educational agencies website. You can also get this information by calling the office of the district/agency.

WHAT HAPPENS AFTER I FILE A WRITTEN COMPLAINT?

- ODE will send you and the district/agency a letter confirming that it has received your Complaint along with information about the Complaint resolution process and other options for resolving your concerns, such as mediation. The letter will indicate the state date of the 60-day investigation period.
- A person or team will be assigned by ODE as the Investigator.
- An investigation takes place. ODE investigations may include any or all of the following: visits to a school or other location, reviews of documents, and interviews with people who have relevant information about the Complaint.
- A written decision is made no later than 60 calendar days after the written Complaint is **received** by ODE unless the timeline has been extended.

WHAT OPTIONS ARE AVAILABLE FOR RESOLVING A COMPLAINT?

A Complaint may be resolved through one or more of these options:

Local Resolution: Local Resolution is an opportunity for the complainant to work directly with the school district or other public educational agency responsible for providing special education [FAPE] to resolve the concern(s).

- Typically, ODE will wait ten calendar days before proceeding with the investigation to provide parties the opportunity for local resolution.
- If a resolution is reached, the complaint investigation will not proceed, and the matter will be closed.

Voluntary Corrective Action: After receiving a complaint, a school district or other public educational agency responsible for providing special education [FAPE] to the student who is the subject of the complaint may propose a corrective action to address the allegations in the complaint.

- ODE may accept, reject, or negotiate the proposed actions or require others to ensure compliance related to each allegation in the complaint.
- If this process is unsuccessful, ODE will proceed with the complaint resolution process.



WHAT OPTIONS ARE AVAILABLE FOR RESOLVING A COMPLAINT? CONTINUED



Mediation: As noted in step 6, mediation is available at no cost if both parties agree to participate. During mediation, an impartial third-party mediator assists the complainant and district/program to seek a mutually acceptable agreement that resolves the concern(s) raised in the complaint.

Investigation: If necessary, ODE will investigate the allegations in the complaint by conducting interviews and reviewing student records, correspondence, and other information.

- An on-site investigation will be conducted, if necessary, to resolve the concern(s) in the complaint.
- ODE will draw conclusions based upon the additional information it receives, write up a summary of its findings, and then decide whether the district or agency that is responsible for providing special education [FAPE] to the student who is the subject of the complaint has violated special education law [IDEA]. If the answer to that question is yes, ODE will determine what, if any, corrective actions should be taken.

WHY MIGHT ODE DISMISS A COMPLAINT WITHOUT INVESTIGATION?

ODE can only investigate allegations of violations of the IDEA, the basic special education law. The complaint must state specific concern(s) (or allegations) and include the basis (supporting facts) for the allegation. See Appendix A for examples of allegations and the supporting facts.

ODE may dismiss a complaint without an investigation if:

- The complaint includes no allegations of special education law [IDEA] violations;
- The alleged violations of the law happened more than one year before the complaint was filed;
- The complaint includes no basis or facts to support any of the alleged IDEA violations;
- All the allegations in the complaint have been resolved by other means (mediation, due process); or
- The complainant requests that the complaint be withdrawn.



RESOURCES



CADRE

the center for appropriate dispute
resolution in special education

www.cadeworks.org

CADRE's IDEA Special Education Written State Complaints
Parent Guide

CADRE's Quick Guide to Special Education Dispute
Resolution Processes for Parent for Children & Youth (Ages
3-21)

CADRE's Special Education Written State Complaints
Companion Videos



OREGON
DEPARTMENT OF
EDUCATION

Oregon achieves . . . together!

[https://www.oregon.gov/ode/
rules-and-
policies/Pages/Dispute-
Resolution.aspx](https://www.oregon.gov/ode/rules-and-policies/Pages/Dispute-Resolution.aspx)

ODE - Comparison of Major Dispute Resolution Options

ODE - Complaints Orders Log (Logs of complaints and their
orders)

ODE - Complaint Timeline

ODE - Special Education Complaint Resolution Process:
Questions and Answers

EXAMPLES OF ALLEGATIONS AND SUPPORTING FACTS K-12

K-12 Example #1:

Allegation: The school district/program did not implement my child's IEP.

