

Complaints

Regulations: 511 IAC 7-17-15, 7-30-2

Any individual, group of individuals, agency or organization may file a complaint alleging violations of federal or state laws that apply to special education programs. The complaint must:

- be in writing;
- state the alleged violations of Indiana's special education regulations or the federal IDEA, and the facts on which the allegations are based;
- be signed by the complainant(s); and,
- be submitted to the IDOE/DSE, Room 229, State House, Indianapolis, IN 46204-2798; FAX: 317_232_0589.

Your letter of complaint should include your name, address, telephone number, and the student's name.

Complaint investigations are not a substitute for due process hearings or mediation. If you disagree with our proposals (or if we have refused to agree with your proposals), a due process hearing or mediation is the method to resolve the disagreement. Complaints, in contrast, focus on the procedures required by special education laws and regulations.

A complaint must be filed within 1 year after the alleged violation occurred. However, a complaint involving a continuing or systemic violation may be filed at any time. Requests for compensatory services may be filed within 3 years after the alleged violation.

The complaint investigator will contact you and us to obtain information needed to determine if a violation occurred. The complaint investigation report will be mailed to you and to us within 30 calendar days after the complaint was received by IDOE/DSE. If exceptional circumstances exist, the IDOE/DSE may allow the investigator additional time to complete the report. You will be notified in writing if additional time is granted for the complaint investigation report.

If you disagree with the complaint investigation report, you may request reconsideration by writing to the Director of the IDOE/DSE within 15 calendar days of your receipt of the report. Your written request for reconsideration must state the specific portions of the report that you want reconsidered, with specific facts to support your request for a change in the report. We also have the right to ask for reconsideration, following the same procedure.

If you request reconsideration, the response from the Director of the IDOE/DSE is due within 60 calendar days after the original complaint was received by IDOE/DSE. However, if additional time was granted for the complaint investigation report, the deadline is also extended by the same number of days. The IDOE/DSE will mail the response to you and to us.

Educational Records

Regulations: 511 IAC 7-17-29, 7-23-1; 34 CFR Part 99

You or your representative have the right to inspect and review your child's educational record. We must let you look at your child's record unless the court has decided you cannot see them. Your child's non-custodial parent has the same right unless we have received a court order terminating or restricting a non-custodial parent's access to the record. We cannot unnecessarily delay the time for you to look at the record and must show you the record within no more than 45 calendar days of your request. We must allow you to look at the record prior to any CCC meeting or due process hearing.

The right to inspect and review educational records includes the right to explanation and interpretation of the record. You may receive a copy if you are unable to come in person or for use in a pending due process hearing. We can charge you for copies of the record, but not more than the actual cost of duplication. The fee must not prevent you from seeing the record. We do not charge for your first copy of a document (current IEP, CCC report, evaluation report, etc.) that we are required to provide.

If you believe that information in your child's educational record is inaccurate or misleading or violates your child's privacy or other rights, you may ask us to amend the record. Your signed and dated request for amendment, which must specify the information that you believe should be deleted or changed, must be sent to the principal of your child's school or the local director of special education. Within 10 business days, we will notify you whether or not we amended the record. You may challenge our decision in a local hearing to amend records according to the federal records law [Family Educational Rights and Privacy Act, (FERPA)] dealing with educational records. A hearing to amend the records is not the same as a due process hearing.

Your child's educational record is confidential. It is, however, available to persons who are involved in providing or planning a FAPE for your child. This includes your child's current and future teachers, related services providers, administrators, and other professional school personnel. The regulations permit or require certain disclosures, such as sending the record to your child's new school and sending information to law enforcement authorities when criminal activity is reported. In addition, directory information (name, address, grade level, etc.) will be disclosed for school pictures, yearbooks, award ceremonies, etc. Your child's special education record is not directory information.

In all other cases, we will not disclose information from your child's educational record unless we have received your written, dated, and signed consent listing the records that will be released and to whom. If you refuse consent when we believe that sharing of information is necessary, we may initiate a due process hearing. If you believe that we have violated a rule governing educational records, you may file a complaint with the IDOE/DSE or the Family Policy Compliance Office, U.S. Department of Education, 600 Independence Ave. SW; Washington, DC 20202-4605; 202/260-3887.

We will maintain your child's educational record for at least 3 years after your child exits from the special education program. After that, the information will be destroyed. Additional details are available in the annual notice we are required to publish.

