

How To File A Complaint With The Public Education Department (PED)

When a parent believes the school is not following the state or federal regulations, or thinks the school is not doing what is written in her child's IEP, the parent may file a written complaint with the State Department of Education.

1. Gather all information pertinent to the incident or issues, including copies of the IEP, BIP, evaluations, school referrals, meeting minutes, observations of teachers and/or witnesses, and attempts to resolve the issues.
2. Make a list of all concerns including details, specific names, titles, dates, and places.
3. Fill out the Complaint form at <http://www.ped.stste.nm/seo/index>
4. Or write your complaint letter and include the following:
 - A. A statement citing the federal and state regulations being violated by the school. The federal regulations can be found at the law library, or online at <http://www.access.gpo.gov/nara/cfr/>. The federal special education regulations will start with 34 C.F.R. §300. The state regulations can be found at the law library, at the reference desk of the public library or online at <http://www.nmcpr.state.nm.us/nmac/>. The state special education regulations will start with 6.31.2.1 NMAC.
 - B. Then a statement of the facts, including how the conflict began, names, dates and other specific information.
 - C. A statement showing the school has been notified of the issues but they have not resolved them to your satisfaction.
 - D. A request for an administrative review of the issues in your complaint. You may want to request a mediation or facilitated IEP with an independent facilitator/mediator to help resolve the educational issues. Also, you may have recommendations of possible remedies such as compensatory services to make up for the services your child may have missed.
 - E. Your address and telephone number and the school district's administration address and telephone number with the name of the district's superintendent must be included. You must sign the complaint.
5. Enclose a copy of your child's last IEP. Copies of the complaint should be sent to the superintendent of the school district and the principal of your child's school.

The document must be addressed to:

Ms. Denise Koscielniak, NM Special Education Director
New Mexico Public Education Director, Special Education Bureau
120 South Federal Place, Room 206
Santa Fe, New Mexico 87501

These tip sheets are paid for in part with a grant from the Developmental Disabilities Planning Council.