November 2025

Procedures for State Complaints

What is a "state complaint"?
A state complaint is a signed, written statement alleging that a school district and/or Area Education Agency (AEA) (or other public agency involved with special education or early intervention services) violated a requirement of the Individuals with Disabilities Education Act (IDEA) or a state law or rule that implements IDEA.

Who handles and investigates state complaints?
The Iowa Department of Education (Department) investigates complaints filed under the IDEA:

IDEA Complaint Investigation Team
Iowa Department of Education
400 E 14th St
Grimes State Office Building
Des Moines, IA 50319

An assigned complaint investigator or investigators will investigate the complaint and will make a written decision within 60 calendar days of receipt of the complaint (unless an extension is granted).

Who may file a complaint?
An organization or individual may file a signed, written complaint under the procedures described in 34 C.F.R. sections 300.151-300.153 and in this document. The individual does not have to be a child's parent. The individual or organization may be from out of state.

This document refers to the filer of the state complaint as "the Complainant."

The Department will not investigate unsigned or anonymous complaints, such as by an unnamed "concerned citizen." The Department may pursue those allegations through other means, but will not use the state complaint process.

What are the requirements for filing a complaint?
The complaint must include:

- A statement that a public agency has violated a requirement of the IDEA, its implementing regulations or Iowa special education law.
  Note: The Complainant must allege a violation that occurred not more than one year prior to the date that the complaint is received, in accordance with 34 CFR section 300.151
- The facts on which the statement is based.
- The signature and contact information for the Complainant.
  Note: Iowa's special education rules allow electronic signatures, including electronic signatures on state complaints. Iowa Admin. Code r. 281—41.51(14). Under Iowa law, an electronic signature is "an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record." Iowa Code § 554D.103(8).
- If alleging violations with respect to a **specific child** (Note: These items are not required if the complaint is not about a specific child), the Complainant must include all of the following information:
  - The name and address of the residence of the child.
  - The name of the school the child is attending.
  - In the case of a homeless child or youth within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11434a(2)), available contact information for the child, and the name of the school the child is attending.

- A "description of the nature of the problem of the child, including facts relating to the problem."
- A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

Who must get a copy of the state complaint?
The Complainant must send a copy of the complaint to the public agency serving the child when the Complainant files the complaint with the Department.

> Note: This is required by the United States Department of Education, which wrote: "The purpose of requiring the party filing the complaint to forward a copy of the complaint to the LEA or public agency serving the child, at the same time the party files the complaint with the SEA, is to ensure that the public agency involved has knowledge of the issues and an opportunity to resolve them directly with the complaining party at the earliest possible time."

Is there a form to use to file a state complaint?
A model form for state complaints is in the Procedural Safeguards Manual for Parents, available from a school district, an AEA, or the Department. The model form is also available on the Department's website. A Complainant is not required to use the model form.

When must a state complaint be filed?
As noted above, a Complainant must file a state complaint within one year of the alleged violation.

What are the permissible subjects of a state complaint?
As noted above, a Complainant may allege any violation of the IDEA or state or federal special education rules, including the identification, evaluation, placement, or provision of a free appropriate public education to a child with a disability. Rule 281—41.153(2). In addition, state complaints may contain allegations of other matters under early intervention and special education law, including the following:

- Failure of a public agency to implement a decision after a due process hearing, a resolution meeting agreement, or a mediation agreement [Rule 281—41.153(5)].
- Failure of a public agency to comply with the IDEA's staff licensure requirements [Rule 281—41.156(5)].
- Failure to meet the IDEA's requirement that students in accredited nonpublic schools have "equitable" participation in Part B funded activities [Rule 281—41.140(3)].

Note: The Department will investigate allegations of violations of other laws (e.g., seclusion and restraint regulations) in an IDEA state complaint only to the extent that the violation of the other law resulted in a violation of state or federal special education statutes or rules.

What procedures will the Department follow when it receives a complaint?

- *Department opens the record and assigns a complaint investigator.*
  When the Department receives a complaint, Department staff members assign the complaint a number and enter data information about the complaint into the Department's dispute resolution data system. Hard copies, if provided, are maintained in a folder with the complaint name and number on a cover sheet. The Department assigns one or more investigators, who must not have a personal or professional interest in the outcome of the investigation.
- *Department sends a copy of the Procedural Safeguards Notice.*
  Department staff members send the most current version of the procedural safeguards notice required by 34 C.F.R. section 300.504.
- *Department determines whether the Complainant sent a copy to the public agencies.*
  The Department will determine whether the Complainant has provided a copy of the complaint to all required parties. The Department will contact the Complainant, advising that until all required parties have a copy, the investigation will not proceed and the 60-day timeline will not begin.

