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Summary of Administrative Complaint Procedures

In an effort to promote efficiency, distribution of all information and notifications will be via email whenever possible, unless otherwise noted.

Overview of Administrative Complaint Filing Requirements

- Any individual or organization may file a complaint regarding an alleged violation of the requirements of Part B of the IDEA or state special education regulations. These alleged violations regarding the identification, evaluation, placement, or provision of FAPE that occurred no more than one year prior to the date the complaint is received at the AOE, may be filed on behalf of a student with a disability.
- Complaints may be filed via electronic mail; fax transmission, or U.S. postal service.
- Administrative complaints must be filed in writing, and may be filed using the available [State form](#). If a complainant is unable to file a complaint in writing, the AOE will refer the complainant to a parent support/advocacy organization for assistance.
- The complainant must sign the complaint. If the complainant is an organization, the person authorized to act on behalf of the organization must sign the complaint.
- All complaints must meet the requirements of Rule 2365.1.5 (b) through (d). The AOE will not accept a complaint that fails to comply with Rule 2365.1.5 (b) through (d).
- The Secretary of Education shall issue a written decision within 60 days of acceptance of the complaint. This decision is not subject to appeal per Rule 2365.1.5 (i), however, parties may pursue a due process complaint per Rule 2365.1.6.2.
- Students supported by a 504 or educational support plan may file an administrative complaint with the regional office of civil rights (email: OCR.Boston@ed.gov for more information).

Receipt of Complaint

The complaint is received by the AOE, date-stamped and forwarded to the legal office for assignment of an attorney, and verification that the LEA has received a copy of the complaint. Concurrently, the legal office sends a copy of the parental rights and procedural safeguards document to the complainant.

Initial Review of Complaint

The legal office reviews the complaint to ensure that the issues are related to an alleged violation of Part B of IDEA, state or federal special education regulations and if the minimum requirements of Rule 2365.1.5(b-d) have been met. The complaint is not accepted for investigation if it does not meet the minimum requirements for filing or the complaint contains issues which are subject to a current or prior due process hearing. Upon acceptance of the complaint by legal staff, the State Director of Special Education is notified that a complaint has been received, and a special education staff member most familiar with the specific issues in the

complaint is assigned to the case. These representatives from the legal and special education teams become the investigation team for the complaint.

Timelines Established

The legal office establishes timelines for completing the investigation within 60 days of receipt. Notification is sent to both the complainant and the LEA that they have 15 days to provide additional information related to the complaint. Timelines may only be extended if complainant and LEA agree to an extension to engage in mediation, or where exceptional circumstances exist regarding the complaint.

Dispute Resolution Options

The complainant is contacted to review all dispute resolution options. Mediation is offered as a first step, but is NOT required. If mediation is pursued, an extension of the timeline is requested, to allow for mediation results, but also not required. If the mediation offer is rejected, an extension is not granted, a resolution is not reached or either party withdraws from mediation, the 60-day timeline for administrative complaint resumes.

Investigation/Fact Finding

The team investigates all alleged violations of state and federal special education regulations as outlined in the complaint supplemented by additional information provided as part of the initial review. The investigation team analyzes all information obtained or discovered through the course of the investigation. The team determines whether the issue is a single violation and can be resolved via technical assistance to the LEA or if a corrective action plan is required to address multiple violations specific to the student or to address systemic issues within the LEA.

Reporting of Findings

The team drafts a written report, which responds to all legal issues in the administrative complaint. This report is reviewed by the State Director of Special Education, or designee, and then these recommendations are submitted to the Secretary of Education who issues a final decision and signs the report.

Distribution of Report

The legal team distributes copies of the signed report to the complainant and LEA within the 60 day timeline as required by SBE Rule 2365.1.5 (f) (4)). Original documents are kept in accordance with the AOE's document retention policies.

Complaint Closure

The LEA submits documentation that all corrective measures are implemented as outlined in the report, and legal team notifies all parties that the administrative complaint is considered closed.