# Florida Department of Education

**Bureau of Exceptional Education and Student Services**

***State Complaints – General Information***

# Introduction

This guide explains the procedures for filing a state complaint with the Florida Department of Education (FDOE), Bureau of Exceptional Education and Student Services (bureau).

The FDOE maintains a state complaint procedure whereby parents and other interested parties may file a written complaint alleging that a public agency has violated state or federal requirements regarding the education of students with disabilities or students who are gifted. The state complaint procedures are outlined in the Notice of Procedural Safeguards for Parents of Students with Disabilities, which is available on the FDOE website at <http://fldoe.org/core/fileparse.php/7690/urlt/0070135-procedural.pdf>, and The Notice of Procedural Safeguards for Exceptional Students Who Are Gifted, which is available on the FDOE website at [http://www.fldoe.org/core/fileparse.php/7690/urlt/](http://www.fldoe.org/core/fileparse.php/7690/urlt/0070112-giftgard.pdf) [0070112-giftgard.pdf](http://www.fldoe.org/core/fileparse.php/7690/urlt/0070112-giftgard.pdf). In addition, this information is provided to parents and other interested individuals and agencies upon request.

# Procedures for Filing a State Complaint

State complaints may be filed by an individual, individuals or organization (hereafter referred to as the complainant) by completing the State Complaint Form located on the FDOE website at [http://www.fldoe.org/core/fileparse.php/7675/urlt/statecomplaint\_](http://www.fldoe.org/core/fileparse.php/7675/urlt/statecomplaint_fillableform_BEESS.doc) [fillableform\_BEESS.doc](http://www.fldoe.org/core/fileparse.php/7675/urlt/statecomplaint_fillableform_BEESS.doc).

In order for the complaint request to be considered complete, it must include all of the following:

* The name and contact information of each complainant
* The student’s name and address (if student specific)
* The school name
* A statement that describes how the school district or public agency has violated a requirement of the Individuals with Disabilities Education Act (IDEA), the corresponding state requirements, or both, or in the circumstance of a student that is gifted, include a statement that describes how the district has violated state requirements regarding the education of students who are gifted (Rule 6A-6.03313, Florida Administrative Code).
* An explanation of the facts on which the violation of exceptional student education laws is based
* A proposed remedy or suggested solution of the problem (if student specific)
* Signature of each complainant

# The complainant must forward a copy of the complaint to the school district serving the student.

**In addition, the complainant must forward the complaint with all required components via email, fax or mail to the Bureau of Exceptional Education and Student Services at the same time as the complaint is filed with the district.**

**Email:** BEESScomplaints@fldoe.org

**Fax:** 850-245-0953

**Mail:** Florida Department of Education

Bureau of Exceptional Education and Student Services Dispute Resolution and Monitoring Unit: State Complaint 325 West Gaines Street, Suite 614

Tallahassee, Florida 32399-0400

Upon receipt of the state complaint, bureau staff will review the complaint to verify that the allegations are within the bureau’s jurisdiction to investigate. If the allegations are not within the bureau’s jurisdiction to investigate, the complainant will be notified and provided other resources for resolution.

# Receipt of State Complaint by the Bureau

The 60-day timeline (or 90-day timeline for complaints limited to gifted education) specified for the inquiry process begins on the date the signed complaint, with all the required components, is received by the bureau within business hours. If all the required components of the complaint are not provided, the bureau will notify the complainant in the acknowledgment letter, and the timeline will begin upon receipt of all the required components.

# Acknowledgement of the State Complaint by the Bureau

The bureau confirms receipt of the complaint with a letter of acknowledgement and request for documentation to the complainant and the school district. Included with the letter to the complainant is a copy of the procedural safeguards as well as information regarding mediation.

If the bureau has the authority to investigate the allegations, the complainant will be contacted with information regarding alternate resolution activities, including state- sponsored mediation or a state-sponsored facilitated individual educational plan (FIEP) meeting. Also, the bureau will provide the district with an opportunity to respond to the allegations, including at a minimum, the ability for the complainant and the district to voluntarily engage in mediation.

