

15 Tips on Filing Complaints

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1. Always consult with an experienced special education attorney before you file a complaint. *An attorney may be able to advise you on better ways to settle the issue between you and your school.*
2. Consider sending a complaint if you are experiencing an emergency. A complaint may be a faster way to get results. *Examples: 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. Never file a complaint while you are angry!*
3. Before you prepare your complaint, go to your state's or the OCR's website. Look for complaints others have filed with issues and facts similar to yours. *Hint: If you find a complaint with a favorable ruling, consider using those as models for your complaint.*
4. When preparing your complaint, first, write down the "facts." These are things you can prove the school is doing wrong. Second, write down the evidence or proof you will send with your complaint. Third, write down what the school is doing wrong. These are the "violations." Last, write down what you want the complaint investigator to do to make the school stop doing what it is doing wrong. This part is called the "resolution" or the decision you want from the investigator. *Important: When you prepare your complaint, pretend you are going to court.*
5. File complaints only if you have written evidence that the school has violated the law in some way. Send this proof or evidence as attachments with your complaint. *Example: 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, include a copy of that letter with your complaint.*
6. Never file a complaint based solely on what someone tells you. You should file complaints only when you have direct knowledge that the school is doing something wrong. *Example: You have direct knowledge if you know your child leaves 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.*
7. Make it easy for the investigator to agree that the school is wrong. Do as much of their work as possible. Send as much information as possible about what the school is doing wrong to prove your point. *Hint: Help the investigator gather evidence so it will be easy for them to agree with you that the school is wrong.*
8. Never assume that the school will send accurate information. Always assume the school will not send anything that makes it look bad. Never assume that the school will send anything at all. *Important: Always assume the worst.*
9. 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. *Important: A stranger will not understand if a friend does not know what you want.*
10. Send copies of your proof with your complaint. Proof can include Individual Education Plans (IEPs), evaluations, reports, copies of tape recordings of IEP meetings, copies of notes you received or have written, emails, text messages, and social media posts. *Important: Never send original papers. Always send copies of your documents with your complaint.*
11. If the state or the Page 1 / 2 an Early Complaint
Resolution (ECR) you to get some of what
you want. Using the ECR process will lessen the risk of an adverse ruling. If