Understanding the State Complaint Process

A Guide to Each Step in the Process

Utah State Board of Education

A Formal Individuals with Disabilities Education Act (IDEA) State Complaint is Filed with the Utah State Board of Education (USBE)

Must allege a violation of IDEA Part B or Utah Special Education Rules (SpEd Rules) within one year of the alleged violation (SpEd Rules IV.E).

The USBE verifies whether the State complaint meets the requirements of SpEd Rules IV.E.2.

Yes

Assign Investigator & Notify

- The USBE assigns an independent third-party investigator.
- The USBE provides Procedural Safeguards to the parent or adult student.

Investigator Defines Issues

- The investigator drafts an issues letter, typically, within 10–14 calendar days.
- The investigator notifies the complainant and LEA of the special education issues identified in the complaint and requests documentation for the investigation.

Opportunity to Respond or Resolve

USBE allows parties to respond *(SpEd Rules IV.F.)*:

- Complainant: may submit additional information, or participate in mediation. LEA: Submit a response, propose a resolution or participate in mediation.
- Investigation continues unless and until the complainant withdraws the State complaint in writing.

The USBE Issues Decision

- The USBE issues a decision within 60 calendar days of both parties receiving the complaint.
- Extensions may occur in exceptional circumstances; parties are notified in writing.
- Decision is mailed to the complainant and LEA.
- Decision is final; procedural safeguards remain. Aggrieved parties may still have the option to file for a due process hearing.
- If violations of the IDEA or SpEd Rules are identified, the USBE may order technical assistance and other corrective actions to achieve compliance.

No

The USBE Notifies the Complainant

- Explains the defect in the complaint.
- Provides an opportunity to resubmit the State complaint.
- The complainant corrects the defect and resubmits the filing.

Optional

The Parties Agree to Mediate

- The USBE assigns an independent third party mediator.
- The USBE pays for the costs of mediation.

Unsuccessful Mediation

The State complaint investigation proceeds.

Successful Mediation

Agreement is signed: The investigation continues unless and until the complainant withdraws their complaint in writing.