IDEA Violation: (FAPE/IEP Implementation)

I believe that the school is not providing the services included in my child's individualized education program (IEP). 34 CFR § 300.17 (d)

Supporting Facts: My child's March 2020 IEP includes 30 minutes per week of speech-language services. I discovered that my child has not seen the speech therapist all year.

On March 5, 2021, I sent an email to the IEP team expressing my concern that my child has not received speech therapy since November 2020.

Proposed Solution: Order the district to provide the services needed to make up for what my child has missed and what will be needed to put my child in the same place they would have been in if the services had been provided.

K-12 Example #2:

Allegation: The school district held an IEP meeting without me.

IDEA Violation: (Parent Participation)

Parents must be provided an opportunity to participate in meetings. 34 CFR § 300.322, 300.501 (b)

Supporting Facts: The school district called me on November 2, 2020, at 3:00 pm and said we need to have an IEP meeting to be in compliance because the IEP is going to expire.

I explained that I was not able to get off work with just a day's notice and would need to have at least a week. I told them that I could meet on November 9, 2020, at any time. They said a couple of the staff couldn't attend on the 9th so they would just hold the meeting without me.

Proposed Solution: Provide two or more mutually acceptable dates to reconvene the IEP meeting, cancel the IEP created on November 2, 2020, and create a new IEP with parent participation.

K-12 Example #3:

Allegation: The general education teachers refuse to accommodate my child's disability.

IDEA Violation: (FAPE/IEP Implementation) (failure to provide accommodations) I believe that the school is not providing the accommodations included in my child's individualized education program (IEP). 34 CFR § 300.17 (d)

Supporting Facts: My 11th-grade daughter has a specific learning disability. Her October 2020 IEP says she will have extra time to complete assignments and take tests in the resource room so they can be read to her. Her teachers lower her grade on assignments when she takes extra time to complete them and won't let her go to the resource room to take tests. I have included emails where I have communicated with the teachers the dates that my child was not allowed to go to the resource room to take her tests. Additionally, I have documentation on her work that states that her grade was lowered because she needed additional time to complete the assignment.

Proposed Solution: Provide training to the general education teachers to make sure they implement my child's IEP. Order the district to review any grades that may have been impacted by its past actions and provide my child with an opportunity to retake relevant tests with the required accommodations within one year.

EXAMPLES OF ALLEGATIONS AND SUPPORTING FACTS K-12

K-12 Example #4:

Allegation: The school district/program predetermined placement for my child based on their disability.

IDEA Violation: (Least Restrictive Environment): To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled 34 CFR § 300.114 (a) (2) (i)

Supporting Facts: Prior to the IEP meeting, I was told that my child would be placed in the special education program classroom because they have Down Syndrome.

Proposed Solution: A copy of the completed evaluation will be provided to the parent immediately and an evaluation eligibility meeting will be scheduled to discuss the results. If my child is found eligible, we request compensatory education.

K-12 Example #5:

Allegation: The school district/program did not complete initial special education evaluations within 60 school days of receiving parent consent.

IDEA Violation: (Appropriate Evaluation): Timeframe for Initial Evaluation: The initial evaluation was not completed within 60 school days of when I signed consent to evaluate. 34 CFR § 300.301 (c) (1) (i)

Supporting Facts: I asked for a special education evaluation because my 6th-grade son has had a difficult transition to middle school. He is failing his classes and has been suspended several times. I signed a consent form when I met with the counselor in October 2020. It is now April 2021, and I never received the testing results. My son is still having trouble in school.

Proposed Solution: A copy of the completed evaluation will be provided to the parent immediately and an evaluation eligibility meeting will be scheduled to discuss the results. If my child is found eligible, we request compensatory education.

K-12 Example #6:

Allegation: The school district did not implement my child's assistive technology as included in the IEP.

IDEA Violation: (FAPE) Assistive Technology: The district must ensure that assistive technology devices and services are made available to a student with a disability if it is required as a part of the student's special education, related services, or supplementary aids and services. 34 CFR § 300.105

Supporting Facts: The IEP team determined that my child would have access to a word processor with speech-to-text technology in September 2020. The district has not provided my child with a word processor with speech-to-text technology since September 2020. I have included the emails that I have sent to the school district to get the assistive technology that is in my child's IEP.

