

Complaint Timeline

IDEA permits 60 days for investigating a complaint and issuing a Final Order *unless* the timeline is extended by exceptional circumstances or an agreement to mediate.

	60 Calendar Days...	<ul style="list-style-type: none"> ❖ Number of days IDEA permits a state to complete all complaint activities. ❖ Does NOT include time for corrective action, if any.
	To Start Complaint Process....	<ul style="list-style-type: none"> ❖ Parent¹ – <ul style="list-style-type: none"> • Sends a signed, dated complaint to the Oregon Department of Education (ODE) stating, or alleging, a school district or program has violated federal special education law² within the previous year; and • Sends a copy of the complaint to the district or program.
	Day 1... Is the day AFTER the Department receives the signed, dated complaint.	<ul style="list-style-type: none"> ❖ 60 calendar day timeline for complaints – <ul style="list-style-type: none"> • Begins the day <i>after</i> the complaint is received by ODE; • Does NOT include time for corrective action, if any. ❖ Does the 60 day timeline ever change? <ul style="list-style-type: none"> • Extensions for mediation³ or local resolution – agreed upon by both the district <i>and</i> person or agency complaining (complainant); • Amending the complaint; or • Filing a due process hearing request containing the same, or some of the same, issues.
The following timelines, through Day 59, are ODE guidance for completing complaint activities within 60 days.		
Between Days 1 - 10		
<ul style="list-style-type: none"> ❖ ODE reviews complaint to determine if the complaint includes facts that raise, or allege, a violation of IDEA within the past 12 months. ❖ If information includes facts that raise or allege a violation of IDEA, ODE: <ul style="list-style-type: none"> • Contacts parent (or person complaining) and district about possible mediation. • Begins mediation arrangements <i>if</i> both⁴ parent and district agree to mediation,, • Assigns an investigator (may be an outside contractor or internal staff). ❖ If mediation occurs....complaint timeline may be extended by request and agreement of <i>both</i> "parties" – parent and district. If there is no agreement to extend the timeline, the complaint investigation proceeds. ❖ <i>ODE dismisses complaint:</i> <ul style="list-style-type: none"> • If the parent does not provide enough information to support alleged IDEA violations; • If allegations are not about IDEA violations (outside the scope of IDEA); or • If allegations are about something more than a year old. <p>ODE staff or investigator...</p> <ul style="list-style-type: none"> • Sends a "<i>Request for Response</i>" (<i>RFR</i>) to the district to formally notify it of the allegations; • Sends copy of <i>RFR</i> to parent at the same time. 		

¹ Or other person filing the complaint; the person complaining is the "complainant."

² Individuals with Disabilities Education Act (IDEA)

³ Mediation is a voluntary meeting process, agreed upon by the people involved, to try to solve the problem. An independent trained mediator facilitates the meeting.

⁴ Both parties – parent and district

	<p>Between Days 10 - 24 District or program –</p> <ul style="list-style-type: none"> • Completes its <i>Response</i> to the RFR; • Delivers its response to the complaint to the Department <i>and</i> the parent.
	<p>Day 24 - 31 Parent –</p> <ul style="list-style-type: none"> • May <i>Reply</i> to the Department with additional information about the district's <i>Response</i>, and • Copies to district.
	<p>Day 32 - 59 Assigned investigator –</p> <ul style="list-style-type: none"> • Investigates complaint; • Drafts proposed order; • Submits to Department for review, approval and signature of Final Order.
Required by IDEA Day 60	<i>If no extensions for exceptional circumstances, the Department issues the Final Order timely within 60 days.</i>

Corrective Action Timeline	
IDEA requires correction of noncompliance as soon as possible, not to exceed one year.	
Timeline begins....	❖ Date the Department issues the Final Order containing corrective action requirements.
Timeline ends....	❖ One year from the date the Department issues the Final Order.
District submits evidence of each corrective action....	❖ Not later than the date(s) for each correction specified in the Final Order, unless a due date exception exists. (See last row, below.)
Corrective actions must be completed and verified....	❖ Within one year from the date the Department issued the Final Order.
<p>Due Date Exceptions Corrective action due dates may be changed (not to exceed one year) IF....</p>	<ul style="list-style-type: none"> ❖ Parent and district agree to an extension of time and notify Department in writing⁵; ❖ Parent and district agree to change or end compensatory education requirements; ❖ Parent and district request mediation before corrective action can be completed; ❖ Exceptional circumstances occur (i.e., natural disasters; ordered meetings cannot be finished in one day; evaluators or trainers who are not under the control of the district are unavailable at the times specified); ❖ ODE extends the timeline to help the district improve or verify its previously submitted corrective action. <p>An issue in a complaint is also part of a due process hearing, the due process decision and timeline take precedence over the complaint timeline.</p>

⁵ Contact may include email, if parent (or other complainant has email available; has agreed to use it for district and Department contacts; and request contains no confidential or personally identifiable information.)