- *Department determines whether the complaint is proper in form.*
  Upon receiving the complaint, the Department will determine whether the complaint contains the required information and is properly within the Department's jurisdiction under the IDEA. If the complaint lacks the necessary information, the Department will notify the Complainant that the complaint or parts of the complaint do not meet the requirements. The Department will provide a reason. The Department will indicate (a) that the complaint will be dismissed if not revised within two weeks of receipt of the notice; and(b) the complaint will not be investigated and timelines will not start until the missing content is provided. If the revised complaint contains allegations for which the state can proceed, timelines will be adjusted. When possible, the Department will inform the Complainant of the appropriate agency, entity or process to address concerns that do not fall within the Department's jurisdiction under the IDEA (e.g., Board of Educational Examiners).
- *Department calculates the decision timeline.*
  If the complaint is considered proper in form, Day One of the 60-day timeline is on the calendar day immediately following the date on which all required parties received the complaint.
- *Department offers dispute resolution options.*
  The Department promotes building cooperative, collaborative relationships by supporting the use of the AEA Mediator process or the State Mediation process. Both of these options are voluntary. After receipt of the complaint, the Complainant will be informed, usually by telephone, in writing, or both, of the following options:
    - *AEA Mediator process.* The AEA Mediator is an objective third party who has received mediation training and is employed by an AEA. The AEA Mediator will lead a meeting and help all parties seek common ground and solutions. If the meeting is successful, the parties will devise and implement a written plan acceptable to all. The services are available by contacting the AEA.
        - If the Complainant decides to use the AEA Mediator process and expresses that no further involvement by the Department is necessary, the Complainant will be asked to provide a statement in writing that the complaint be withdrawn. The Department will keep the complaint open if requested by the Complainant.
    - *State Mediation.* The Department provides a trained neutral mediator. Rules 281—41.506, 41.1002. If the mediation results in an agreement about some or all of the issues in the complaint, the parties sign a legally binding agreement. If the parties cannot reach agreement, the complaint process will continue.
        - If the Complainant decides to use State Mediation and expresses that no further involvement in the state complaint is necessary, the Department will open a mediation file and follow mediation procedures and will close the state complaint. The Department will keep the complaint open if requested by the Complainant.

  Note: The parties may voluntarily resolve a portion of the state complaint. In that event, the Department will investigate the unresolved allegations. *A party may use either of these processes without dismissing the complaint.* If the parties decide to use mediation or other alternative dispute resolution processes, the parties will be asked whether the 60-day timeline for resolving the state complaint should be extended. It will be extended upon agreement. Rule 281—41.152(2)"a"(2). However, if the Complainant has expressed the desire to completely drop the complaint, refer to procedures outlined above.
- *Respondents are given an opportunity to provide a response and proposed resolution.* The Department must include an opportunity for the public agencies to respond to the complaint including, at a minimum, a proposal to resolve the complaint. [Rule 281—41.152(1)"c";34 CFR 300.152(a); 20 U.S.C. 1221e-3]. The Department will send a letter informing the public agencies of this opportunity. The Department provides 15 calendar days to provide a response and proposed resolution.
    - The responding agency may propose a resolution to address the allegations in the complaint. If the Complainant accepts the proposed resolution, the Department will review the matter to ensure there are not systemic concerns requiring investigation.
    - If the Complainant does not agree to the proposed resolution, the public agencies may revise their proposal for further consideration by the Complainant and the Department will continue its investigation.

- If the Complainant accepts the proposed resolution and the Department concludes that no systemic issues require investigation, the complaint will be closed as "withdrawn" or "dismissed."

- *The Department reviews the public agencies' response and conducts an investigation.*
  If the public agencies do not offer a proposal to resolve the complaint or the proposal to resolve the complaint was not acceptable to the Complainant, or the parties were not agreeable to sue other alternative ways of resolving the allegation, the complaint investigator will investigate the complaint.

  Caution: If the public agencies do not respond to the allegations in the complaint, the Department may deem the public agencies to have admitted or conceded the truth of the allegations in the complaint.

  The complaint investigator will ask the parties to submit any materials they wish the Department to consider, any witnesses they wish the Department to interview, etc., within a specified timeline.

