

WESTERN HEIGHTS PUBLIC SCHOOLS
COMPLAINT PROCEDURES - INDIVIDUALS WITH DISABILITIES EDUCATION ACT

34 CFR 300.660 Adoption of State complaint procedures

Each SEA shall adopt written procedures for:

- (a) Resolving any complaint that meets the requirements of § 300.662 by-*
- (1) Providing for the filing of a complaint with the SEA; and*
 - (2) At the SEA's discretion, providing for the filing of a complaint with a public agency and the right to have the SEA review the public agency's decision on the complaint.*
- (b) Informing parents and other interested individuals about the procedures in §§ 300.660-300.662.*

The State Department of Education has available a formal complaint management system for filing and resolving specific complaints regarding alleged violations of the requirements under Part B of the IDEA. Western Heights Public Schools shall also develop and implement procedures for filing and resolution of complaints and include these procedures in the Western Heights Public Schools *District Plan*. Complainants have the right to request a State Department of Education review of the Western Heights Public School's decision on the complaint filed at the local level.

Parents and other interested individuals shall be informed by the State Department of Education and the Western Heights Public Schools about the complaint procedures, due process hearings, mediation, and other forms of assistance to ensure compliance and to resolve disputes.

34 CFR 300.661 Minimum State complaint procedures

Each SEA shall include the following in its complaint procedures:

- (a) A time limit of 60 calendar days after a complaint is filed under §300.660(a) to-*
- (1) Carry out an independent on-site investigation, if the SEA determines that such an investigation is necessary;*
 - (2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;*
 - (3) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of part B of the Act or of this part; and*
 - (4) Issue a written decision to the complainant that addresses each allegation in the complaint and contains-*
 - (i) Findings of fact and conclusions; and*
 - (ii) The reasons for the SEA's final decision.*
- (b) An extension of the time limit under paragraph (a) of this section only if exceptional circumstances exist with respect to a particular complaint.*
- (c) Procedures for effective implementation of the SEA's final decision, if needed, including technical assistance activities, negotiations, and corrective actions to achieve compliance.*
- (d) The right of the complainant or the public agency to request the Secretary to review the SEA's final decision.*

The State Department of Education and the Western Heights Public Schools shall utilize the following complaint procedures:

Formal complaints received by either the State Department of Education or the Western Heights Public Schools will be acknowledged in writing. Copies of this written acknowledgement will be mailed to the involved parties.

Telephone calls and/or other contacts shall be made to determine the circumstances and facts pertaining to the complaint. The parties involved may be requested to submit documentation such as copies of student records or other written verification of actions. Through these inquiries, the context and nature of the complaint will be more clearly defined.

The complainant will be given the opportunity to submit information, either orally or in writing, about the allegations in the complaint.

Activities to assist resolution of the complaint may include technical assistance, consultation, mediation conferences, negotiations, or other recommended interventions. In many instances, early resolution of the complaint may be accomplished through the voluntary participation and agreements of the parties in IEP meetings and/or mediation conferences and negotiations.

If further information or review is deemed necessary by the State Department of Education, an on-site investigation may be conducted. The on-site investigation might include activities such as reviewing records, observation of program implementation, and conducting interviews with staff and/or parents.

After facts are gathered, the State Department of Education or the Western Heights Public Schools will report the findings in writing. The findings of fact and conclusions will address whether the complaint of alleged violations under Part B of the IDEA is substantiated and the written decision will include instructions for correcting any substantiated violations.

Complainants have the right to have the State Department of Education review the Western Heights Public School's decision regarding the complaint.

Procedures for effective implementation of final decisions by the State Department of Education, Special Education Section, as needed, may include technical assistance activities, mediation or negotiations, and corrective actions to achieve compliance.

Investigation and resolution of complaints filed with the State Department of Education or the Western Heights Public Schools shall be completed within 60 calendar days from receipt of the formal written complaint. Extensions of timelines may be granted only if exceptional circumstances exist regarding a specific complaint.

When a due process hearing request and a complaint have been filed simultaneously on the same issues, the State Department of Education may hold in abeyance the complaint investigation pertaining to the issues of the due process hearing. The due process hearing decision shall prevail over complaint investigation of the issue.

The complainant or either party may request the Secretary of the U.S. Department of Education to review final complaint decisions of the State Department of Education.

34 CFR 300.662 Filing a complaint

An organization or individual may file a signed written complaint under the procedures described in §§ 300.666-300.661. The complaint must include-

- (a) A statement that a public agency has violated a requirement of part B of the Act or of this part; and*
- (b) The facts on which the statement is based.*

Complaints must be written and include: (a) a statement that the Western Heights Public Schools or other responsible public agency has violated a requirement under Part B of the IDEA; (b) the facts on which the statement is based; and (c) the signature of the person(s) filing the complaint. Complaints pertaining to a specific child with a disability should include the child's name, date of birth, and current educational status.

Complaints filed with the Western Heights Public Schools should be addressed to the Director of Special Services of the school district at 8401 S.W. 44th, Oklahoma City, Oklahoma 73179-4010. Complaints filed at the State level or requests for review of local level decisions should be addressed to: Complaints, Special Education Section, Oklahoma State Department of Education, 2500 North Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599. Copies of complaints filed with the State Department of Education should also be mailed at the same time to the local Director of Special Services.

Adopted: 07-11-94