

How to File a Complaint with the Minnesota Division of Compliance and Assistance

A Self-Advocacy Fact Sheet from the Minnesota Disability Law Center

The **Individuals with Disabilities Education Act (IDEA)** is a federal law. The IDEA tells what the schools must do for students with disabilities. The information in this fact sheet is based on the most recent amendments to the IDEA and to laws in the State of Minnesota. The information in this fact sheet is not legal advice. Every student is different, and the laws change all the time. Some of the laws may be different in other states.

*Look at the end of this fact sheet for the meaning of terms printed in bold & italics, such as *FAPE*.

1. When should I file a complaint with the Division of Compliance and Assistance (DCA) of the Minnesota Department of Education?

The most basic idea in the IDEA is that every child has a right to a *Free Appropriate Public Education (FAPE)**. Federal law says that if you complain to DCA about a school, DCA must check to see if the school is following the IDEA and other special education rules.

If the school has clearly violated or not followed one of these laws or rules, then you should make a complaint. If you think the school followed the law but you don't like the way they followed it, then the issue is not so clear. You can still complain, but the process might not work as well.

For example, if your child's *Individual Education Program (IEP - often called an individual education plan)* says that your child should get one hour of speech therapy every week, and your child is not getting any speech therapy, then the school is breaking the law. You should make a complaint to DCA.

If you think your child should be tested for special education and the school won't do it, that is also clear, and you should file a complaint.

If you and the school can't agree on how much speech therapy your child should get, it might be better to ask for a *conciliation conference* or a *due process hearing* (ask for our *Identifying and Evaluating Students for Special Education Services* fact sheet for more details). Or if the school tested your child for special education services and you think the results of the test were wrong, a conciliation conference or a due process hearing may be better than a complaint to DCA.

If you make a complaint, DCA has to look into it. You will get better results if you only use DCA for a clear violation of the law.

2. How do I file a complaint?

To file a complaint, send a letter to:

Department of Education (MDE)
Division of Compliance and Assistance
1500 Highway 36 West
Roseville, MN 55113-4266.

3. What should I put in the letter?

Your letter should have all of the following information:

- Your name, address, and telephone number.
- Your school district.
- What rule or law did the school break? If you're not sure about the name of the law, just say what you think the school did wrong.
- Describe what happened. Put all of the details in your letter. Say exactly what happened, when, and why it was wrong. Tell what your child needs to get a good education. The more information you give, the easier it will be for the agency to figure out what went wrong.
- Along with your letter, send your child's current IEP and anything else that you think will help the agency understand the problem. If you have old IEPs or test results that you think are wrong, send those along too.
- Say exactly what you want. What do you want DCA to make the school do?
- Add anything else you think might be helpful.
- When you make your complaint, DCA will get in touch with your school district. The school district has to reply to your complaint. In your letter, ask DCA to send you a copy of the school district's reply.
- You must sign the letter.
- Make a Copy of Your Complaint Letter. Send the original to DCA, and keep the copy for yourself!

4. What happens after DCA gets my complaint letter?

Someone at DCA will read your letter, and they will decide if it is something they should look into. If you are already scheduled for a due process hearing, then DCA will not do anything about a new complaint on the same issue.

If DCA decides they should look into your problem, then they will choose a complaint investigator to work on it. They will send a notification letter to the school district's superintendent and to the special education director. The letter will tell them that you filed a complaint. It will tell them what the complaint is about, and which laws or rules may have been broken.

5. How do I know what the school district says to DCA about my complaint?

In your complaint letter, be sure to ask DCA to send you a copy of the school district's reply. When DCA sends you the copy, look at it carefully. See if the school district is telling the truth.

6. What if they say something that isn't true? Can I tell DCA that?

If you don't agree with something the school district says in their reply, you can write to DCA and tell them what you think. Keep a copy of everything you send!

7. How long does it take for DCA to make a decision about my complaint?

In most cases, the decision happens within 60 days after DCA gets your complaint. Some situations have special problems and may take longer.

8. What can I expect from the complaint decision?

The complaint decision should clearly say what the issue was, and it should give all the facts related to that issue. It should talk about the laws and rules that apply, and say if the school broke any of those laws or rules.

If DCA decides that the district did break a law or rule, then the final decision will include a corrective action plan. That plan tells the school district what they must do to fix the problem.

****** Definitions ******

Conciliation conference – One or more meetings between school staff and parents to settle a problem about the student's education.

Due process hearing – When a person files a complaint, the next step is a due process hearing. A hearing officer will listen to both sides of a conflict, and give a written decision.

Free appropriate public education (FAPE) – This is the main idea behind the IDEA. Every student, whether or not they have a disability, has a right to an education, free of charge, which fits the student's special needs.

Individual education program (IEP - often called an individual education plan) – The written plan for a student in special education. It describes what the school will do for the student to help them reach their educational goals.

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