Proposed Solution: Provide the Assistive Technology included in the IEP.

EXAMPLES OF ALLEGATIONS AND SUPPORTING FACTS EI/ECSE

EI/ECSE Example #1:

Allegation: My child's Early Childhood Special Education Program did not implement my child's IFSP.

IDEA Violation: (FAPE/ IFSP Implementation) I believe that the school is not providing the services included in my child's individualized family service plan (IFSP). 34 CFR § 300.101

Supporting Facts: My child's IFSP states he will have four hours of service from a physical therapist per month, but he has never received more than two hours per month.

Proposed Solution: Determine the best plan of action to provide compensatory education for the speech-language services that my child has not received.

EI/ECSE Example #2:

Allegation: Early Intervention did not complete initial special education evaluations within 45 school days of receiving parent consent.

IDEA Violation: (Appropriate Evaluation) Timeframe for Initial Evaluation: The initial evaluation was not completed within the 45 school days of signing consent to evaluate. 34 CFR § 303.310

Supporting Facts: I asked for an evaluation because I had concerns that my child was not meeting their developmental milestones. I signed a consent form when I met with the EI case manager in October 2020. It is now April 2021, and I never received the testing results. My child is still having trouble.

Proposed Solution: Send me a copy of the completed evaluation and have an evaluation eligibility meeting to discuss the results. If my child is found eligible, we request compensatory education

EXAMPLE OF A WRITTEN COMPLAINT # 1:

Oregon Department of Education
255 Capitol St NE
Salem OR 97310

Office of Student Services
Dispute Resolution Section
(503) 947-5797

Request for Complaint Investigation

Parents, and other individuals and organizations may file a complaint if they believe a school district or other educational agency has violated the Individuals with Disabilities Education Act (IDEA). See OAR 581-015-2030 for complaint procedures.

1. Person filing the complaint.

Name(s) Deborah Torres
Relationship to child Mother
Address 2686 Skinner Hollow Road
City/State/Zip Glidden, OR 97609
Telephone 555-555-5555 Fax _____
Email address dtorress@fakeemail.com

* Is an Agency provided interpreter required for this investigation? yes no. Language _____

2. The Local School District/ ESD or EI/ECSE Program against whom the complaint is made.

Name Glidden School District
Address 1885 Plainfield Avenue
City/State/Zip Glidden, OR 97609
Telephone 555-555-5555

3. The child involved.

Name of Child Joseph Torres Date of Birth 12/29/08 Grade 6th
Home Address (if different from above) _____
City/State/Zip _____
Disability (optional) _____
School or Program Child Attends Mountain Ridge Middle School

4. Number and list each allegation separately. Describe the IDEA violation and the specific facts that relate to that violation. The complaint must describe a concern(s) that happened within the last 12 months prior to the date that the complaint is received. Include dates, names and locations. (Attach additional pages if needed.)

I believe that the school is not providing the services included in my child's individualized program (IEP). My child's March 2020 IEP includes 30 minutes per week of speech-language services. I discovered that my child that has not seen the speech therapist all year. On March 5, 2021, I sent an email to the IEP team expressing my concern that my child has not recieved their speech therapy since November 2020.

EXAMPLE OF A WRITTEN COMPLAINT # 1 (cont.):

255 Capitol St NE
Salem OR 97310

Office of Student Services
Dispute Resolution Section
(503)947-

5. Proposed Solution. For each of the above concerns you've described, what is your proposed solution? (Attach additional pages if needed.)

My proposed solution is to determine the best plan of action to provide compensatory education or the speech-language services that my child has not received since November 2020.

6. Mediation (check any applicable boxes)
(optional)

Mediation is available to parents at no cost and can be entered into with the agreement of the School District. Mediation may proceed at the same time as the complaint investigation.

I request mediation and authorize the school district and ODE to share educational information with the mediator about my child's identity, educational needs, and information pertinent to the mediation. I understand the mediator will keep this information confidential.

I would like more information about mediation.

I agree to extend the complaint timeline if the District/Program also agrees and an extension is necessary to engage in mediation.

