



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR INDIVIDUALS WITH DISABILITIES
STATEWIDE COORDINATOR FOR SPECIAL EDUCATION
Room 1624 One Commerce Plaza • Albany, NY 12234
www.vesid.nysed.gov

Telephone (518) 402-3353 Fax: (518) 473-5387

February 2010

TO: District Superintendents
Superintendents of Schools
Presidents of Boards of Education
New York City Board of Education
Superintendents of State-operated and State-supported Schools
Principals of Public Schools
Directors of Pupil Personnel Services
Executive Directors of Approved Private Schools
Approved Preschool Special Education Programs
Chairpersons of Committee on Special Education
Chairpersons of Committee on Preschool Special Education
Organizations, Parents and Individuals Concerned with Special Education
Impartial Hearing Officers
Commissioner's Advisory Panel for Special Education Services
Regional Special Education Technical Assistance Support Centers
Special Education Quality Assurance Offices

FROM: James P. DeLorenzo 

SUBJECT: Revised Sample State Complaint Form

Attached is a revised Sample State Complaint Form. This model form, which includes all elements required by the Individuals with Disabilities Education Act (IDEA), provides a document to submit a complaint to the New York State Education Department (NYSED). This form can be used when parents, individuals or organizations believe a school district or public agency has violated a requirement of Part B of IDEA or New York State laws or regulations related to students with disabilities. NYSED is required under federal law, 20 U.S.C. 1415(b)(8), and regulation, 34 CFR section 300.509, to develop this model form. Use of this form is not required. If this form is not used, the complaint still must include the required information that is identified on this form.

This sample form and updated versions will be available through the Department's website at: <http://www.vesid.nysed.gov/specialed/publications/policy/samplecomplaint.htm>. A question and answer document clarifying the procedures used by NYSED in the investigation and resolution of State complaints which allege that a school district or public agency has violated federal and New York State law or regulation relating to students with disabilities is available at <http://www.vesid.nysed.gov/specialed/quality/complaintqa.htm>. If you have additional questions about this information, please contact the Office of



Vocational and Educational Services for Individuals with Disabilities (VESID), Special Education Policy Unit at (518) 473-2878, or your Regional Associate at one of the following VESID Special Education Quality Assurance Regional Offices:

Central NY Regional Office	(315) 476-5081
Eastern Regional Office	(518) 486-6366
Hudson Valley Regional Office	(914) 245-0010 or (518) 473-1185
Long Island Regional Office	(631) 884-8530
New York City Regional Office	(718) 722-4544
Western Regional Office	(585) 344-2002

Please note: If you would like to receive notification of our publications via e-mail, register at <http://www.vesid.nysed.gov/specialed/publications/register.htm>

Attachment – Sample State Complaint Form



New York State Education Department Revised Sample State Complaint Form

If a parent, individual or organization believes that a school district or public agency has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA) or State law/regulation related to the education of students with disabilities, they may submit a written, signed State complaint to the New York State Education Department (NYSED). Attached is a revised New York State (NYS) Sample Complaint Form that may be used to submit a complaint. Use of this form is not required. However, if using your own format to submit a State complaint, you must provide the required information, as appropriate, as indicated on the sample form. Upon receipt of a written complaint by an individual or agency, NYSED must determine if the alleged violation occurred and issue a written decision of its findings.

NYSED encourages parents and school districts to use mediation to resolve complaints regarding the education of a student with a disability.

Parent, Individual or Organization (Complainant) Submitting the State Complaint

- Requests for a State complaint must be made in writing.
- A State complaint must be signed by the complainant (faxed or e-mail signatures will not be accepted).
- The State complaint must include:
 - a statement that a school district or public agency has violated a requirement of Part B of IDEA or State law/regulation related to students with disabilities;
 - the facts on which the statement is based;
 - contact information of the person filing the complaint;
 - if alleging violations with respect to a specific child, include:
 - the name and address of the residence of the child;
 - the name of the school the child is attending;
 - in the case of a homeless child or youth, available contact information for the child and the name of the school the child is attending;
 - a description of the nature of the problem of the child (the concerns that led you to file the complaint), including the facts relating to the problem; and
 - a proposed resolution of the problem to the extent known and available at the time the person is filing the complaint.
- The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.

- The individual filing the complaint must forward a copy of the complaint to the school district or other public agency serving the child at the time the person files the complaint with NYSED.

