**This form is provided to you as a model for your use, you are not required to use this form; however, failure to address the elements required in 34 CFR 300.153 and ARSD 24:05:15 may result in a delay of the complaint investigation.**

|  |
| --- |
| **SAMPLE REQUEST FOR STATE COMPLAINT** |
| **A copy of this state complaint request must be sent to the School Superintendent or Special Education Director and to the Department of Education, Office of Special Education Programs. Retain a copy for your records.**Division of Special Education and Early LearningSpecial Education Programs<https://doe.sd.gov/sped/complaints.aspx> *If you have questions regarding special education or due process hearing rights or requirements, you may contact Special Education Programs at the South Dakota Department of Education at* *1-605-773-3678.* |

|  |
| --- |
| **SECTION I: School District Information** |
| Resident School District: |
| School Student Attending: |

|  |
| --- |
| **SECTION II: OPTIONAL Student Information** |
| Student(s) Name: |
| Eligibility Category: |
| Grade: |
| Address of school attending: |

**If Child/Youth falls under McKinney-Vento Homeless Assistance Act provide available contact information for the child, and the name of the school the child is attending.**

|  |  |
| --- | --- |
| **SECTION II: Complainant Information** |  |
| **Parent/Legal Guardian Information:** | **Complainant, if not the parent:** |
| Name of Parent: | Name of Complainant: |
| Street address: | Street Address: |
| City/State/Zip: | City/State/Zip: |
| Home/Work Phone: | Home/Work Phone:  |
| E-mail: | E-mail: |

Please refer to your Parent Rights and Procedural Safeguards for a full description of your dispute resolution rights. A copy of the Parent Rights and Procedural Safeguards is available from the school district upon request or from the South Dakota Department of Education, Office of Special Education Programs at: <https://doe.sd.gov/sped/parentalrights.aspx>.

**The complaint must allege a special education violation(s) that occurred not more than one year prior to the date that the complaint is received in accordance with 34 CFR 300.151.**

|  |
| --- |
| **SECTION III: Allegation Information** |
| 1. **Alleged special education violation:**

You do not need to know specifically what law was violated, but you must explain what you believe the district has done wrong (e.g. “The teachers are not following my child’s IEP for classroom accommodations.”) |
| **I believe the District violated special education rules and regulations (Part B of IDEA) by:** |
| 1. **Facts upon which the allegation is based:**

Please include, to the best of your ability, the significant facts and dates of the events that occurred.  |
|  |
| 1. **What documents do you believe should be reviewed regarding this allegation? *\*Optional***

Letters from the school, the student’s evaluation and IEP notices, etc.…, that you believe will assist in clarifying or verifying the violation. (You do not need to include documents with your complaint request) |
|  |
| 1. **What would you like to see changed (Proposed Resolution)?**
 |
|  |

**(Use additional pages if necessary)**

Complainants are required to forward a copy of the complaint to the School Administration of the district of residency at the same time the complaint is filed with the State Special Education Programs.

Please initial to verify:

**\_\_\_\_\_\_\_\_\_\_\_\_ A copy of this complaint request, along with attachments, was mailed or hand delivered to the School Administration.**

**X\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Signature of Person(s) Filing Complaint **(Required)**  Date

**Additional Information:**

**A mediation process is also available to help resolve special education disputes**. A neutral mediator facilitates conversation between the parent and school district and assists with writing an agreement that both parties agree to related to the disagreement.

There are no costs for mediation for either the parents or the local school district. Mediation is voluntary for both parties. Mediation can be requested through the Special Education Programs at the same time a state complaint is requested. The mediator is an impartial professional who is: (a) knowledgeable in special education law; (b) not connected with the school district; and (c) selected for the mediation by the state Department of Education.

**I would like to request mediation YES \_\_\_\_ NO\_\_\_\_**

**You can find the Mediation sample form and the Administrative Rules at:**

[**https://doe.sd.gov/sped/complaints.aspx**](https://doe.sd.gov/sped/complaints.aspx)**.**

**Please submit complaint to:**

Special Education Programs

Dispute Resolution Coordinator

800 Governors Drive

Pierre, SD 57501

Or by

Email: Wendy.Trujillo@state.sd.us

Fax: 605-773-6139