

What is a Formal Complaint?

Formal complaints are one of the types of dispute resolution processes that parents of children with disabilities can use to resolve issues or disagreements. Formal complaints can be filed by anyone. Complaints can be filed about any violation of the Individuals with Disabilities Education Act (IDEA). Complaints can be about a violation that affected one student or a group of students. Complaints can also be about system-wide violations of IDEA. Formal complaints must be in writing. Formal complaints must be signed by the person filing the complaint.

Formal Complaints are investigated by the Georgia Department of Education (GaDOE).

The formal complaint procedure will not replace either mediation or due process. When a complaint is filed, mediation will also be offered. If a due process hearing has also been requested on the same issue the complaint will be set aside pending a due process resolution. This can affect the timelines and how long it will take to get a written decision for a complaint.

The Facts you should know:

- ✓ A formal complaint **must** be based on a violation that happened **no more than one calendar year** before the date the complaint is filed.
- ✓ Formal Complaints **must** contain:
 - A statement that the school system has violated IDEA Part B;
 - Detailed facts that support the claim of IDEA violations;
 - Your signature and contact information;
 - If the complaint claims that violations are about a specific student, it **must** also include:
 - the name of the student
 - the student's home address
 - the name of the school the student is attending,
 - a description of the problem
 - the facts related to the problem
 - a proposed resolution to the problem, if known
- ✓ To file a Formal Complaint:
 - Mail the signed, written complaint to GaDOE at:
Director, Division for Special Education Supports and Services
Georgia Department of Education
1870 Twin Towers East
Atlanta, Georgia 30334-5010
 - Or fax it to: 404-651-6457
 - Send a copy of the complaint to the school system (Superintendent or Special Education Director) **at the same time** you file the formal complaint with the GaDOE.
- ✓ Formal Complaint Investigations:
 - Complaints are investigated and action is taken within 60 calendar days of the GaDOE's receipt of the complaint.
 - The Local School System is requested to provide a written response to the GaDOE and the complainant within 10 business days. This documentation should include their response to the allegations and any supporting documents.
 - The GaDOE may require an independent investigation which could include witness interviews, document reviews, and/or a visit to the school system.
 - GaDOE investigators will determine if IDEA has been violated.
 - You and the school system will receive copies of all correspondence.
- ✓ Formal Complaint Written Decisions:
 - A written decision will be sent to you and the school system and will address each allegation. These decisions will include findings and conclusions. If the district is not in compliance, the decision will identify steps necessary to resolve the complaint.

Tips for Families

- ✓ Use these hyperlinks to review [IDEA, Part B](#), the [Georgia Special Education State Rules](#) and the [GaDOE Formal Complaint Form](#). You do not have to quote the law or state rules in your complaint, but being familiar with this information will help you as you write your complaint.
- ✓ Before filing a complaint, be sure you have spoken with the local special education director to explain your situation and seek assistance. Consider sending a complaint if there is an issue that must be resolved immediately. If your child is being kept from activities, this may be the fastest way to get a result or response from your school district. If your child is in danger, you should notify appropriate authorities immediately.
- ✓ Writing the complaint and describing the problem:
 - Be specific. List the facts. The facts should describe what part of IDEA or Georgia state rules was violated.
 - Include the “who, what, when and why” of the events that form the complaint.
 - Explain the timing of the events.
 - Include names of the people responsible for the violation.
 - Describe the damage resulting from the violation.
 - If possible, list documents that support your claims. Types of documents could include: Pyramid of Intervention data, Student Support Team (SST) forms, special education records, data and reports used to evaluate your child, or relevant correspondence including letters, emails, recorded phone conversations, or other communications between you and the school.
 - Never send your original papers. Always send copies with the formal complaint.
 - Ask a friend to read the complaint and see if they can tell you the “who, what, when and why” of the complaint. If the complaint is not clear to a friend, it won't be clear to an investigator.
- ✓ Your role in the investigation:
 - You may be asked to meet with the investigator and provide more information about the complaint.
 - Be prepared and bring all relevant records with you. Have an outline of the key areas of your complaint.
 - Provide the investigator with all of specific information you have.
 - Remain calm and do not let anger or frustration affect your interaction with the investigator.
- ✓ Drafting a Proposed Solution:
 - Make sure your proposed solution is student focused and educationally relevant.
 - Do not ask for specific teachers, specific service providers, or experimental services.
 - Be creative and focus on your child's needs.
 - Make suggestions to address any procedural issues that may have occurred.

Where to go for more information:

Parent to Parent of Georgia
770-451-5484 or 800-229-2038
www.p2pga.org

Georgia Department of Education, Division for Special Education Services and Supports
404- 656-3963 or 800-311-3627 and ask to be transferred to Special Education
http://www.gadoe.org/ci_exceptional.aspx

Georgia Department of Education Implementation Manual
http://www.gadoe.org/ci_exceptional.aspx?PageReq=CIEXCImpMan
(See chapter on dispute resolution.)

Additional resources: Contact the **Special Education Director** for your school system.