The Complainant must sign and mail, fax or email to both: _____

AND:

Assistant Superintendent – Student Services
Public Service Building
255 Capitol Street NE
Salem, Oregon 97310-0203
Email:
ODE.DisputeResolution@ode.state.or.us
Fax: 503-378-5156

Local School District,
ESD or EI/ECSE Program

Name: Glidden School District

Superintendent: Chandra Thorne

Email: cthorne@fakeemail.com

Address: 1885 Plainfield Avenue

City: Glidden

State/Zip Oregon, 97609

Deborah Torres

Signature (required)

04/1/2021

Date

The Oregon Department of Education is an equal opportunity agency and employer.

EXAMPLE OF A WRITTEN COMPLAINT # 2:

Oregon Department of Education
255 Capitol St NE
Salem OR 97310

Office of Student Services
Dispute Resolution Section
(503) 947-5797

Request for Complaint Investigation

Parents, and other individuals and organizations may file a complaint if they believe a school district or other educational agency has violated the Individuals with Disabilities Education Act (IDEA). See OAR 581-015-2030 for complaint procedures.

1. Person filing the complaint.

Name(s) Stevie Cho
 Relationship to child parent
 Address 2054 Maple Lane
 City/State/Zip Burlington, OR 97609
 Telephone 555-555-5555 Fax _____
 Email address scho@fakeemail.com

* Is an Agency provided interpreter required for this investigation? yes no. Language _____

2. The Local School District/ ESD or EI/ECSE Program against whom the complaint is made.

Name Forest County EI/ECSE
 Address 2912 Lake Forest Drive
 City/State/Zip Burlington, OR 97609
 Telephone 555-555-5555

3. The child involved.

Name of Child Zarah Cho Date of Birth 11/9/2019 Grade n/a
 Home Address (if different from above) _____
 City/State/Zip _____
 Disability (optional) _____
 School or Program Child Attends Forest County EI/ECSE

4. Number and list each allegation separately. Describe the IDEA violation and the specific facts that relate to that violation. The complaint must describe a concern(s) that happened within the last 12 months prior to the date that the complaint is received. Include dates, names and locations. (Attach additional pages if needed.)

Forest County EI/ECSE did not complete my child's initial special education evaluations within 45 school days of me signing parent consent to evaluate. In early October of 2020, I asked for an evaluation because I had concerns what my child was not meeting some of their developmental milestones. I signed a consent for to evaluate when I met with the EI case manager on October 5th. It is now April and I have never received the testing results despite sending emails on February 26 and March 15 with not answer. My child is still having trouble.

EXAMPLE OF A WRITTEN COMPLAINT # 2 (cont.):

Oregon Department of Education
255 Capitol St NE
Salem OR 97310

Office of Student Services
Dispute Resolution Section
(503) 947-5797

5. Proposed Solution. For each of the above concerns you've described, what is your proposed solution? (Attach additional pages if needed.)

My proposed solution is to send me a copy of the completed evaluation and schedule and evaluation eligibility meeting immediately to discuss the results.

If my child is eligible, we request compensatory education.

6. Mediation (check any applicable boxes)
(optional)

Mediation is available to parents at no cost and can be entered into with the agreement of the School District. Mediation may proceed at the same time as the complaint investigation.

- I request mediation and authorize the school district and ODE to share educational information with the mediator about my child's identity, educational needs, and information pertinent to the mediation. I understand the mediator will keep this information confidential.
- I would like more information about mediation.
- I agree to extend the complaint timeline if the District/Program also agrees and an extension is necessary to engage in mediation.

The Complainant must sign and mail, fax or email to both:

AND:

Assistant Superintendent – Student Services
Public Service Building
255 Capitol Street NE
Salem, Oregon 97310-0203
Email:
ODE.DisputeResolution@ode.state.or.us
Fax: 503-378-5156

Local School District,
ESD or EI/ECSE Program

Name: Forest County EI/ECSE

Superintendent: Louise Chausse

Email: lchause@fakeemail.com

Address: 2912 Lake Forest Drive

City: Burlington

State/Zip: Oregon, 97609

Stevie Cho
Signature (required)

04/01/2021
Date

The Oregon Department of Education is an equal opportunity agency and employer.

