



SPECIAL EDUCATION RIGHTS: ILLINOIS EDITION



What to Do When You Disagree With the School - Complaints

This fact sheet answers:

- What Can an ISBE Complaint Do?
- What Can an OCR Complaint Do?
- What Are Mediation And Due Process?
- And More

What Are Our Legal Special Education Rights?

Some special education rights are for all students with disabilities, no matter if they have a 504 Plan or an Individualized Education Program (IEP). Some rights depend on if your child has an IEP or a 504 or attends public school or private school.

If your child has a 504 Plan or an IEP, your child has the right to:

- Be safe in school from bullying.
- Go on field trips and be included in school and after-school activities.
- Play and learn with her typically developing classmates in school (this has some limits depending on your child's needs).
- Get the special education and services she needs.
- Not be unfairly punished for behavior that is caused by her disability.



If your child has a 504 Plan or an IEP, you have the right to:

- Get a copy of your child's school records and have incorrect information be fixed or taken out.
- Get copies of your child's evaluations and IEP/504 in your own language.
- Ask for drafts of your child's reports and IEP/504 before any meeting.
- Bring your child's doctors or therapists to your child's IEP/504 meeting.
- Ask your child's doctors or therapists to write a letter to the school asking for changes to your child's plan.
- Have the IEP/504 team think about making changes to your child's IEP/504 based on outside evaluations.
- Write down your disagreement with the school's actions and have your notes be a part of your child's records.
- Challenge the way the school evaluated your child.
- Challenge the school if it changes your child's classroom or school because of her disability.
- Get a lawyer/advocate.
- File a complaint with the Office of Civil Rights (OCR), a part of the federal government that protects children with disabilities.



What Can an OCR Complaint Do?

If you think your child's special education rights were denied, you can file a complaint with the Office of Civil Rights (OCR). OCR can look at the problem. If it agrees with you, it can tell the school how to fix the problem. This is an option if your child has a 504 or an IEP.

Visit the OCR website for more information about complaints, to see if your problem is a good fit, and to learn how to file. The website is: <https://ocrcas.ed.gov>

OCR complaints must be filed within **180 days** from the time the problem happened. There are some exceptions to this 180 day rule. Call OCR or an attorney to learn more about this deadline, which is called a "Statute of Limitations."

To win and get what you are asking for, you may need to have:

- Proof in writing that you told the school about the problem and you tried to work with the school to fix it.
- Outside doctors or therapists agree with you that your child needs something changed.
- Proof the school did not follow the law.

See Equip for Equality's "**How to Be a Strong Voice for Your Child's Special Education Needs**" fact sheet to learn more.

How Can I Get the School to Do What I Am Asking If My Child Has a 504 Plan?

If you have tried to work with the school, and the problem is still not fixed, you have two options. You can:

1. Ask for a 504 Hearing:
Write the school district's 504 Manager/ Special Education Coordinator to ask for a 504 Hearing.
2. File an OCR complaint:
Visit <https://ocrcas.ed.gov> to learn more.
3. File a lawsuit:
You can file a lawsuit before filing a complaint with OCR. You will want to talk to a lawyer before doing this.

How Can I Challenge the School If My Child Has an IEP?

If your child has an IEP, you may:

1. Ask for Mediation
2. File for Due Process
3. File a State Complaint
4. File an OCR complaint if she is being discriminated against because of her disability



How Do I File a Complaint with the Illinois State Board of Education?

If your child has an IEP and the problem happened in **the last year**, you can file a complaint with the Illinois State Board of Education (ISBE). A state complaint is a good option when documents or paperwork can help you prove the school failed to do something, like give your child a nurse or aide. A state complaint is not a great option if you are saying that the IEP just isn't "good enough" for your child.

ISBE has 60 days to look into your complaint. ISBE will look at records and sometimes visit the school or talk to the staff. The school has a right to explain its actions. ISBE will then decide if the school broke the law. ISBE will tell you this in writing. If the school broke the law, ISBE will ask the school to fix the problem.

Where Do I File My Complaint with ISBE?

You must send your complaint to ISBE and the school district's superintendent. You can find them here: https://www.isbe.net/documents/complaint_form.pdf

If you have questions, you can call ISBE directly at 866-262-6663 or contact Equip for Equality.

What About Mediation And Due Process?

Mediation and due process have many special rules. Please see EFE's "**Mediation**" and "**Due Process**" fact sheets to learn more about these options. ■



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Have More Questions?

Call our Special Education Rights Parent Helpline.

1-866-KIDS-046 (1-866-543-7046)
SpecialEd@equipforequality.org
www.equipforequality.org/helpline