

1. Be careful when you use the state and Office for Civil Rights complaint system. If the investigator does not agree with your complaint, you may not be able to ask for a due process hearing on the same issue.
2. Use complaints only if you can prove that the school is breaking the law.
3. Before you file a complaint about whether the school is providing your child with a free appropriate public education (FAPE), consult with an experienced special education attorney. This person may suggest better ways to settle FAPE issues.
4. Never file a complaint based solely on what someone tells you. It is best for you to have direct knowledge about what the school is doing wrong. For example, you have direct knowledge if your child has to leave school 30 minutes before nondisabled children because the special education bus leaves early. If someone calls you and says that the special education buses are leaving the school early, you do not have direct knowledge.
5. You must send proof or evidence of what the school is doing wrong for your complaint to be successful. If you have a letter from your school that says your child will leave school thirty minutes early because he rides the special education bus, you need to include a copy of that letter with your complaint.
6. You may find that by the time you learn about a violation, it is too late to file a complaint. You can ask that the timelines be tolled, or delayed. You must explain that you did not know about the violation until after the timeline had passed.
7. If the school keeps violating the law, over and over again, you can ask that the timelines be tolled because the violation is “ongoing.”

8. When you prepare to write your complaint, pretend that you are going to court. First, write down everything you know about what the school is doing wrong. These are the “facts.” Next, write down the evidence or proof that you are sending with your complaint. Next, write down what the school is doing wrong. These are the “violations.” Last, write what you want the complaint investigator to do to make the school stop doing what it is doing wrong. This is the “resolution.”
9. Do as much of the investigator’s work as possible. Make it easy for the investigator to agree with you that the school is wrong.
10. Send as much information as you can about what the school is doing wrong to prove your point. Help the investigator gather evidence so it is easy to agree with you that the school is wrong.
11. Send copies of all of the proof with your complaint. Send Individual Education Plans (IEPs), evaluations, reports, copies of tape recordings of IEP meetings, copies of notes you received or have written. Never assume that the investigator will have this information.
12. Never assume that the school will send information that matches what you send. Never assume that the school will send anything at all. Always assume the worst.
13. Never send your original papers. Always send copies of your papers with your complaint.
14. Have another person read your complaint and the information you plan to send. Ask if it is clear to them what the school did and what you want it to do. If this person does not understand part of your complaint, you need to change or add information to your complaint. Remember, if a friend does not understand what you want, a stranger will not understand either.
15. Consider sending a complaint when there is an emergency that must be resolved right away. If your child is in danger or the school is trying to keep your child from participating in an activity because of the child’s disability, a complaint may be a fast way to get results.
16. If the school agrees to do what you want, write a letter to the investigator and advise that the complaint is settled. This is called “withdrawing” your complaint.
17. You may also want to withdraw your complaint if you know that the investigator who received your complaint is “school friendly.”

18. The school or the Office for Civil Rights may ask if you want to use an Early Complaint Resolution (ECR) process. This is a good idea if you can get some, most, or all of what you want. If you use the ECR process, you will not risk having the investigator disagree with your complaint and rule against you. If you do not get everything that you want from the ECR process, you can always file another complaint later.

The URL for 19 Tips for Filing a Complaint is:

<http://www.wrightslaw.com/howey/complaints.tips.pdf>

About the Author

Pat Howey is an advocate who has helped parents obtain special education services for their children with disabilities since 1986. She also helps parents resolve special education disputes with their school districts. If Pat cannot assist you, she will refer you to attorneys for legal advice and assistance.

Pat has a B.A. in Paralegal Studies from Saint Mary-of-the-Woods College where she graduated with honors. She is an active member of the Council of Parent Attorneys and Advocates (COPAA). The Learning Disabilities Association of Indiana honored Pat with its Outstanding Service Award for her commitment and compassion towards students with disabilities.

As a member of the [Wrightslaw Speakers Bureau](#), Pat provides training for parents, educators, and others who want to ensure that children receive quality special education services.

Contact Information

Pat Howey
Special Education Consulting
POB 117
West Point, Indiana 47992-0117
Website: patriciahowey.com
Email: patricia.howey@gmail.com