

A PEATC

Do You Know....



Factsheet for Virginia's Parents—The Special Education Complaint Process

What do I do when I disagree with the School Division?

While it is always best to try to resolve disagreements by working together, sometimes that just doesn't happen. There are dispute resolution processes available for parents when the school and parents can't reach an agreement. This fact sheet will talk about the **Special Education Complaint Process**.

What is a Special Education Complaint?

- A complaint is a **written request to investigate an alleged violation of state or federal special education laws or regulations**—usually related to a procedure or process regarding special education programs, procedures, and services. Most complaints are **individual complaints**, but a person or organization may file a **systemic complaint**. This is when a violation affects more than one student.
- A parent should submit their complaint to the Virginia Department of Education (VDOE) **Office of Dispute Resolution and Administrative Services (ODRAS)** and the local school division at the same time.
- A complaint must be filed **no more than one year from the original event/violation**. It can be filed by anyone. You can use the [Special Education Complaint Form](#) but you don't have to. The Complaint Form will tell you all the information you need to include in your complaint.

What happens after I file the Complaint?

- The school division has **10 calendar days** from the date they receive the complaint to send in documentation that supports their position.
- ODRAS must resolve formal complaints **within 60 calendar days** and issue a **Letter of Findings (LOF)**. The timeframe can be extended if there are exceptional circumstances and if both parties agree. An example would be if the parents and school decide to try mediation.
- ODRAS can find (rule) for the school or the parent in whole or in part. Sometimes VDOE will order the school division to develop a Corrective Action Plan (CAP). A CAP could require the school to develop or change

Submitting Your Complaint or Appeal

BY MAIL:

Virginia Department of Education
ODRAS
PO Box 2120
Richmond, VA 23218-2120

BY FAX: 804-786-8520

BY EMAIL: You can email your complaint to ODRAS@doe.virginia.gov or to any of the complaint specialists at ODRAS.

RESOURCES:

[IDEA Regulations](#)

[VDOE Special Education Complaints](#)

[VDOE Complaint Resolution Procedures](#)

[VDOE Parents Guide to Dispute Resolution](#)

[VDOE :: Special Education Regulations](#)

Contact Us:

800-869-6782 / 703-923-0010

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a policy or procedure or fund a new service. It could require the school to provide extra services to make up for a loss or denial of services. A CAP could also provide staff training for current and future staff. The purpose is to correct the area(s) of noncompliance.

- **Either party can appeal the Letter of Findings** within 30 calendar days. If a CAP was ordered, it will be on hold until the appeal is ruled upon. An independent reviewer reviews the complaint file and the LOF and can affirm (agree with) or reverse (disagree with) the findings or send the issue back (remand) for further investigation. A new LOF based on remand can also be appealed. For more information on appeals see the [VODE Parents Guide to Dispute Resolution](#)

Examples of Issues Appropriate for a State Complaint

Here are some **examples of issues** that could be the subject of a state complaint.

- ✓ Anna is supposed to receive **3 hours a week speech therapy** and she is only receiving 1. Her IEP is not being implemented as written.
- ✓ Jonathan is supposed to have **access to an iPad** to do his classwork. It is in his IEP and has not been provided.
- ✓ Jamal's parents **were not invited to his IEP** meeting and the meeting was held without them, a violation of regulations.
- ✓ Daniela's parents have requested an Independent Educational Evaluation because they disagreed with the school division's evaluation. The **school has denied the evaluation** despite regulatory provisions that provide for it.

There are several dispute resolution options available to parents: complaints, mediation, due process hearings, and more. **Sometimes, it's unclear** which process is most appropriate. In these cases, feel free to reach out to PEATC or to ODRAS staff.

TIPS FOR PARENTS

- Make sure you know when and how often the violation occurred.
- Keep good records. Always make requests in writing and respond in writing.
- Provide ODRAS with all the information they need to conduct their investigation. Often ODRAS will ask for more information.
- Be factual, not emotional. Don't exaggerate.
- You don't need an advocate or attorney to file a complaint but it's a good idea to have someone else look at the complaint before you file.
- If you request a due process hearing on the same issue, the complaint process will be put on hold till the due process decision is made.

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools, and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

800-869-6782 / 703-923-0010

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