  If the Department is named in the complaint, the Department may investigate or may make arrangements with an outside party to resolve the complaint depending on the facts of the particular complaint; however, the Department remains responsible for complying with all steps required by IDEA state complaint rules.

  Note: The Department must provide the Complainant with an opportunity to provide additional information regarding the complaint. Iowa Admin. Code r. 281—41.152(1).
- *The Department makes the following determinations as to additional alleged violations.*
  If new information submitted by the Complainant is on a different or unrelated incident, the new information will generally be treated as a separate complaint. If the information submitted were on the same incident, as a general rule, the Department will treat the new information as an amendment to the original complaint. The Department will determine whether the new information constitutes a new complaint or whether it is related to the pending complaint.
- *At its discretion, the Department conducts interviews.*
  When a party wants the complaint investigator to contact certain individuals as part of the investigation, the Department will do so at its discretion.
- *Timeline for the Department's decision.*
  The Department will issue a decision within 60 calendar days from the receipt of the complaint. Rule 281— 41.152(1). The Department will permit an extension of this timeline in only two circumstances: (1) the parties agree to an extension while they pursue mediation [See # 8, above]; and (2) if "exceptional circumstances exist concerning a particular complaint." Rule 281—41.152(2). Exceptional circumstances include but are not limited to the following:
  - The investigation is hindered by the unanticipated unavailability of necessary parties or information.
  - Either the agency or Complainant submits additional information that changes the course of the investigation.
  - The Complainant submits large volumes of additional information at a date making it impossible to review and stay within the timeline.

  Exceptional circumstances do not include the following, according to the United States Department of Education:
  - Staff shortages or caseload.
  - School vacations or breaks.
  - The use of mediation or negotiations, without an agreement to extend the decision timeline.
- *At its discretion, the Department may go on-site as part of an investigation.*
  The Department typically will conduct the investigation without going on-site. Depending on the nature of the allegations, as determined by professional judgment, the Department may decide to visit on-site. The complaint investigator will provide notice to the parties of the on-site investigation and make arrangements with the agency whose location will be inspected.

- *The Department will review the record.*
  The complaint investigator shall review all relevant information and make an independent determination as to whether the public agencies violated a requirement of federal or state special education statute, regulation or rule.
- *The Department will make a decision.*
  The Department will send a written decision of the investigation (using the 60-calendar day time limit, unless extended) to the parties. The decision shall address each allegation in the complaint. The decision shall provide the Department's findings of fact, conclusions of law, and the reasons for the Department's decision.

  A Complainant will only be provided personally identifiable information about a student if the Complainant is the student's parent or has a release of information form signed by someone meeting the IDEA's definition of parent. In all other cases, a Complainant will receive a redacted decision.
- *The Department may provide optional suggestions for improvement.*
  The complaint investigator may provide suggestions for improvement to the public agencies. These suggestions are optional to implement and will not be monitored. The complaint investigator may offer such suggestions for confirmed or unconfirmed allegations. The Department's authority to offer these suggestions is its authority under state law to act in an "advisory capacity." Iowa Code § 256.1.
- *The Department takes no further action on an unconfirmed complaint.*
  If the allegations of the complaint are not confirmed, the Department will take no further action and will so advise the parties.
- *The Department orders remedies for confirmed violations.*
  The Department develops a remedy for each confirmed allegation in a complaint. Rule 281—41.151(2), 41.152(2). If the Department finds a failure to provide appropriate services, the Department must address how to remedy the denial of those services, including, as appropriate, the awarding of compensatory services, monetary reimbursement, or other corrective action appropriate to the needs of the child. The Department must also consider the appropriate future provision of services for all students with disabilities in the district. Rule 281—41.151(2). The Department's remedial authority also includes technical assistance activities, negotiation, and corrective actions to achieve compliance. Rule 281— 41.152(2).

  Depending on the facts of a particular complaint, the Department may offer the parties the option to jointly develop a plan to address confirmed violations. See Rule 281—41.152(2) ("negotiations").

  If a child is ordered compensatory education and then moves to another district, the public agencies remain responsible for completing corrective action. The following options can be used: (1) the former district makes written arrangements with the new district to provide the services and reimburse excess costs; (2) the former district could contract with a private provider; or (3) it could continue to offer the services. The parent needs to be involved in the decision about the compensatory education provided and when it occurs.
- *The Department monitors for timely correction of noncompliance.*
  The Department must make certain any and all identified noncompliance issues are corrected as soon as possible but in no case later than one year from identification. Based on the facts of each case, the Department may order corrective action to be completed at an earlier time. There may be different deadlines within the same order, depending on the nature of the ordered remedy. The Department will monitor corrective action timelines and will periodically contact the public agencies, reminding them of the timelines. Failure to adhere to the required timeline will result in the Department taking available action against the public agency, including but not limited to the actions specified in Rules 281—41.222, 41.600, 41.603 et seq.