# Request, Receipt and Review of Documentation

The complainant and the district are given the opportunity to submit information regarding the allegations. The bureau requests that the documentation submitted be organized appropriately to facilitate effective and efficient review. This request for written documentation allows at least 10 calendar days for each party to respond. The bureau may ask for additional information, if needed.

An extension to the timeline may be permitted if exceptional circumstances exist or in the event that the district and the complainant agree to extend the time to engage in mediation or informal means of dispute resolution. The bureau will notify all parties regarding any extensions to the timeline.

The documentation provided is reviewed by bureau staff with communication as necessary with any of the parties regarding the need for clarification or additional information.

Telephone interviews with parents and district personnel and an on-site investigation may be necessary. It is the bureau’s responsibility to review all relevant information and make an independent determination as to whether the school district violated a requirement of IDEA and, if applicable, the corresponding state requirements.

# With the Agreement of All Parties, Some Complaints May be Resolved Through Different Means

If all parties agree to participate in an alternative resolution process, the complaint inquiry process is set aside pending the outcome. If all parties agree to participate in a state- sponsored mediation or a state-sponsored FIEP meeting, the complaint inquiry timeline may be extended to allow sufficient time for the alternative resolution process. All parties must agree to the extended timeline.

In a state-sponsored mediation session, participants may be able to address any issues related to special education involving the student. Mediation is voluntary, and after all parties agree to participate in mediation, a third-party mediator, assigned by bureau staff, meets with the parties in an informal setting and assists them to resolve the issues in dispute. Written mediation agreements that are developed and signed by the parties must be implemented in “good faith” by the parties and are enforceable in court. An issue resolved in a binding mediation agreement cannot be reconsidered through the state complaint procedure. An issue unresolved during the mediation may be reconsidered through the state complaint procedure as a continuation of the existing state complaint.

State-sponsored FIEP meetings allow issues related to the process of IEP development to be addressed. A facilitator supports the IEP team in the collaborative problem-solving process regarding decisions that are best for the student and helps parties reach consensus when possible, with a goal of developing a revised IEP. Participation in the FIEP process is voluntary, and after all parties agree to have a facilitator, a third-party facilitator, assigned by bureau staff, attends the FIEP meeting. An issue unresolved through the FIEP meeting may be reconsidered through the state complaint procedure as a continuation of the existing state complaint.

# State Complaints and Due Process Hearings

If, during the complaint process, the complainant also requests a due process hearing for issues that are part of a complaint, the complaint inquiry process is set aside for these issues pending the completion of the due process hearing. The remaining issues that are not a subject of the due process hearing, as determined by the bureau, will be investigated if the remaining allegations are within the bureau’s jurisdiction to investigate.

If an issue is raised in a complaint that has already been decided through a due process hearing, the administrative law judge’s decision in a hearing is final and the issue will not be reconsidered through the state complaint procedure; however, the state may investigate complaints alleging that the district failed to implement a due process hearing decision.

# Report of Inquiry

Following the bureau’s investigation, a Report of Inquiry is provided to all parties, which outlines the allegations, findings of fact, conclusions, corrective actions, and any required actions or recommendations.

# Actions to be Completed and Corrective Actions

The state has procedures in place for the effective implementation of the final decision, including technical assistance activities, negotiations, actions to be completed and corrective actions to achieve compliance. If actions are required, it is the district's responsibility to provide documentation and verification as specified in the Report of Inquiry. All noncompliance must be corrected as soon as possible, but in no case later than one year from the date of the Report of Inquiry

# Finality

If a complainant disagrees with the bureau’s final decision, the complainant may file a request for a due process hearing against the district regarding issues that have been addressed in a state complaint.

If you have questions regarding this guide, contact the Bureau of Exceptional Education and Student Services at **850-245-0475**.

Authority: Sections 300.151-153 of Title 34, Code of Federal Regulations