

### **Written Complaint Procedures and Timeline**

Extensions to the 60 day timeline are permissible, if exceptional circumstances exist or if the parties agree to extend the timeline to utilize dispute resolution.

### **Written Complaint Form**

Complainants may file a written complaint using the Special Education Written Complaint Form posted at:  
[http://doe.k12.hi.us/specialeducation/index\\_rights.htm](http://doe.k12.hi.us/specialeducation/index_rights.htm)

### **Mediation and Other Methods of Alternative Dispute Resolution**

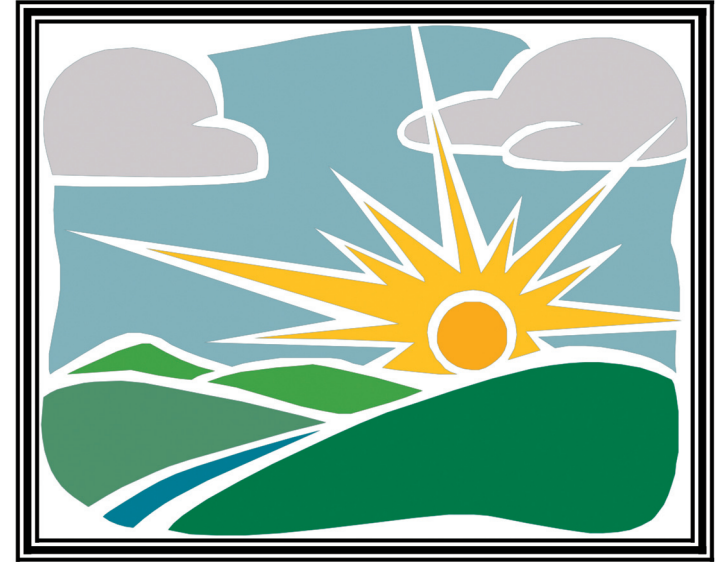
The parties to a written complaint may voluntarily engage in alternative dispute resolution to include, but is not limited to, mediation, facilitation, and conciliation. Mediation information is posted at:  
[http://doe.k12.hi.us/specialeducation/index\\_rights.htm](http://doe.k12.hi.us/specialeducation/index_rights.htm)

### **Implementation of the Decision and Corrective Action**

The Department may direct corrective action to address violations. Corrective action may include, but is not limited to, technical assistance, negotiations, or remedies to the denial of appropriate services to address the needs of the student, and appropriate future provision of services for all students with disabilities.

### **Contact Information**

For further information, contact the CMP. The CMP's contact information is posted at:  
[http://doe.k12.hi.us/specialeducation/index\\_rights.htm](http://doe.k12.hi.us/specialeducation/index_rights.htm)



# Written Complaint Procedures for Students with Disabilities

## Overview

The Hawaii Department of Education (Department), exercises general supervision over all public education programs for students with disabilities. The State Special Education Section, Complaints Management Program (CMP) will investigate written complaints that allege violations of Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), its implementing regulations (34 CFR Part 300) or the Hawaii Administrative Rules (HAR) Chapter 56. After a written complaint is received by the CMP, a written report will be issued within 60 days or allowable extensions.

## Applicable Law

1. IDEA or 34 CFR Part 300  
website: <http://idea.ed.gov>
2. HAR Chapter 56  
website: [http://doe.k12.hi.us/specialeducation/index\\_references.htm](http://doe.k12.hi.us/specialeducation/index_references.htm)

## Who May File

Any individual or organization may file a written complaint. Due to confidentiality reasons, complainants who are not the legal parent or guardian will not receive the decision of a written complaint. The decision will be sent to the parent, school, and district.

## Written Complaint Procedures and Timeline

Upon receipt of a written complaint, the CMP will:

1. Carry out an independent on-site investigation, if the CMP determines that an investigation is necessary.
2. Give the complainant the opportunity to submit additional oral or written information about the allegations in the complaint.
3. Provide the appropriate Department personnel the opportunity to respond to the complaint and submit a proposal to resolve the complaint.
4. Provide an opportunity for the parent who has filed a written complaint and the appropriate Department parties to voluntarily engage in mediation.
5. Review all relevant information and make an independent determination as to whether the Department violated a requirement of Part B of IDEA, its implementing regulations or HAR Chapter 56.

6. Within 60 days of receipt of the written complaint, issue a written decision to the complainant that addresses each allegation in the written complaint and contains:
  - a) Findings of fact and conclusions; and
  - b) The reasons for the final decision.

## Written Complaints and Due Process Hearings

If a written complaint and due process hearing are filed simultaneously, the Department will set aside any part of the written complaint being addressed in the due process hearing. The Department will enforce the implementation of a due process hearing decision.

## Filing a Written Complaint

A complaint must be in writing and include:

1. A statement that the Department violated a requirement regarding the provision of special education services;
2. The facts on which the statement was based;
3. The signature and contact information for the complainant;
4. If alleging violations with respect to a specific child:
  - a) The name and address of the residence of the child;
  - b) The name of the school the child is attending;
  - c) In the case of the homeless child or youth (as applicable to the McKinney-Vento Homeless Assistance Act), the available contact information for the child, and the name of the school the child is attending;
  - d) A description of the nature of the problem of the child, including facts relating to the problem;
  - e) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed; and
5. Allegations that occurred not more than one year prior to the date that the complaint is received unless a longer period is reasonable because the violation is continuing or the complainant is requesting compensatory services for a violation that occurred not more than three years before the date the complaint is received.

Written complaints should be sent to:

Special Education Section Administrator  
Complaints Management Program  
637 18th Avenue Room C-102  
Honolulu, HI 96816