



## Illinois Federation of Teachers

An affiliate of the AFT, AFL-CIO

500 Oakmont Lane  
Westmont, Illinois 60559  
T: 630-468-4080  
F: 630-468-4089  
www.ift-aft.org

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## Know Your Rights – State Complaint Process

### Special Education Dispute Resolution in Illinois – State Complaint Process

If you have concerns that a student or group of students with disabilities is not being provided the free, appropriate public education to which they are entitled, there are ways to address your concerns. The Illinois State Board of Education (ISBE) is responsible at the state level for addressing concerns brought to their attention. Among the possible methods to resolve concerns (state complaints, mediation, and due process hearings), anyone can file a state complaint.

#### Summary of the State Complaint Process

The state complaint process is designed to resolve allegations when it is believed that the rights of one or more students with disabilities (or their parents) are being violated. Violations can occur in terms of state and/or federal rules, regulations, and/or procedures.

A state complaint can be filed by anyone with knowledge of the issues. It may be filed by a parent/guardian, or by an advocate with or without a parent's knowledge. The union can file complaints. School staff can file complaints. The complaint can be filed against a school district or a special education co-op.

You are encouraged to seek resolution at the local level with the district or co-op if at all possible. Sometimes a discussion between the union and the school district/co-op can resolve a potential state complaint the union may be considering filing. Sometimes it is necessary for the union to file the complaint with ISBE. This decision depends upon local circumstances.

The complaint must be a **written** complaint that is filed with ISBE. It can only go back **one year from the date of filing the complaint**. It can be re-filed at a later date if new documentation arises or the same violations continue to occur.

The written complaint must either be on the recommended ISBE state complaint form or through a letter to the State Board. Please see the ISBE link included in this document for detailed information. The written complaint can include documentation to support the allegation(s). Supporting documentation may also be shared with ISBE after the complaint is filed. The written complaint should be sent by the person/organization making the complaint to ISBE. A copy should be sent to the district/co-op.

The district/co-op generally responds in writing to a state complaint. The district/co-op is required to provide a copy of its response, including any supporting documentation, to the complainant at the same time it submits these materials to the State Board. In the event the complaint was filed by an individual other than a parent/guardian, the district/co-op must secure an appropriate written and signed release prior to the issue of any child-specific documentation.

An ISBE investigator will be assigned to the complaint and will conduct an investigation. This investigation may include document review, interviews, and on-site visits. The ISBE decision must be issued within **60 calendar days** of receipt of the complaint unless time extensions are necessary due to compelling circumstances.

The ISBE decision will be issued in writing and based upon what available documentation shows regarding the allegation(s) in the complaint. If ISBE finds violations, the letter of findings will include the following:

- A finding of facts;
- Reasons for the State Board's decisions; and
- Orders for any actions necessary to bring the district/co-op into compliance with state and federal requirements.

The district/co-op will be expected to fully comply with findings, or ISBE may implement additional enforcement procedures.

All complaints, investigations, findings, and corrective actions are reviewed internally at ISBE to ensure consistency within the agency.

It is recommended that you access the ISBE webpage on the [complaint investigation process](https://www.isbe.net/Pages/Special-Education-Complaint-Investigation-Process.aspx) for further information about filing a state complaint for potential special education violations.

[ISBE Complaint Investigation Process](https://www.isbe.net/Pages/Special-Education-Complaint-Investigation-Process.aspx) at <https://www.isbe.net/Pages/Special-Education-Complaint-Investigation-Process.aspx>

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