NM State-Level Complaint Procedure

Written complaint received/reviewed by Dispute Resolution Coordinator (DRC)/Office of General Counsel (OCG) 60 calendar-day timeline begins on date accepted if accepted

District notified via phone or fax immediately by DRC
Case opened on database; Case files created
Work Order sent to OGC for assignment

Official acknowledgment letter sent to relevant parties (within 5 business days) (Complaint Investigator)
- Requests documents from the district
- Sets deadline for documents/responses and ADR options
- Disposes of irrelevant issues and/or decides to investigate
- Identifies issues held in abeyance
- Offers parents opportunity to send additional information
- Explains complaint process
- Determines extension if appropriate

Investigator submits Acknowledgement Letter to DRC for review and mailing

Investigation/Determination (Complaint Investigator)
- Review of documents, including PWN (and IEP resulting from FIEP)
- Review of applicable regulations, rules, case law, OSEP letters
- Interviews & on-site investigation (at discretion of investigator)
- Prepare first draft of written report of findings
- Editing/revise process w/ peer & DRC
- Prepare final edit of report and cover letter; Submit to DRC

Final written decision with findings issued by day 60 or by extended deadline date DRC

No Violation
Case and Database closed by DRC

Option 1
Parties do not agree on any ADR option; District notifies investigator & forwards documents

Option 2
Parties agree on FIEP meeting
- District/parent forward FIEP ADR Requests to ADR Coordinator

Option 3
Parties request Mediation*

ADR Coordinator
- Assigns Facilitator immediately
- Logs case in notebook
- Confirms assignment to parties in writing in 1-2 days
- Provides assignment details, copy of complaint and ADR Requests to Facilitator in 1-2 days
- Confirms FIEP took place
- Reviews and okays invoice submitted to REC
- Ensures FIEP meeting evaluations are returned to SEB

Note: Mediations and FIEPs shall be completed not later than 14 days from the SEB's Acknowledgement of the Complaint

Updated May 2013