Oregon Department of Education
Form 581-1337-E

BLANK COMPLAINT FORM

Oregon Department of Education
255 Capitol St NE
Salem OR 97310

Office of Student Services
Dispute Resolution Section
(503) 947-5797

Request for Complaint Investigation

Parents, and other individuals and organizations may file a complaint if they believe a school district or other educational agency has violated the Individuals with Disabilities Education Act (IDEA). See OAR 581-015-2030 for complaint procedures.

1. Person filing the complaint.

Name(s) _____

Relationship to child _____

Address _____

City/State/Zip _____

Telephone _____ Fax _____

Email address _____

* Is an Agency provided interpreter required for this investigation? yes no. Language _____

2. The Local School District/ ESD or EI/ECSE Program against whom the complaint is made.

Name _____

Address _____

City/State/Zip _____

Telephone _____

3. The child involved.

Name of Child _____ Date of Birth _____ Grade _____

Home Address (if different from above) _____

City/State/Zip _____

Disability (optional) _____

School or Program Child Attends _____

4. Number and list each allegation separately. Describe the IDEA violation and the specific facts that relate to that violation. The complaint must describe a concern(s) that happened within the last 12 months prior to the date that the complaint is received. Include dates, names and locations. (Attach additional pages if needed.)

BLANK COMPLAINT FORM

Oregon Department of Education
255 Capitol St NE
Salem OR 97310

Office of Student Services
Dispute Resolution Section
(503) 947-5797

5. Proposed Solution. For each of the above concerns you've described, what is your proposed solution? (Attach additional pages if needed.)

6. Mediation (check any applicable boxes)
(optional)

Mediation is available to parents at no cost and can be entered into with the agreement of the School District. Mediation may proceed at the same time as the complaint investigation.

- I request mediation and authorize the school district and ODE to share educational information with the mediator about my child's identity, educational needs, and information pertinent to the mediation. I understand the mediator will keep this information confidential.
- I would like more information about mediation.
- I agree to extend the complaint timeline if the District/Program also agrees and an extension is necessary to engage in mediation.

The Complainant must sign and mail, fax or email to both:

AND:

Assistant Superintendent – Student Services
Public Service Building
255 Capitol Street NE
Salem, Oregon 97310-0203
Email:
ODE.DisputeResolution@ode.state.or.us
Fax: 503-378-5156

**Local School District,
ESD or EI/ECSE Program**

Name: _____

Superintendent: _____

Email: _____

Address: _____

City: _____

State/Zip: _____

Signature (required)

Date

The Oregon Department of Education is an equal opportunity agency and employer.

GLOSSARY OF TERMS TO KNOW ^{1,2}

Term	Definition
Allegation of IDEA violation:	A statement describing how a district/program has violated the Individuals with Disabilities Education Act [IDEA] that has not yet been proven to be true.
Compensatory services:	Services are provided later to make up for the lack of appropriate services at an earlier time.
Complainant:	The person(s) or organization(s) that files a special education complaint is referred to as the complainant.
Complaint:	A State Special Education Complaint is a written, dated, signed statement claiming that a school district, or other public educational agency responsible for providing FAPE to the student with an IFSP/IEP, has violated federal special education law.
Complaint Resolution:	A type of dispute resolution including an investigation process of a complaint that is not a judicial or court process.
Conclusions	The conclusions of a complaint investigation that are issued after ODE interviews both parties, review facts and considers IDEA special education law. ODE's legal conclusions are the basis for its 1) determination of compliance or noncompliance, and 2) Final Order.

1. <https://www.oregon.gov/ode/rules-and-policies/Pages/drglossary.aspx>

2. <https://www.oregon.gov/ode/rules-and-policies/Pages/Special-Education-Complaint-Resolution.aspx>

