

IDEA State Complaint

The IDEA state complaint must allege a violation of the requirements of the Individuals with Education Disabilities Act (IDEA), applicable federal and State Board of Education (SBE) regulations, or South Carolina Department of Education (SCDE) policies and procedures relative to students with disabilities.

In accordance with the IDEA, adult students, parents, and other parties may submit a written state complaint regarding special education programming to the special education complaint investigator located in the SCDE's Office of Special Education Services (OSSES). After the complaint is investigated, a findings letter is issued and if there are any findings of noncompliance, the LEA involved is required to complete corrective measures set forth by the Corrective Actions Team. Please use this form to complete your IDEA State Complaint.

Student Information

Student Name

School District related to complaint

School student attended at time of complaint

Student Address

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DEPARTMENT OF EDUCATION

Reason(s) for complaint

Although not required, it would be helpful to include the information in Parts A and B.

A. Check the category of disability listed on the student's IEP:

- ☐ Developmental Delay
- ☐ Intellectual Disability
- ☐ Specific Learning Disability
- ☐ Emotional Disability
- ☐ Speech or Language Impairment
- ☐ Deaf and Hard of Hearing
- ☐ Visual Impairment
- ☐ Deaf-blindness
- ☐ Orthopedic Impairment
- ☐ Other Health Impairment
- ☐ Traumatic Brain Injury
- ☐ Autism
- ☐ Multiple Disabilities
- ☐ Consent granted/evaluation in process

B. Check the type of class the student is in:

- ☐ General Ed
- ☐ General Ed with supportive services (itinerant/resource)
- ☐ Self-contained
- ☐ Special school
- ☐ Home-based instruction
- ☐ Hospital/medical homebound instruction
- ☐ Other program option (please describe

Describe each specific special education requirement you believe was violated. Include the names (or roles) of the people who allegedly failed to meet the requirement(s) and **explain** how each requirement was violated. Please include the date(s) of the violation(s), (as it must have occurred within 365 days of the date the complaint is filed.) You may include any evidence with the complaint.

Date(s) alleged violation occurred

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Date(s) alleged violation occurred

Date(s) alleged violation occurred

What is your proposed resolution for the alleged violation(s)? (In other words, what should be done to address the situation?)

**Contact information of person filing complaint if not
parent/legal guardian/adult student (if applicable)**

Advocates/organizations who file a state complaint on behalf of a student must have a release signed by the parent/guardian/adult student to receive information and findings of an investigated state complaint.

Name

Phone Number

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Email Address

Street address ☐ check if same as student

City/zip

Relationship to student

Parent/Guardian Information

Parent/Guardian Name(s)

Phone Number

Email Address

Street address ☐ check if same as student

City/zip

- In case of a student experiencing homelessness, please include available contact information for the child and the name of the school at the time of alleged violation(s)
- The Office of Special Education Services (OSES) cannot initiate the investigation of alleged violations until the individual filing provides the school district with a copy of the state complaint and all attachments. In what way will you provide the school district with a copy of the state complaint and attachments?

- ☐ Certified Mail
- ☐ Email
- ☐ Deliver to District Office in person

To whom will you provide the district a copy of complaint and all attachments?

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Submission Instructions

You may scan and email this form, including accompanying evidence, to the Complaint Investigator at specialeducationservicesdr@ed.sc.gov or send via post to: Office of Special Education Services, Attn: Complaint Investigator, 849 Learning Lane, West Columbia SC 29172

1. We have reviewed the information regarding IDEA state complaints found at <https://oses.ed.sc.gov/parents-family-community/dispute-resolution-information/state-complaint/>
2. Upon receipt of this complaint the Complaint Investigator will confirm that the district special education department has received a copy of the complaint and attachments.
3. If the complaint meets the requirements under IDEA §§ 300.153 the Complaint Investigator will provide to the Complainant and the District the timeline to submit additional information. Both parties must adhere to the timeline set forth by the Complaint Investigator.
4. The complaint investigation is a 60-day process. At its conclusion a letter of resolution, or LOR, will be issued. The LOR will include findings of fact, conclusions, and the reasons for the OSES' final decision.
5. There is no appeal.

Parent signature

Parent signature

Signature of nonparent/guardian/adult student filing complaint (if applicable)

Date