**Section 226.570 State Complaint Procedures**

This Section sets forth the State Board of Education's written complaint procedures, as required by 34 CFR 300.151, 300.152, and 300.153 and Section 14-8.02e of the Code.

a) A parent, individual, or organization may file a signed, written complaint with the State Board of Education alleging that a local school district, cooperative service unit, or the State has violated the rights of one or more children with disabilities. The complaint shall include:

1) A statement that a responsible public entity has violated a requirement of Part B of the IDEA, Title 34 of the Code of Federal Regulations, Article 14 of the Code, or this Part;

2) The facts on which the statement is based;

3) The signature and contact information for the complainant;

4) The names and addresses of the students involved (and the names of the schools of attendance), if known;

5) A description of the nature of the problem of the child, including the facts relating to the problem; and

6) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

b) Except as otherwise provided under Section 14-8.02e(b) of the Code, a complaint shall only be considered if it alleges that the violation occurred not more than one year prior to the date on which the complaint is received.

c) Within 60 days after receiving a complaint that meets the requirements of subsections (a) and (b), the State Board of Education shall:

1) Carry out an independent on-site investigation, if deemed necessary by the State Board of Education.

2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.

3) Require that the public entity that is the subject of the complaint submit a written response to the complaint, including corrective action compliance documentation. (See Section 14-8.02e of the Code.) The public entity shall submit its response and all other documentation to the State Board of Education and the parent, individual, or organization filing the complaint no later than the date indicated in the written correspondence received under this subsection (c)(3), which in no case shall exceed 45 days.

4) Provide the public entity with the opportunity during the complaint process to:

A) offer a proposal to resolve the complaint; and/or

B) offer to engage the parent in mediation or alternative means of dispute resolution.

5) Review all relevant information and make an independent determination as to whether the public entity is violating a requirement of Part B of the IDEA, 34 CFR, Article 14 of the Code, or this Part.

6) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:

A) findings of fact and conclusions; and

B) the reasons for the State Board of Education's final decision.

7) Issue orders for any actions, including technical assistance activities and negotiation, that are necessary to bring the public entity into compliance with applicable requirements.

d) An extension of the time limit set forth in subsection (c) shall be allowed if exceptional circumstances exist with respect to a particular complaint or if the parent and the public entity agree to extend the time to conduct the activities pursuant to subsection (c)(4)(B).

e) If a written complaint is received by the State Board of Education involving one or more issues that are also the subject of a due process hearing, the State Board shall hold those portions of the complaint in abeyance pending the completion of the hearing. However, any issues that are not the subject of the hearing shall be resolved as provided in this Section.

f) If a complaint is filed about an issue that has previously been decided in a due process hearing involving the same parties, the decision arising from that hearing shall be considered binding, and the State Board shall inform the complainant to that effect. A complaint alleging a public entity's failure to implement a decision arising from due process, shall be resolved by the State Board pursuant to Section 226.675.

(Source: Amended at 47 Ill. Reg. 2244, effective February 6, 2023)