- *The Department reviews evidence of correction.*
  The public agencies are required to demonstrate correction ordered in the decision. Acceptable evidence depends on the facts of each case, but may include a new IEP for the child, amended policies, professional development agenda and attendance sheets, a "satisfaction" signed by the Complainant, or a canceled check. When all of the corrective action has occurred, the Department will close the case and notify the parties.

Is the Department's decision appealable?
The Department's decision is the final agency action for state complaints. There is no internal administrative appeal or request for reconsideration. The Iowa Administrative Procedure Act (Iowa Code ch. 17A) provides for judicial review of the Department's decision in a state complaint.

Chapter 17A gives a party who is "aggrieved or adversely affected by agency action" the right to seek judicial review by filing a petition for the same in the Iowa District Court for Polk County (home of state government) or in the district court in the county in which the party lives or has its primary office. The Department advises the parties of this provision in each state complaint decision.

Additionally, if the complaint concerns identification, evaluation, placement, or provision of a free appropriate public education, a party may file a due process complaint to resolve the ongoing dispute.

According to the United States Department of Education, there is no appeal of the Department's state complaint decision to the United States Department of Education.

What is the relationship between state complaints and due process complaints?
- *Raising Issues Also Pending in a Due Process Complaint.*
  If a state complaint is received that is also the subject of a due process hearing under 34 CFR 300.507 or 300.530 through 300.532; or contains multiple issues, one or more of which are part of that hearing, the Department must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process complaint must be resolved using the time limit and procedures described above. Rule 281—41.152(3).
- *Raising Issues Decided in Previous Due Process Decisions.*
  If an issue raised in a state complaint has previously been decided in a due process hearing involving the same parties, the due process hearing decision is binding on that issue and the Department must inform the Complainant to that effect. Rule 281—41.152(3).
- *Alleging a Public Agency Is Not Complying with a Due Process Decision.*
  If a complaint alleges a public agency failed to implement a due process hearing decision rendered by an ALJ, the Department will investigate the allegation. If confirmed, the Department will grant appropriate relief. Rules 281—41.152(3), 41.153(5).

What happens if an attorney represents a party?
Because the state complaint process is not an administrative proceeding or judicial action, in the event an attorney appears to represent a party, there is no right for an attorney to demand that he or she be present when the Department conducts the investigation (and in particular, queries individuals for whom the attorney represents). A **request** for the presence of an attorney will be considered and a decision made by the Department. If an attorney appears for a party, copies of all papers will be sent to the attorney.

An award of attorneys' fees is not available under the IDEA for state complaint proceedings.

Do these procedures apply to complaints filed under Early ACCESS (IDEA Part C)?
Yes. Iowa's administrative rules for Early ACCESS (early intervention services for infants and toddlers with disabilities, from birth through the third birthday) contain parallel complaint procedures. Iowa Admin. Code rr. 281—120.432 through 281—120.434.

What steps is the Department taking to publicize the state complaint process?
The complaint process and a sample form for filing a complaint are included in the procedural safeguards manual. The LEAs, AEAs, and the Department provide this information to parents. The manual is also on the Department website.

Disability Rights Iowa and other advocacy groups also are aware of the process, as well as the AEA and ASK Resource Center, Iowa's parent training and information center; all have been provided a copy of the complaint procedures and forms. Iowa's independent living centers have been provided a copy of the complaint procedures, as well as the procedural safeguards manual.

Are state complaint decisions public? How does the Department protect confidentiality?
A state complaint decision is a public document; however, the personally identifiable information is protected from disclosure under state and federal law. The Department will provide an unredacted state complaint decision to the parents of the child, to persons who have a release of information form signed by a parent of the child, or whenever FERPA permits release of personally identifiable information without parental consent.

If a state complaint decision contains personally identifiable information about more than one child, the Department provides a partially redacted copy to each parent.

If a state complaint decision is the subject of a request under Iowa Code chapter 22, before the request is fulfilled, the state complaint team will determine how much redaction is necessary to protect confidentiality. This may include approval from the complaint investigators, the State Director of Special Education, or one of the Department's attorneys.