

NEBRASKA DEPARTMENT OF EDUCATION

Office of Special Education State Complaint Checklist



The Nebraska Department of Education provides a sample form that any person or organization may use to file a complaint alleging violations of Parts B or C of IDEA, IDEA's implementing regulations, Rule 51, or Rule 52. You may find and use this form at <https://www.education.ne.gov/sped/state-complaint/>. If not using the sample form to file a complaint, here is a checklist of requirements to file a special education state complaint.

MAIL TO:

Amy Rhone, Complaint Investigator
Nebraska Department of Education
Office of Special Education
500 S. 84th St., 2nd Floor
Lincoln, NE 68510-2611

ELECTRONIC SUBMISSION:

amy.rhone@nebraska.gov

When submitting by email, please sign the complaint and include as an attachment.

For more information about the special education process, contact your child's special education teacher, a PTI Nebraska parent/professional at (800) 284-8520 and pti-nebraska.org, or the Nebraska Department of Education at (402) 471-2471 and education.ne.gov/sped/.

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. See <https://sites.ed.gov/idea/> for more information on IDEA.

Rule 51 outlines regulations and standards for special education programs for children with disabilities aged 3–21 in Nebraska. Rule 51 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51_2017.pdf.

Rule 52 outlines regulations and standards for special education programs for children with disabilities birth–2 in Nebraska. Rule 52 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule52_2014.pdf.

State Complaint Procedures Checklist - Part B

Complete this form if the alleged violation occurred when the child is between the ages of 3–21.

To be used when filing a complaint regarding issues arising out of the requirements of the [IDEA Part B, its implementing regulations](#), or [92 NAC § 51](#).

- _____ A statement that the school district, approved cooperative, or other public agency* has violated a requirement of the federal IDEA Part B statute and implementing regulations or the state administrative regulations (92 NAC § 51);
- _____ The facts on which the statement is based;
- _____ The signature and contact information for the complainant; and

If alleging violations with respect to a specific child:

- _____ 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 (2C) of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. § 11434 a\(2\)](#)), 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; and
- _____ A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
- _____ The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.
- _____ The party filing the complaint must forward a copy of the complaint to the school district, approved cooperative, or other public agency serving the child at the same time the party files the complaint with the Nebraska Department of Education, Office of Special Education.

*Public agency includes the state education agency, local education agencies, educational service agencies, and any other political subdivisions of the state that are responsible for providing education to children with disabilities.

State Complaint Procedures Checklist - Part C

Complete this form if the alleged violation occurred when the child is under 3 years of age.

To be used when filing a complaint regarding issues arising out of the requirements of the [IDEA Part C, its implementing regulations](#), or [92 NAC § 52](#).

_____ A statement that the lead agency, public agency*, or EIS provider has violated a requirement of the federal IDEA Part C statute and implementing regulations or the state administrative regulations (92 NAC § 52);

_____ The facts on which the statement is based;

_____ The signature and contact information for the complainant; and

If alleging violations with respect to a specific child:

_____ The name and address of the residence of the child;

_____ The name of the EIS provider, school district, or approved cooperative serving the child;

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

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

_____ The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received.

_____ The party filing the complaint must forward a copy of the complaint to the public agency or EIS provider serving the child at the same time the party files the complaint with the Nebraska Department of Education, Office of Special Education.

*Public agency includes the state education agency and any other agency or political subdivisions of the State.