

# **Filing a State Complaint**

## ***Frequently Asked Questions***

### **Who can file a complaint?**

An individual or organization may file a complaint with the Bureau of Exceptional Education and Student Services (Bureau) on behalf of an exceptional student education (ESE) student or a student who is gifted.

Before filing a complaint, you may want to contact the district's ESE office to inform them that you are having a problem at a particular school. The ESE director can often assist a family to work out the differences with minimal time and conflict.

### **How do I file a complaint?**

When you file a complaint, you are alleging that a school district has violated state or federal requirements regarding the education of a student with disabilities or a gifted student.

You must provide the Bureau with the facts that support your allegation. You do not have to provide which laws you think were broken, just the facts that lead you to believe that there has been a violation of state or federal requirements.

The complaint must allege a violation that occurred not more than one (1) calendar year prior to the date that the complaint is received by the Bureau. The complainant and the district will be provided the opportunity to submit additional information, either orally or in writing, regarding the allegation(s) in the complaint.

To file a complaint, you may complete the model state complaint form or write a letter including the required components and either mail or fax it to the Bureau at:

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Bureau of Exceptional Education and Student Services  
Florida Department of Education  
325 West Gaines Street, Suite 614  
Tallahassee, Florida 32399-0400**

Fax #: **(850) 245-0953**

Please call (850) 245-0476 if you have any questions.

**May I file a complaint and a request due process hearing at the same time?**

Yes. However, if the due process hearing and the complaint are about the same issues, the Bureau is required to put the complaint in abeyance (set aside) until the hearing is completed. If the complaint raises any issues that are not raised in the due process hearing, the Bureau will investigate those issues before the hearing is over.

**How is a complaint investigated?**

A complaint investigator is assigned to the case and will have a sixty (60) day timeline (or ninety (90) days for complaints limited to gifted education) in order to investigate the complaint. The complainant and the school district are notified by letter to acknowledge the Bureau's receipt of the complaint. Assigned Bureau staff will review all relevant information submitted and make an independent determination as to whether the school district is violating a requirement of Individuals with Disabilities Educational Act (IDEA 2004) or corresponding Florida Statutes or state requirements.

**Are all complaints investigated by the Bureau?**

No. Some complaint issues are outside the Bureau's jurisdiction, and the complainant is informed of other resources that may be helpful. In other cases the required components are not provided by the complainant in order to begin an investigation, so the case is dismissed. In addition, some complaints may be resolved through different means at the discretion of the Bureau.

**Do I need an attorney to file a complaint?**

No. An attorney is not needed in order to file a complaint with the Bureau.

**Must the school district be notified that a complaint has been filed and by whom?**

Yes. The individual filing the complaint must forward a copy of the complaint to the district serving the student at the same time the party files the complaint with the Bureau.

**What happens to my complaint if I choose to go to mediation with the district?**

If the complainant and the district agree to go to mediation, the complaint timeline will be extended to allow sufficient time for the mediation process. Mediation agreements are legally binding; therefore, those issues cannot be investigated once agreed upon during mediation. If all of the complaint issues are agreed upon, the complaint would be closed. Regarding mediations resulting in partial

agreements, any issues not agreed upon during the mediation could be investigated by the Bureau.

**What will I receive from the Bureau if my complaint is fully investigated?**

The Bureau will issue a written decision to the complainant that addresses each allegation in the complaint that is within the Bureau's jurisdiction to investigate. The report will contain findings of fact, conclusions, the reasons for the final decision, and corrective action for the district if violations are found.

**What if I don't agree with the investigator's conclusions?**

The decisions made by the Bureau regarding complaints are final. However, if the complainant(s) disagrees with the Bureau's final decision, the complainant(s) may file a request for a due process hearing regarding issues that have been addressed in a state complaint.