

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 received 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/review 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**

Violation

- Corrective Action Plan (CAP) included in report
- CAP tracking chart prepared by DRC
- CAP documents received and approved by DRC
- CAP completed by DRC
- Closure letter prepared by DRC
- Letter issued; Case & Database closed by DRC

Alternative Dispute Resolution Options

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*

* See Mediation procedures

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

No Violation

Case and Database closed by DRC

Documents and resulting IEP with PWN sent by District to Complaint Investigator by end of week 3.