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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 and Part C of the IDEA or State Special Education Rules. These alleged violations may be filed on behalf of an infant, toddler, or student with a disability.
- The complaint must be related to alleged violations regarding the identification, evaluation, placement, or provision of Part C Early Intervention Services, or Part B FAPE that occurred no more than one year prior to the date the complaint is received at the Agency of Education (AOE).
- Complaints may be filed via electronic mail; fax transmission, or U.S. postal service.
- Part C Early Intervention complaints should be filed with both the AOE and the Agency of Human Services (AHS) and the Director of the Children's Integrated Services/Early Intervention (CIS/EI).
- 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, they should contact the AOE and 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, and, for complaints related to Part C Early Intervention, the Secretary of AHS, 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. The AOE will verify that the LEA or, in the case of Part C Early Intervention, that the Director of Children's Integrated Services has received a copy of the complaint. The AOE Legal Office also sends a copy of the parental rights and procedural safeguards document to the complainant.

Initial Review of Complaint

The AOE Legal Office reviews the complaint to ensure that the issues are related to an alleged violation of Part B or Part C of IDEA Federal Special Education Regulations or State Rules. The AOE Legal Office also reviews the complaint to ensure the minimum requirements of Rule 2365.1.5 (b) through (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. The AOE legal staff inform the complainant in writing if the complaint does not meet minimum requirements and provides an opportunity for the complainant to revise the complaint. Upon acceptance of the complaint by legal staff, the State Director of Special Education, and the State Director of Children's Integrated Services in the case of Part C Early Intervention, are notified that a complaint has been received. A Special Education Consultant within AOE or Children's Integrated Services (CIS) staff member most familiar with the specific issues in the complaint is assigned to the case. These representatives from the legal, special education teams, and CIS, when applicable, become the investigation team for the complaint.

Timelines Established

The AOE Legal Office establishes timelines for completing the investigation within 60 days of receipt. Notification is sent, usually by electronic mail, to both the complainant and the LEA or CIS staff, that they have 15 days to provide additional information related to the complaint. Timelines may only be extended if complainant and LEA or CIS staff agree to an extension in order 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 is also not required. If the complainant rejects the mediation offer, an extension is not granted, a resolution is not reached or either party withdraws from mediation, the 60-day timeline for administrative complaint resumes once AOE legal staff is notified the complainant wishes to continue the investigation. The clock is tolled while the case is pending mediation.

Investigation/Fact Finding

The team investigates all alleged violations of State Rules 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 regional CIS program or if a corrective action plan is required to address multiple violations specific to the infant/toddler, or student or to address any identified systemic issues.

Reporting of Findings

The team drafts a written report, which responds to all legal issues in the administrative complaint. In the case of Part B complaints, this report is reviewed by the State Director of Special Education, or designee.

For Part C complaints, the AHS Legal Counsel and the Director of CIS/EI review the report and forward it to the Secretary of AHS for concurrence. Following their review, the team's recommendations are submitted to the Secretary of Education, and, in the case of Part C Early Intervention complaints, also the Secretary of the Agency of Human Services, 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 or CIS within the 60-day timeline as required by SBE Rule 2365.1.5 (f) (4)) allowing for any extensions of time as appropriate. Original documents are kept in accordance with the AOE's document retention policies.

Complaint Closure

In cases where there is a decision made that the LEA or CIS has violated Part B or Part C of IDEA regulations, or Special Education State Rules, LEA or CIS, as applicable, submits documentation that all identified corrective measures are implemented as outlined in the report, and legal team notifies all parties that the administrative complaint is considered closed.