



Arc Guide to the Minnesota Department of Education (MDE) Complaint System

Students who meet eligibility criteria under Free, Appropriate Public Education (FAPE), have a right to special education and related services to meet their individual needs. The student's needs and services are documented in the student's Individualized Education Program (IEP). If a parent or guardian thinks their son or daughter is not receiving appropriate services under FAPE or not receiving services documented in the IEP, they can file a complaint with the Minnesota Department of Education (MDE). This guide will describe when and how to use that process.

Before filing a complaint, it is helpful to speak with an educational advocate at The Arc Greater Twin Cities. The Arc advocate will discuss the complaint process with you. Together, you and the Arc advocate will discuss if filing a complaint is the best option to resolve the issue or if other options may be more helpful. The Arc advocate may help you fill out the complaint form.

You may want to file a complaint if you think the school:

- Did not provide something that was stated in the IEP
- Did not meet required timelines, procedures or requirements
- Violated a special education law or rule
- Did not provide FAPE to the student

A complaint must be in writing. [There is a form that can be used to file a complaint.](#) The form has all the necessary information that must be provided. A copy of the complaint must be sent to the school district the complaint is about.

When MDE receives the complaint, appropriate staff will decide to investigate or dismiss it.

If the complaint is dismissed, this means it will not be investigated by a MDE complaint investigator. A complaint may be dismissed if:

- It has been more than one year since the issue/violation occurred OR
- The issue/violation does not involve a special education law or rule

If MDE decides to investigate, a MDE staff person who is an investigator will:

- Contact the person who wrote (filed) the complaint



- Contact the school district's special education director to find out if the issue/violation can be resolved without a formal investigation
- Review documentation and decide what to do
- The complaint investigator will make a decision within 60 days of receiving the complaint form. (In some cases, it may take more than 60 days. In this situation, the person who made the complaint will be informed.)
 - If the investigator decided there was a violation of a special education law or rule, the investigator will tell the school how to correct the problem. This includes a Corrective Action Plan. MDE will check to see if the school did what it was supposed to do.
 - If the investigator decided there was no violation, the complaint is closed. If the parent/guardian does not agree with the investigator's decision, the decision can be appealed to the Minnesota Court of Appeals. This must be done within 60 days of receiving the decision from MDE. If the parent/guardian wants to do this, Arc advocates recommend talking to an attorney with knowledge of special education.

Please call an advocate at The Arc Greater Twin Cities if you have any questions about a special education complaint.

Additional resources:

The Arc Greater Twin Cities Arc Guides <https://arcgreatertwincities.org/arc-guides/>

**State Complaint information is available at:

CFR 34 300.151 - 153 http://www.ecfr.gov/cgi-bin/text-idx?SID=ae317c7552ecea140df7f8583f6a785f&mc=true&node=sg34.2.300_1150.sg12&rgn=div7 Minnesota Statute 125A.44 <https://www.revisor.mn.gov/statutes/?id=125A.44>

For further information or advocacy services, contact The Arc Minnesota at 952-920-0855 or toll-free at 833.450.1494 or visit www.arcminnesota.org. (Please note: *This document is not legal advice, and should not be construed as such. Thus, no information herein should replace the sound advice of an attorney.*)

All rights reserved (c) 2019 The Arc Minnesota