



Special education series

Know your Rights:

Filing a Complaint with the NH Department of Education



If you have a problem with your child's special education and related services and you are unable to work it out directly with the school district, there are several options you can use to resolve the problem. Those options include filing a complaint or requesting mediation, neutral conference, or due process hearing. If the matter is straightforward, filing a complaint with the NH Department of Education (NHDOE) may be appropriate. A complaint is simpler and less costly than going to due process. For more complicated special education matters, a due process hearing may be required.

How do I file a complaint?

Anyone can file a complaint. You must file in writing unless you are unable to do so. A complaint usually must be filed within one year of the occurrence of the problem. The NHDOE has complaint forms on its website, but the form is optional. Your complaint must include the following:

1. Your name, address and daytime phone number
2. The name of the child if the complaint is about a child and not a general complaint
3. The address of the residence of the child, if different than yours
4. The name of the school the child is attending
5. A statement that the school district has violated a state or federal special education requirement
6. The facts upon which the statement is made and how it has affected the child
7. Allegation that the violation occurred not more than one year before the date the complaint is received by the NHDOE, unless a longer period is reasonable because the violation is continuing, or if you are requesting compensatory services for a violation that occurred no more than three years ago (note: proposed federal regulations would limit all timelines to one year: check for updates)
8. A statement of the resolution or outcome you would like to see
9. The complaint must be signed and a copy must be sent to the child's school district at the same time you send the complaint to the NHDOE

How do I contact the Complaints Office at the NHDOE?

Send your complaint to:

Commissioner of Education
Attn: Special Education Complaints Office
101 Pleasant Street
Concord, NH 03301

Complaints Officer:
Terry Brune: tbrune@ed.state.nh.us
(603) 271-3730



What will happen after the complaint is filed?

**Disabilities
Rights Center**
18 Low Avenue
Concord, NH 03301
(603) 228-0432 or
(800)834-1721 (voice or TTY)
Fax: (603) 225-2077
advocacy@drcnh.org
www.drcnh.org

**This brochure is not meant
to be legal advice. For
specific legal advice, you
should talk to a lawyer.**

After receiving your complaint, it will be reviewed by the Complaints office of the Bureau of Special Education. If the Bureau determines that an investigation is necessary, then an independent investigator is assigned to the case. The Bureau will send a letter to both the complainant and the school district giving them the name of the investigator, a copy of the complaint letter and identifying what federal and/or state regulations are involved.

The investigator will review your child's educational records and interview both the parents and school district representatives as part of the investigation. You will have a chance to submit additional information about your complaint to the investigator. When the investigation is complete, the investigator will issue a written report with recommendations to the Commissioner. The NHDOE Complaints officer will review the report and issue a decision based upon the investigator's findings of fact and the relevant state and federal rules and regulations. The Commissioner of Education reviews the

decisions and makes a determination of what corrective action, if any, is warranted, and issues the decision no later than 60 days after the complaint was received by NHDOE. The timeline may be extended to 90 days if the Department determines that exceptional circumstances exist that delay the decision. If the person who filed the complaint is not the parent (or guardian, surrogate parent, or adult student), the decision reached in the complaint will not be sent to that person unless the parent has given written permission.



What can the NHDOE do if it finds the school district has committed a violation?

The NHDOE can order technical assistance activities and corrective actions that the school district must undertake to resolve the problem and achieve compliance with state and federal rules.

What if I am not satisfied with the decision?

If you are not satisfied with the decision, you can request reconsideration. You have 10 days from the date you receive the decision to do so. The Commissioner will decide whether to grant a reconsideration within 20 days of receiving your request, and will issue a final determination. You may also request a due process hearing or file an appeal under the NHDOE's Rules of Practice and Procedure (ED 200). The school district may also request reconsideration or a due process hearing or file an appeal .