



**HAWAI'I STATE
DEPARTMENT OF EDUCATION**

**Special Education
State Written Complaint
Cover Letter**

Dear Complainant:

Our goal is to ensure the rights of the Individuals with Disabilities Education Act of 2004 (IDEA) and the Hawai'i Administrative Rules (HAR) Chapter 60 are afforded to you. If you believe that a public school has violated a requirement of federal and/or state special education regulations, you may file a state written complaint with the Complaints Management Program (CMP) of the Monitoring and Compliance Branch (MAC).

What is a State Written Complaint?

- A complaint filed alleges a violation(s) of IDEA and/or HAR Chapter 60.
- May be filed by anyone, including an organization or an individual from another state.
- The alleged violation(s) must have occurred within one year of the date CMP receives the complaint.
- A complaint investigation report will be issued to you (or the student over 18) and Complex Area no more than 60 calendar days after CMP receives the complaint.
- Anonymous complaints will be investigated; however, CMP will not issue a written decision.

Note: CMP does NOT investigate allegations regarding abuse and neglect, bullying, retaliation, harassment, civil rights violations, Section 504, and school policy matters.

Where to Submit the Request for a State Written Complaint?

Please submit the complaint and additional supporting documents to CMP:

- E-mail address: specialedcomplaints@k12.hi.us
- Mailing Address: Complaints Management Program
Monitoring and Compliance Branch
Office of the Deputy Superintendent
P.O. Box 2360
Honolulu, HI 96804

CMP accepts electronic filings of complaints. You may sign a complaint digitally, or you may scan your signature when filing electronically.

How to File a State Written Complaint?

To file a State Written Complaint, you may elect to use the State Written Complaint form to assist you. While this form is not required, you must provide the asterisked information identified on the form for a complaint to be processed. The required information includes the following:

- A statement that a public school, including charter schools or the Department, has violated a requirement of the IDEA or its implementing regulations in 34 C.F.R. Part 300 or HAR 8-60. Please note that you do not have to include citations of what laws were violated.
- Facts that support the allegation(s) or statement.
- Signature and contact information for the party filing the complaint.
- If alleging violations regarding a specific student:
 - The name of the student and address of the residence of the student;
 - The name of the school the student is attending;

- In the case of a homeless student or youth, available contact information for the student and the name of the school the student is attending;
- A description of the nature of the problem of the student, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

Complaint Investigation and Report

Once the complaint is found to be sufficient, CMP will investigate all the allegations related to IDEA and HAR Chapter 60 and issue a written decision within 60 days. During the investigation, CMP will give the complainant the opportunity to submit additional information about the allegations and will give the school the opportunity to respond to the complaint. A Complaint Investigative Report will be issued to the school, complex area, and the complainant. If a complaint is filed by an organization or individual other than the parent, parental consent must be obtained before CMP may provide personally identifiable information about a child to a non-parent complainant as part of the complaint decision. 34 CFR §§99.30 and 300.622.

What happens when a State Written Complaint is filed that is also the subject of a due process complaint?

If a state complaint is received that is also the subject of a due process hearing or the state complaint contains multiple issues of which one or more are part of such a hearing, CMP will set aside any part of the state complaint that is being addressed in the due process hearing until the conclusion of the hearing. Additional information on how to file a due process complaint can be found on the Department's website.

May I Request Mediation to Resolve My Dispute?

You and the school are encouraged to utilize mediation to resolve the disputes you brought up in the state written complaint. Participation in mediation is voluntary, and both parties must agree to participate. The Department makes mediation available at no cost to parents and schools through the Mediation Center of the Pacific (MCP). To request mediation, you may:

1. Contact MCP at mcp@mediatehawaii.org or (808) 521-6767 or
2. Submit a Request for Mediation form: <https://bit.ly/MCPmediationrequest>

If all the issues in dispute are resolved during mediation, the Department will assist you if you wish to withdraw the complaint.

If you have questions or would like assistance filing a complaint, please contact us via email at specialcomplaints@k12.hi.us or by phone at (808) 307-3600.

Sincerely,

Complaints Management Program
 Monitoring and Compliance Branch
 Hawai'i State Department of Education
 E-mail: specialcomplaints@k12.hi.us
 Phone: (808) 307-3600