GLOSSARY OF TERMS TO KNOW ^{1,2}

Term	Definition
Continuing violation:	A continuing violation is based on actions that occurred, in part, within the last year, but are part of a pattern of repeated conduct or a series of acts going back further. Continuing violations are not discrete acts. One example of a continuing violation would be a series of IEP team decisions or refusals to evaluate or pay for an independent evaluation more than one year ago.
Corrective Action:	Actions needed to resolve substantiated allegations and to provide appropriate services to the student. When appropriate, ODE orders Corrective Actions in its findings of fact, conclusions, and final order.
Dismissed / Dismisses:	<p>ODE dismisses the complaint if/when:</p> <ul style="list-style-type: none"> • The person filing the complaint and the local educational agency [school district or other public educational agency responsible for providing FAPE to the student with an IEP] resolve the issue(s). • The person filing the complaint and the local educational agency enter mediation and resolve the issue(s). The complaint includes no allegations of IDEA violations. • The complaint includes no timely allegations of IDEA violations.
Education Specialist:	An ODE employee or contractor with special education expertise who may assist an investigator with a complaint investigation.
Evidence:	Documents, objects, pictures, and verbal statements that support the allegations of violations.

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2. <https://www.oregon.gov/ode/rules-and-policies/Pages/Special-Education-Complaint-Resolution.aspx>

GLOSSARY OF TERMS TO KNOW ^{1, 2}

Term	Definition
<p>Free Appropriate Public Education [FAPE]:</p>	<p>FAPE is one of the key parts of the Individuals with Disabilities Education Act [IDEA] and means:</p> <ul style="list-style-type: none"> • Free: There is no cost to families, other than extra school fees like sports, yearbooks, clubs, etc. • Appropriate: Special education services identified in the Individualized Education Program [IEP] are to meet a student’s unique needs. Think of it as one size that doesn’t fit all. • Public: The public school provides or oversees the education. • Education: This includes general education, special education, and services like speech therapy or transportation, with the overall goal for students to make progress in school and be prepared for the future.
<p>Final order:</p>	<p>ODE's findings of fact, conclusions, and final order (including corrective action, if necessary) based on the allegations in the complaint.</p>
<p>Findings of Facts:</p>	<p>An explanation and review of relevant information used to support ODE’s conclusions of the allegations of the complaint.</p>
<p>Individuals with Disabilities Education Act [IDEA]:</p>	<p>The Individuals with Disabilities Education Act [IDEA] is a law that makes available a free appropriate public education [FAPE] to eligible children with disabilities and ensures special education and related services.</p>

1. <https://www.oregon.gov/ode/rules-and-policies/Pages/drglossary.aspx>

2. <https://www.oregon.gov/ode/rules-and-policies/Pages/Special-Education-Complaint-Resolution.aspx>

GLOSSARY OF TERMS TO KNOW ^{1, 2}

Term	Definition
Individualized Education Program [IEP]:	An IEP is a written document created for each student that is eligible for special education that documents how the school district will provide FAPE to the student and support the student’s access to the general curriculum.
Investigation:	The investigation process of a complaint. An investigation is not a judicial or court process and may also be referred to as the Complaint Resolution.
Investigator:	The person(s) assigned by ODE to investigate the complaint; may be an ODE employee or contractor, but must be a neutral, objective factfinder, and knowledgeable about IDEA. Responsible for organizing interviews, document reviews, and the initial report to ODE to complete the process in 60 days.
Local Education Agency [LEA]:	The school district or other public educational agency responsible for providing FAPE to the student with an IEP.
Mediation:	A voluntary process in which an impartial third-party mediator assists and facilitates the complainant and district/program in reaching a mutually acceptable resolution of the dispute.

1. <https://www.oregon.gov/ode/rules-and-policies/Pages/drglossary.aspx>

2. <https://www.oregon.gov/ode/rules-and-policies/Pages/Special-Education-Complaint-Resolution.aspx>

GLOSSARY OF TERMS TO KNOW ^{1, 2}

Term	Definition
Oregon Department of Education [ODE]:	The Oregon Department of Education is the State Education Agency [SEA].
Office of Special Education Programs [OSEP]:	The program at the U.S. Department of Education that supports comprehensive programs and projects for students with disabilities.
Procedural Safeguards:	Procedural violations occur when the LEA fails to comply with IDEA process-based or technical requirements. [Examples may include holding a meeting without all necessary members present, failing to meet IDEA timelines, or failing to get parental consent for evaluations.]
Procedural Violation:	Procedural violations occur when the LEA fails to comply with IDEA process-based or technical requirements. [Examples may include holding a meeting without all necessary members present, failing to meet IDEA timelines, or failing to get parental consent for evaluations.]
Proposed Solution:	The suggested remedy for each allegation made by the complainant.
Reimbursement:	“Reimbursement” means paying back and is a possible corrective action ODE may require for services that the parent purchased privately because the school district did not give appropriate services to the child.

