

**STATE COMPLAINT
AND
MEDIATION PROCESSES**

FOR MATTERS PERTAINING TO GIFTED STUDENTS

STATE COMPLAINT PROCESS

When attempts to resolve a problem at the local level have failed, and when it is believed that a local education agency (LEA) is violating *Alabama Exceptional Child Education Act* (1971, No. 106) (Act 106) or the *Alabama Administrative Code 290-8-9-.12* (AAC) pertaining to a student's gifted services, the complaint process may be utilized. Only a parent of a child who is gifted may file a state complaint.

(a) Filing a Complaint with the State Department of Education.

1. Any complaint filed must be for issues/allegations that occurred not more than one year prior to when the Alabama State Department of Education (ALSDE) receives it.
2. A signed written complaint must be filed at the Special Education Services (SES). A form for submitting a complaint is available at [Gifted State Complaint and Mediation Processes](#), point to Sections, in the pop-up window click on Special Education, and when the page opens click on the Gifted link at the top of the page. The form may also be acquired by calling (334) 694-4782.
3. When filing a signed written complaint, the complainant must fully complete the required form.
4. A copy of the complaint must be sent to the superintendent of the school district/public agency serving the child at the same time the party files the complaint with the ALSDE.

(b) Acting on Complaints.

1. The State Program Director of Special Education Services will assign a staff member to review and investigate the complaint.
2. A copy of the complaint will be sent to the school district/public agency involved.
3. The school district/public agency shall submit a written resolution statement, plan of action, or statement of position to the assigned complaint contact within 15 calendar days from receipt of the signed written complaint.
4. The SES will review the response and determine what other actions may be necessary.
5. The entire complaint process shall be completed within 60 calendar days from receipt of the complaint. The SES may grant an extension of time when it can be established that exceptional circumstances warrant delay.
6. A timely report will be issued to the complainant and the school district/public agency involved.

MEDIATION PROCESS

Mediation may be requested when attempts to resolve a problem at the local level have failed or when the school district/public agency and the parents disagree on matters pertaining to the identification, evaluation, eligibility, or Gifted Education Plan (GEP). Although either party may request a state mediation process to resolve the issue(s), both parties must agree to participate. The Program Director of Special Education Services provides a discretionary process of mediation, where the parties may resolve their differences in a less formalized and less adversarial manner. Mediation is entirely optional and voluntary for the parties. Only a parent of a gifted child who disagrees with the identification decision, evaluation, GEP, or who is in the referral process may request mediation.

(a) Requesting Mediation

1. Either party may request a Mediation Conference by writing to the Program Director, Special Education Services, or by calling 334-694-4782. An assigned mediator will contact the other parties to determine if they are willing to participate in mediation.
2. The assigned mediator will work with the parties at a suitable date, time, and location.
3. Either party participating in mediation may utilize a representative when they believe such assistance would help resolve the issues.

(b) Mediation Process

Although the mediation conference is an informal process utilized to resolve problems, the mediator will utilize some structure to provide a forum whereby discussion can be accomplished, and agreements made orderly.

Alabama State Department of Education

Special Education Services GIFTED WRITTEN STATE COMPLAINT

(Sample Form)



Your signed written state complaint must allege a violation that occurred not more than **one (1) year** prior to the date that the complaint is received.

1. The use of this form is optional.
2. The party filing the written state complaint must forward a copy of the complaint to the superintendent of the school district/public agency serving the child at the same time the party files the complaint with the Alabama State Department of Education.
3. The school district/public agency must provide a copy of the Gifted Rights if this is the first written state complaint filed by the parent in a school year.
4. All requested information that denotes a "*" is required for a State Complaint to be considered complete.

Date: _____

Dear State Director of Special Education:

I am writing to file a written state complaint for gifted education against:

(Name of the School District/Public Agency)

My Contact Information:

Name*
Relationship to the Child (e.g., Parent, Grandparent, Aunt, Uncle, Friend, Other (please specify))
Street Address*
City, State, & Zip Code*
Phone Number*
Email Address*

If the complaint concerns a specific child, this information must also be included:

Name of the Child
Name of the School the Child is Attending
Address of the Child
City, State, & Zip Code
In the case of a homeless child or youth (within the meaning of the <i>McKinney-Vento Homeless Assistance Act</i> (42 USC 11434a(2)), available contact information for the child instead of the address, and the name of the school the child is attending.

I believe the school district/public agency is in violation of certain requirements in the *Alabama Administrative Code, 290-8-9-.12 Gifted*, specifically:

Attach additional pages if necessary.

*Statement that there has been a violation of the Gifted Education:

Attach additional pages if necessary.

***Facts Related to the School District/Public Agency's Violation of a Requirement of the *Alabama Administrative Code, 290-8-9-.12 Gifted*:** (description of the nature of the problem, including facts relating to the problem).

Attach additional pages if necessary.

If alleging violations with respect to a specific child - Proposed resolution of the problem: (to the extent known and available at the time the complaint is filed)

*Signature

Date

**Have you ever requested
ALSDE dispute resolution for this student before?
(Check all that apply)**

- Mediation
- Written State Complaint

Send to:
brush-harrison@alsde.edu
or
SES WRITTEN COMPLAINT
Special Education Services
Alabama State Department
of Education
P.O. Box 30201
Montgomery, AL 36130

334-694-4782

Alabama State Department of Education

Special Education Services GIFTED MEDIATION REQUEST



- I understand that mediation is voluntary and both parties must agree to participate.
- Mediation is not to be used to delay or deny access to a Gifted Written State Complaint.
- I also know that I may request mediation by using the form below, calling (334) 694-4782, or emailing brush-harrison@alsde.edu.
- I understand neither party shall call the mediator to testify in any subsequent proceedings.

Date: _____

Person requesting mediation:

- Parent of the child (or someone with authority to act in the place of a parent)
- Parent's attorney
- School district representative

Name
Street Address
City, State, & Zip Code
Phone Number
Email Address

(Please complete as much information below as possible)

Student Information:	Parent Information:
Name	Name(s)
Email Address	Street Address
Date of Birth	City, State, & Zip Code
Name of the School	Email Address
Grade Level	Home Phone Number
Other Concerns and/or Conditions	Work Phone Number
	Cell Phone Number

Is this mediation part of a Gifted Written State Complaint? No Yes (GWSC# _____)

Please explain why mediation is requested:

Attach additional pages if necessary.

**Have you ever requested
ALSDE dispute resolution for this student before?
(Check all that apply)**

- Gifted Mediation
- Gifted Written State Complaint

Send to:
brush-harrison@alsde.edu

or

SES GIFTED MEDIATION
Special Education Services
Alabama State Department
of Education
P.O. Box 30201
Montgomery, AL 36130

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