State Complaint Procedures

- The school district or public agency must give the procedural safeguards notice to the parent upon receipt of the first State complaint in a school year.
- The parent, individual or organization filing the complaint has the opportunity to submit additional information, either orally or in writing, about the allegations in the State complaint.
- The school district or public agency has the opportunity to respond to the State complaint, including, at a minimum: (a) at the discretion of the school district or public agency, a proposal to resolve the complaint and (b) an opportunity for the school district or public agency and the parent who filed the complaint to voluntarily engage in mediation.
- Within 60 calendar days after a complaint is filed (received), NYSED will issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact and conclusions and the reasons for the final decision. NYSED will include, if needed, procedures for effective implementation of its final decision, including technical assistance, negotiations and corrective actions to achieve compliance.
- NYSED can grant an extension of the 60-calendar-day time limit only if exceptional circumstances exist with respect to a particular State complaint or the parent, individual or organization and school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation.
- NYSED is required to set aside the complaint or any part of a State complaint that is being addressed in a due process hearing until the conclusion of the hearing. Any issue in the complaint that is not part of a due process hearing must be investigated and resolved. If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties, then the due process hearing decision is binding on that issue and NYSED will inform the complainant that the decision is binding. A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision will be resolved by NYSED.
- NYSED will review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of IDEA or State law/regulation and must, if it determines it to be necessary, carry out an independent on-site investigation.

Instructions: Complete, sign and make two copies of the original State complaint form.

- Send the original State complaint form to NYSED, Office of Vocational and Educational Services for Individuals with Disabilities (VESID), Room 1624, One Commerce Plaza, Albany, NY 12234, Attention: State Complaints.
- Send one copy of the State complaint form to the Board of Education or Trustees of the school district serving the child at the same time that the complaint is filed with NYSED.
- Retain a copy of the State complaint form for your records

A question and answer document clarifying the procedures used by NYSED in the investigation and resolution of State complaints which allege that a school district or public agency has violated federal and New York State law or regulation relating to students with disabilities is available at <http://www.vesid.nysed.gov/specialed/quality/complaintqa.htm>.

Sample New York State Complaint Form

The following sample form may be used to file a State Complaint. Use of this sample form is not mandated, however the sample form does include the information required by federal law that is necessary to file a State Complaint. State Complaints should be mailed to: The Office of Vocational and Educational Services for Individuals with Disabilities, New York State Education Department, One Commerce Plaza, Room 1624, Albany, New York 12234.

Complaint Contact Information (Complainant)

Name of Person/Organization filing the complaint:	Date:
Relationship to the Student--Check One: <input type="checkbox"/> Parent or Person in Parental Relationship <input type="checkbox"/> Surrogate Parent <input type="checkbox"/> Parent's Attorney <input type="checkbox"/> School District/State Agency Representative <input type="checkbox"/> Other _____	
Mailing Address of Complainant:	Telephone: Day: _____ Work: _____
What is the best time to contact you (the complainant) and at what phone number? _____	

Student Information (if you are alleging a violation with respect to a specific student)

Child's Name:	Date of Birth:
Address of Child's Residence (if any):	
Name and Address of the School the Child Attends:	
Additional Contact Information for Homeless Child or Youth (if available):	
Parent's Name (if different):	
Parent's Address (if different):	

This form must be signed or it cannot be processed and will be returned to you for signature.

- The New York State Education Department will only accept formal complaints with **ORIGINAL signature**. State Complaints that are faxed or emailed will not be accepted.
- A **copy of the State Complaint must be sent** by the complainant to the school district or public agency against whom the complaint is filed at the same time it is sent to New York State Education Department.

Complainant Signature: _____

Have you sent a copy of this complaint to the superintendent of the school district or public agency that you are alleging violated special education law or regulation? Yes No

Complaint Information

If you have more than one complaint issue, please complete a separate page for each alleged violation of law or regulation relating to the education of students with disabilities.

Allegation Information

Provide a statement of how you believe the school district or public agency has violated Part B of IDEA or a State law or regulation relating to the education of students with disabilities. You do not need to know specifically what law or regulation might have been violated. Attach additional pages if necessary. (The complaint must allege a violation that occurred not more than one year prior to the date that the State complaint is received.)

What are the facts upon which the above allegation statement is based?

If you are alleging a violation with respect to a specific student:

1. Describe how the alleged violation affected the student and include facts to support this allegation.

2. If you have a proposed resolution for an allegation regarding a violation with respect to a specific student, describe what you believe should occur to correct the problem or how the district could resolve the alleged violation. Attach additional pages if necessary.

This issue is currently/or has been addressed in a due process impartial hearing. Yes No