

# File a Special Education Community Complaint

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If you live in Washington State and you're concerned about your child's special education, learn what a Community Complaint is, and how to file one.

## **What is a Special Education Community Complaint?**

If a school district or state agency breaks (violates) a state or federal special education law or rule, you can make a formal written complaint, called a **Special Education Community Complaint**.

Or you can file this Complaint if a district or agency doesn't follow (doesn't comply with) a mediation or resolution agreement.

You can file a Community Complaint against the Office of Superintendent of Public Instruction (OSPI) (<https://ospi.k12.wa.us/>), an educational service district (<https://www.waesd.org/about-us/esds/>), a school district (<https://ospi.k12.wa.us/about-ospi/about-school-districts/websites-and-contact-info>), or a public agency serving special education students, including Washington public charter schools (<https://wacharters.org/schools/>).

## **Is there a deadline to file a Community Complaint?**

**Yes.** You have 1 year to file this complaint after the violation or problem happens.

If a school district or other agency violates a law or breaks a term of a mediation agreement, you have 1 year from when that happened to file your Complaint.

### **Do I have to use a special form to make a Community Complaint?**

Not necessarily. You can write your own Community Complaint but it must:

- Be in writing (verbal complaints aren't enough)
- Be signed by you
- Include all the information listed below

OSPI has a form you can use (<https://ospi.k12.wa.us/student-success/special-education/dispute-resolution/file-community-complaint>) that is translated into many languages.

### **What must my Community Complaint say?**

It **must** include all of these:

- Your name, address, and other contact information. Include the contact info for the student.
- The **name of the school district or agency** you believe has done something wrong.
- A statement that the school district or other agency violated the law or an agreement. You can say that the district violated at least 1

requirement of the Individuals with Disabilities Education Act (IDEA) (<https://ospi.k12.wa.us/student-success/special-education/laws-and-procedures/special-education-wac-and-federal-idea>), or that the agency isn't following a mediation or resolution agreement.

You don't need to know the exact rule or law you think the district or agency is violating. Just describe what you believe the district or agency is doing wrong. OSPI should identify the issue for investigation.

- **A detailed timeline of factual events.** Start with a general statement describing the problem. Say the very first thing that happened. Describe the situation step by step up to the date you're writing the complaint. Include times, dates, who you talked to, and what was said. You must include enough information so OSPI can decide whether to investigate.
- The names of important documents **if** they exist (for example, letters from the school or your child's Individual Education Plan or IEP (<https://www.oeo.wa.gov/en/education-issues/supports-students-disabilities/individualized-education-programs-iep>)). We also call these **supporting documents**.
- **A proposed solution** to the problem. What do you want to see changed? **Put what you want to see happen.**

### **Where do I send the completed Community Complaint?**

You must send it to OSPI and send a copy to the school district's superintendent (<https://ospi.k12.wa.us/about-ospi/about-school-districts/websites-and-contact-info>) or the public agency's chief officer. If you

don't know the address of the head of the agency, call them to ask where to send Community Complaints. If your complaint is against a charter school, send a copy to the school's principal (<https://wacharters.org/schools/>).

The complaint must list the date you mailed or delivered a copy of the complaint to the superintendent, chief officer, or charter school's principal. Keep a copy of the Complaint for your records. Then mail or fax your complaint to OSPI at:

Office of Superintendent of Public Instruction

Attn: Special Education

P.O. Box 47200

Olympia, WA 98504-7200

Fax: (360) 586-0247

### **What happens after I file a Community Complaint?**

OSPI will review your complaint and supporting documents. It will decide if your complaint states a possible violation of law or agreement that requires a formal investigation.

If OPSI decides your complaint doesn't show a possible violation, OSPI will send you a letter explaining why they're not going to investigate. If OSPI decides your complaint does show a possible violation of law or agreement, OSPI will open a formal investigation.

### **What happens in an OSPI investigation?**

First, OSPI sends the school district or agency a letter saying that OSPI has opened a complaint investigation. OSPI asks the district or agency for a

written response and supporting proof. The district or agency has **20 days** to respond.

Then, OSPI reviews the response and mails you a copy of it. It will include the name and contact info of the OSPI investigator assigned to your complaint. Once you get this, you have only **10 calendar days** to respond further with any additional information.

If you need more than 10 days, let the OSPI investigator know as soon as possible, and explain why. OSPI may grant you more time (called an **extension**).

OSPI then reviews all the information from you and the school district or agency. OSPI might ask you, the district, or the agency to clarify or give more information.

### **How long will the investigation take?**

Within **60 days** of the date you filed your complaint, OSPI should mail a written decision to you and the school district or agency. OSPI can take longer in exceptional circumstances. Or you and the district or agency can agree in writing to extend the timelines to resolve the dispute through an alternative process, such as mediation.

### **What can OSPI do if it finds a violation?**

OSPI can order remedies for just one student or for an entire school district or agency. The solution OSPI orders will be based on the nature of the circumstances behind a complaint.

OSPI keeps an online record of summaries and copies of decisions (<https://ospi.k12.wa.us/student-success/special-education/special-education-community-complaint-decisions>) from other people's Community Complaints.

### **Do I have other options to formally complain about special education services?**

You may have the right to ask for a Due Process Hearing. This is different from OSPI investigating. An **Administrative Law Judge (ALJ)** holds a hearing on issues about the identification, evaluation, educational placement, or provision of a Free Appropriate Public Education (FAPE) of a student.

Learn more about other options you might have.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.