



# State Special Education [IDEA] Complaint Toolkit



## Dear Family or Community Partner,

The Parent's Place of Maryland's (PPMD) mission is to empower families as advocates and partners in improving education and health outcomes for children with disabilities and special healthcare needs with a commitment to diversity and equity.

Through expertise gained as the U.S. Department of Education and Maryland State Department of Education designated Parent Training & Information Center for Maryland (PTI), and by designing and providing support, trainings, resource and referral, and leadership development to families since 1990, PPMD has seen firsthand the struggles many families experience in trying to access the education their children are entitled to under the law. This PPMD toolkit is 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. **A Complaint is one tool parents can use if you feel the school has violated IDEA.**

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

- ❖ Visit our website ([www.ppm.org](http://www.ppm.org)) to:
  - Find Resources
  - Connect with a Parent Educator
- ❖ 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 800.394.5694 or 410.768.9100
  - Submit an Online Help Request on our website

Navigating special education can be hard. Remember that you are not alone PPMD is here to encourage and support you.

Sincerely,

Your Friends at PPMD



*A Glossary of Terms to Know is provided on page 22.*

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## COMPLAINT BASICS

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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 Maryland State Department of Education [MSDE] receives the complaint.

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

MSDE 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.

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

### **Timeline:**

1. File the State Special Education Complaint with MSDE and send a copy to the district/public education agency
2. MSDE sends out a written notification of acknowledgement
3. Public Agency/School District responds
4. MSDE will conduct an investigation if determined as needed.
5. MSDE issues a Letter of Findings within 60 days of receiving complaint (timeline can be extended if exceptional circumstances exist).
6. If either party disagrees with the conclusions in the Letter of Findings, the party has the right to submit additional information within 15 days.

## AM I READY TO FILE A COMPLAINT?

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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, emails, Prior Written Notices, 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:**

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**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

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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 MSDE's website ([marylandpublicschools.org](http://marylandpublicschools.org)), go to the Division of Early Intervention and Special Education Services page, then the Family Support and Due Process Branch page), or call MSDE at 410-767-7770. 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, relationship to student, mailing address, and phone number. Include as much information as possible to ensure you can be reached by MSDE or the Complaint Investigator.

#### 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.

#### 3. The child involved.

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

#### 4. Number and list each allegation separately.

- Describe the alleged IDEA violation(s) and the specific facts that relate to each including date of violation. Remember, these **must have occurred within the 12 months** before the Complaint is received by MSDE. 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.
- Include any supporting documentation (for example- progress notes, Prior Written Notices, emails)

#### 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. Sign and File. You also should keep a copy for your own records.

### 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 or email to **BOTH**:

**(1) Assistant Superintendent – Division of Early Intervention and Special Education Services, Maryland State Department of Education**

200 West Baltimore Street, Baltimore, MD 21201

*AND*

**(2) The Local School District or other public educational agency responsible for providing special education [FAPE] to the student who is the subject of the complaint.**

**Name:** the 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

**Address | City | State | Zip:**

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?

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- MSDE will send you and the district/agency a letter confirming that it has received your Complaint along with information that identifies the allegation(s) subject to an investigation, indicates the timeline for resolution, informs the parties of the right to submit additional information relevant to the allegation(s), and identifies the MSDE staff person assigned to resolve the complaint.
- An investigation takes place. MSDE 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.
- If you have additional information or evidence after the complaint is filed, you can send in additional evidence and documentation while it is being investigated.
- A written decision, Letter of Findings, is made no later than 60 calendar days after the written Complaint is *received* by MSDE unless the timeline has been extended.

### What Options are Available for Resolving a Complaint?

Upon receiving notification that the complaint has been satisfactorily addressed by the public agency through mediation or other means of dispute resolution, or has been withdrawn by the complainant, MSDE will consider the complaint resolved. This includes when a public agency offers to provide the remedy proposed by the individual or organization in the letter of 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).
  - 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.
  - MSDE 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, MSDE will proceed with the complaint resolution process.
- **Mediation:** 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, MSDE 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.
  - MSDE 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, MSDE will determine what, if any, corrective actions should be taken.

### **Why might MSDE dismiss a complaint without investigation?**

MSDE 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.

MSDE may dismiss a complaint without an investigation if:

- A. If the complaint includes allegations of discrimination based on race, creed, sex, age, color, national origin, marital status or physical or mental handicap or conduct addressed by regulations and laws other than the special education law or regulations,
- B. It involves an agreement reached through mediation or a resolution meeting has not been implemented.
- C. It is also the subject of a due process hearing or has been previously decided in a due process hearing involving the same parties.

## RESOURCES

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- [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](#)
- [MSDE State Complaint Fillable Form](#)
- [Maryland State Complaint Resolution Procedure](#)
- [Sample Maryland State Complaint](#)



## 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/IFSP 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 9<sup>th</sup> 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/IFSP 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.

### 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:** Conduct an IEP Team meeting to discuss placement options for my child based on my child's needs and IEP and not based on his medical diagnosis. In addition, provide training to the IEP Team about placement being an IEP Team decision based on the child's needs and the content of their IEP, and not predetermine a placement based on their medical diagnosis.

