

Model Special Education Complaint Form

The use of this form is optional. Complainants may submit a special education complaint on plain paper, stationery, etc. Accommodations are available as needed.

What is a special education state complaint?

A special education complaint is a formal request to the New Hampshire Department of Education to investigate potential violations of the Individuals with Disabilities Education Act (IDEA) and New Hampshire's Standards for the Education of Children with Disabilities.

The use of this model form is not required; however, a complaint must contain the following information to be considered sufficient:

The complaint must include –

- (1) A statement that a public agency has violated a requirement of Part B of the Act or of this part;
- (2) The facts on which the statement is based;
- (3) The signature and contact information for the complainant; and
- (4) If alleging violations with respect to a specific child –
 - (i) The name and address of the residence of the child;
 - (ii) The name of the school the child is attending;
 - (iii) In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney- Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending; (iv) A description of the nature of the problem of the child, including facts relating to the problem; and
 - (iv) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
- (5) The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
- (6) The party filing the complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time as the party files the complaint with NHED.

Insufficient Complaint Submissions

If the complaint does not contain the required information, the Complaint Coordinator contacts the complainant, identifies the missing elements needed for sufficiency, and assigns a due date for submission. If the required information is provided within the established timeline, the complaint is deemed sufficient and proceeds forward. If the information is not received, a dismissal letter is issued and the complaint is closed. Reconsideration is available only after the issuance of an Investigative Report. Complaints that are dismissed for insufficiency must be resubmitted as new complaints and will be reviewed for sufficiency upon resubmission.

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To submit your special education complaint please mail your complaint to:

New Hampshire Department of Education
Attention: Special Education Complaint Office
25 Hall Street
Concord, NH 03301

Note: NH does not accept submissions sent via email.

*****This is not the form to use to file for a due process hearing.*****

Section 1: Complainant Information

Your Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email (Optional): _____

Relationship to Student:

Parent Guardian Citizen Attorney Student Advocate

Section 2: Student's Information

Student's Name: _____

Address (only if different from yours):

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If the student is homeless, please provide their current contact information:

Date of Birth and Grade (Optional):

Name of School Attending and District:

Section 3: Complaint Information

The violation must have occurred not more than one calendar year prior to the date that NHED receives the complaint

Statement of Violation(s)

You do not have to quote the specific requirement that you believe was violated, but you must explain what you believe the school has done wrong, for example, “the teachers are not following my/the child’s IEP.”

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Facts upon which the allegation is based

Describe what the school has done that violated special education requirements and how that affects your child, for example, "My/The child's IEP says he will be seated in the front of the classroom, but on numerous visits to my child's classroom, he was seated in the back of the classroom. Because of his vision and hearing problems, he needs to sit close to the blackboard and the teacher."

Resolution or outcome desired to address the alleged violation (to the extent known to the other person)

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Section 4: Notification for Complaint Investigation

- Please check the box to confirm that a copy of this special education complaint has been sent to the public agency (e.g., school district) at the same time as you filed the special education complaint with the NH Department of Education
 - Check here if you have included any additional documentation. Please include as a written or typed addendum.
 - (Optional) Check here if you are open to learning more about mediation as a dispute resolution tool
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Section Five: Signature

Signature: _____

Date: _____

For assistance filling out a special education state complainant form please contact the Special Education Complaint Office at (603) 931-0273