

NEVADA DEPARTMENT OF EDUCATION

Model Form to Assist Organizations/Individuals Filing a State Complaint

This form is to assist you in filing a State Complaint. You are not required to use this form; however, the law requires a Complaint to be written, signed, and to meet certain requirements which are contained in this form in order to be properly filed. (If you are a parent, you may see the statement of your rights for additional information.)

The complaint process can be used when you believe a public agency has violated special education law or regulation(s). The complaint process is not the dispute resolution process to use when the outcome you want is a change in your child's eligibility determination, IEP, placement or grades. The Nevada Department of Education (NDE) cannot overturn a decision of an Eligibility Team, IEP Team or Placement Team or change a student's grades through the complaint process. (Other dispute resolution processes are explained on the NDE's website at: http://www.doe.nv.gov/Special_Education/Dispute_Resolution/)

Filling out the form: **PLEASE READ CAREFULLY.**

- All complaints **must include** the contents in Sections 1 to 3 and 5 below. If alleging violations with respect to a specific child, the contents of Section 4 must be completed in addition to Sections 1 to 3 and 5.
- The NDE does not accept emailed complaints. Complaints may be filed by facsimile if the complaint is signed by the complainant.
- A copy of this Complaint must be sent to the named public agency, i.e. *the school district*, **at the same time** it is filed with the NDE. (In the case of a complaint about a Charter School, a copy must be sent to the Charter School and, **if it is sponsored by a school district**, a copy must also be sent to the school district.) If you indicate a copy was provided to the public agency on the complaint and identify the office/individual, it will expedite the processing of the complaint.
- See additional important instructions in italics throughout the Model Form.
- A checklist for your convenience is provided at the end of this document.

Your Name:¹_____

Address:_____

Phone: _____

Date: _____

Superintendent of Public Instruction

Nevada Department of Education

700 E. Fifth Street
Carson City, NV 89701-5096

Dear Superintendent of Public Instruction:

The purpose of this letter is to file a State Complaint.

1. I/we believe that a public agency has violated a provision(s) of the Individuals with Disabilities Education Act, Part B, (IDEA), 20 U.S.C. §1400 et seq.; 34 C.F.R. Part 300, or a provision(s) of the Nevada Revised Statutes (NRS) or the Nevada Administrative Code (NAC), Chapter 388, for special education programs. *(Complete parts A and B.)*

A. Yes _____ No _____

B. Name of the public agency: _____ *(This is the school district, not the school. In the case of a Charter School, include the name of the Charter School and, if it is sponsored by a school district, also include the name of the school district.)*

2. The facts supporting your belief that there has been a violation of the IDEA and/or the special education provisions of the NRS/NAC: *(Complete parts A and B. Be as specific as you can to clearly identify the believed violation as well as the facts upon which the allegation is based.)*

A. The believed violation(s): _____

(The alleged violation must have occurred less than one year before the date that the complaint is received by the NDE. If available, you may, but are not required to, provide the specific provision of the IDEA or NRS/NAC for special education programs you believe has been violated.)

B. The facts relating to the violation, including when the believed violation(s) occurred: _____

(Provide the facts that support your belief that the public agency violated the IDEA or the NRS/NAC for special education programs. If needed, attach additional sheets of paper.)

¹ If you are representing an organization, please also indicate the name of the organization.

3. Your contact information: *(Complete parts A and B)*

A. If all contact information is provided above: Check here: _____

B. Additional contact information, if any, and preferable mode of contact, if any:

4. Alleged violation(s) concerning a specific child must also include all of the following:

A. Are you the parent of the child? YES _____ NO _____

B. The name and address of the physical residence of the child:
(This must be completed even if the child resides with the parent at the same residential address. In addition, while a P.O. Box Number may be used for contact information for the person filing the complaint, the actual physical address where the child resides must be included here. If the parent/child is homeless, please include available contact information for the parent/child and the name of the school the child is attending.)

C. The name of the school the child is currently attending:

D. A description of the nature of the problem of the child:

E. A description of the facts relating to the problem(s):

F. Your proposed resolution of this problem(s) to the extent known and available to you at this time: *(Either provide the proposed resolution or, if you do not know how this problem(s) should be resolved at this time, you must so indicate.)*

5. Signature: _____ *(Electronic signatures are not accepted)*

Checklist for Complaint Prior to Submission:

Please note that if all the required information is not provided, the NDE will not have jurisdiction to accept your complaint for investigation.

Reviewing your complaint and checking off the items below will help ensure that all the information and procedures have been followed and will facilitate the review of your allegations. **(This checklist may be, but is not required to be, included when filing the complaint.)**

- Allegation that there has been a violation of the IDEA and/or the special education provisions of the NRS/NAC
- Name of the public agency
- The believed violation of the IDEA and/or the special education provisions of the NRS/NAC
- The facts supporting the allegation that there has been a violation of the IDEA and/or the special education provisions of the NRS/ NAC
- Your contact information
- Signature
- Copy sent to the school district **at the same time** the complaint is sent to the NDE. (In the case of a complaint filed against a Charter School, a copy must be sent to the Charter School and, if it is sponsored by a school district, a copy must also be sent to the school district.) Please note on complaint letter who was sent a copy.

Alleged violation(s) concerning a specific child **must also** include the following:

- Your relation to the child
- The address of the **physical residence** of the child
- The name of the school the child is attending
- A description of the nature of the problem of the child
- A description of the facts relating to the problems
- Proposed resolution