### 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 and provide training to my child's IEP Team and the administration of their school on their obligation to provide students with disabilities everything contained on their IEP in a timely manner and with fidelity.

## EXAMPLES OF ALLEGATIONS AND SUPPORTING FACTS EARLY INTERVENTION (EI) / EARLY CHILDHOOD SPECIAL EDUCATION (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 physical therapy 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 WRITTEN COMPLAINT #1

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## Request for Complaint Investigation

[Adapted from the ODE Request for complaint investigation form]

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).

### 1. Person filing the complaint.

Name(s): Deborah Torres

Relationship to child: Mother

Address: 2686 Skinner Hollow Road

City/State/Zip: Baltimore, MD 21103

Telephone: 555-555-5555

Fax:

Email address: dtorress@fakeemail.com

### 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: Baltimore, MD 21103

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 Education Program (IEP). My child's March 2020 IEP includes 30 minutes 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 their speech therapy since November 2020.



**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.

**The Complainant must sign and mail or email to both:**

Assistant Superintendent – Division of Early Intervention and Special Education Services, Maryland State Department of Education

200 West Baltimore Street, Baltimore, MD 21201

**AND**

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

**Name:** Glidden School District

**Superintendent:** Chandra Thorne

**Email:** cthorne@fakeemail.com

**Address:** 1885 Plainfield Avenue

**City:** Baltimore **State/Zip:** Maryland

*Deborah Torres*

04/1/2021

**Signature (required)**

**Date**

## EXAMPLE OF WRITTEN COMPLAINT #2

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### Request for Complaint Investigation

[Adapted from the ODE Request for complaint investigation form]

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).

#### 1. Person filing the complaint.

Name(s): Stevie Cho

Relationship to child: Parent

Address: 2054 Maple Lane

City/State/Zip: Baltimore, MD 21103

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: 2192 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: 11/09/2019

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.

**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.

**The Complainant must sign and mail or email to both:**

Assistant Superintendent – Division of Early Intervention and Special Education Services, Maryland State Department of Education

200 West Baltimore Street, Baltimore, MD 21201

*AND*

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

**Name:** Forest County EI/ECSE

**Superintendent:** Louise Chausse

**Email:** lhausse@fakeemail.com

**Address:** 2912 Lake Forest Drive

**City:** Baltimore **State/Zip:** Maryland

*Stevie Cho*

04/1/2021

**Signature (required)**

**Date**

# BLANK TEMPLATE: COMPLAINT INVESTIGATION

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## Request for Complaint Investigation

[Adapted from the ODE Request for complaint investigation form]

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.)

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

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

Assistant Superintendent – Division of Early Intervention and Special Education Services, Maryland State Department of Education

200 West Baltimore Street, Baltimore, MD 21201

*AND*

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

**Superintendent:**

**Email:**

**Address:**

**City:**

**State/Zip:**

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**Signature (required)**

**Date**

## GLOSSARY OF TERMS TO KNOW<sup>1, 2</sup>

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**Allegation of IDEA violation:** A claim or assertion (that needs to be investigated) that a district/agency has violated the Individuals with Disabilities Education Act [IDEA].

**Compensatory services:** Services that 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 State 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:** Explanation of the results of the Complaint investigation that are issued after MSDE interviews both parties, review facts and considers IDEA special education law. MSDE's legal conclusions are the basis for its 1) determination of compliance or noncompliance, and 2) Final Order.

**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, MSDE orders Corrective Actions in its findings of fact, conclusions, and final order.

**Dismissed/Dismisses:** ODE dismisses the Complaint if/when:

- The complainant and the local educational agency [school district or other public educational agency responsible for providing FAPE to the student with an IEP] resolve the concern(s).
- The complainant and the local educational agency enter mediation and resolve the concern(s). The complaint includes no allegations of IDEA violations.
- The complaint includes no timely allegations of IDEA violations.

**Evidence:** Documents, objects, pictures, and verbal statements that support the allegations of violations.

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

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

**Free Appropriate Public Education [FAPE]:** FAPE is one of the key parts of the Individuals with Disabilities Education Act [IDEA] and means:

**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.

**Final order:** MSDE's findings of fact, conclusions, and final order (including corrective action, if necessary) based on the allegations in the complaint.

**Findings of Facts:** An explanation and review of relevant information used to support MSDE's conclusions of the allegations of the complaint.

**Individuals with Disabilities Education Act [IDEA]:** 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.

**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.

**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/agency in reaching a mutually acceptable resolution of the dispute.

**Maryland State Department of Education [MSDE]:** The Maryland State 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:** The Individuals with Disabilities Education Act [IDEA] requires schools to provide parents of a student with a disability, or suspected disability, with a notice containing a full explanation of the rights available to them under IDEA. These are called Procedural Safeguards.

**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 MSDE may require for services that the parent purchased privately because the school district did not give appropriate services to the child.

**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. MSDE is the SEA for Maryland.

**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:** MSDE will substantiate an allegation (affirm that what was alleged occurred) if the evidence supporting it is more persuasive than the evidence denying it.

\*Note: If the evidence on both sides is equally persuasive, MSDE will not find a violation.

**Supporting Facts:** Additional information that supports the allegation.

**Unsubstantiated:** MSDE does not substantiate or affirm that what was alleged occurred.