1. <https://www.oregon.gov/ode/rules-and-policies/Pages/drglossary.aspx>

2. <https://www.oregon.gov/ode/rules-and-policies/Pages/Special-Education-Complaint-Resolution.aspx>

GLOSSARY OF TERMS TO KNOW ^{1, 2}

Term	Definition
Respondent Party:	School districts or other public educational agencies responsible for providing FAPE to the student are the “respondent party” meaning that they respond to the complaint. Respondent parties are like defendants in a court action.
State Education Agency [SEA]:	The state educational agency is primarily responsible for the supervision of public elementary and secondary schools in a State. ODE is the SEA for Oregon.
Substantive Violation:	A substantive violation arises when violations are serious enough that a child does not receive FAPE. [Examples of violations generally viewed as substantive include opportunity for meaningful parent participation, IEP compliance, Least Restrictive Environment [LRE], or adequacy of the individualized instructions and educational supports contained in an IEP.]
Substantiated:	<p>ODE will substantiate an allegation (affirm that what was alleged occurred) if the evidence supporting it is more persuasive than the evidence denying it.</p> <p>*Note: If the evidence on both sides is equally persuasive, ODE will not find a violation.</p>
Supporting Facts:	Additional information that supports the allegation.
Unsubstantiated:	ODE does not substantiate or affirm that what was alleged occurred.

1. <https://www.oregon.gov/ode/rules-and-policies/Pages/drglossary.aspx>

2. <https://www.oregon.gov/ode/rules-and-policies/Pages/Special-Education-Complaint-Resolution.aspx>

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is immeasurable.**



Eric Wells, Director, IDEA Programs, Oregon Department of Education

Mike Franklin, Special Education Legal Specialist, Oregon Department of Education

Joel Greenburg, Senior Staff Attorney, Disability Rights Oregon

Chris Shank, Education Staff Attorney, Youth, Rights & Justice

Graham Hicks, Attorney, Graham Hicks Law

Michael Salitore, Director, Supported Education, Molalla River School District

Elaine Fox, Executive Director of Student Services, Hillsboro School District

Tiffanie Lambert, Assistant Superintendent, Phoenix-Talent School District

Melanie Reese, Director, CADRE [The Center for Appropriate Dispute Resolution in Special Education]

Noëlla Bernal, Associate Director, CADRE [The Center for Appropriate Dispute Resolution in Special Education]

Diana Nadeau, Dispute Resolution and Training Specialist, CADRE [The Center for Appropriate Dispute Resolution in Special Education]

Kelly Rauscher, Learning and Development Specialist, CADRE [The Center for Appropriate Dispute Resolution in Special Education]



FACT Oregon is an Oregon nonprofit whose mission is to empower families and youth experiencing disability in their pursuit of a whole life.

We serve as the U.S. Department of Education and Oregon Department of Education designated statewide Parent Training & Information Center (PTI).

We provide a range of services and programs to support:

- Families of children and youth with disabilities
- Youth with disabilities
- Community partners (local/regional and culturally-specific)
- Educators, other professionals, and policymakers

Our vision is for a future where all communities are accessible, inclusive, and empower the self-determination and whole lives of people with disabilities.

FACT Oregon's support, outreach, trainings, resources, technical assistance, leadership development, family engagement, and advocacy:

- Ground families in concepts of ableism, self-determination, high expectations, vision and trajectory, and the belief that disability is a natural part of the human experience
- Help families support children's academic, behavioral, and physical growth and well-being
- Foster understanding of special education, disability services and systems, and community resources, and how to meaningfully engage in them in pursuit of a whole life
- Bring family and youth voice to policy work and systems change
- Disrupt ableism and improve outcomes for youth with disabilities



Contact us:

**FACT Oregon
Administrative Office
2475 SE Ladd Ave Suite 430
Portland, OR 97214**

Call/text (503) 786-6082

Call/text (541) 695-5416

Email support@factoregon.org