



Illinois State Board of Education

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State Superintendent of Education

January 15, 2014

RECEIVED

JAN 21 2014

Ms. Patricia Lopuszanski
532 Carriage Way
South Elgin, IL 60177

Mid Valley Special Education

Re: Mid-Valley Special Education Cooperative
Systemic Complaint
Case Number 2014-0253

Dear Ms. Lopuszanski:

On December 10, 2013, the Illinois State Board of Education, Special Education Services Division, received your completed *Request for State Complaint Investigation* form and other materials. Per the information provided, you alleged that the identified special education cooperative had failed to follow proper procedures on behalf of several individual students, as related to the timely issue of Individualized Education Program (IEP) paperwork, the accuracy of IEP content and appropriate transition programming/services. You noted that these allegations were based upon the public comments of several parents, as expressed during a board meeting conducted by the special education cooperative on January 9, 2013.

Upon receipt of your complaint, this office issued a formal correspondence to your attention, dated December 18, 2013, which detailed your allegations and requested the submission of additional information pertaining to the identified issues. In particular, you were asked to provide the names of the impacted students and the specific dates when the alleged violations occurred. The purpose of this request was to secure adequate information regarding the identified allegations in order to determine the validity of the complaint and whether to proceed with a formal investigation.

On January 7, 2014, you submitted a subsequent correspondence to this office. Upon review of this document, you reiterated your original concerns, but failed to provide the specific requested information (i.e., the names of the impacted students and the dates of the alleged violations). You further suggested that this agency explore the identified issues via direct contact with the involved parents or through a Freedom of Information Act (FOIA) request to the special education cooperative, as related to the referenced board meeting.

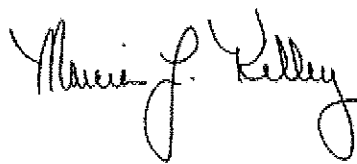
As a result of this lack of sufficient factual information regarding the identified allegations, this agency has determined that your complaint is not valid. As such, a formal investigation will not be initiated and this complaint is considered closed.

Per your most recent correspondence, you also raised concerns regarding the identified role of the complainant in a state-level special education complaint, as detailed within the relevant guidance document developed by this agency (i.e., *Educational Rights and Responsibilities: Understanding Special Education In Illinois*). In particular, you noted that an individual who files a complaint must have knowledge of the "educational issues concerning the child", but is not required to be the parent or guardian of the student. Your statements regarding the status of the complainant are accurate. Under current regulatory requirements, any person (i.e., parent, individual, organization or advocate) may file a formal complaint alleging that a public school district has violated applicable state or federal special educations regulations. Further, the complainant is required to provide specific components of information, including a statement of the alleged violation(s), the facts upon which the allegation(s) are based, the name of the involved student(s), the name of the attendance center and a proposed resolution (to the extent known), as well as the complainant's signature and relevant contact information.

In this situation, there is no question or issue related to your status as a potential complainant within a state-level special education complaint investigation. Rather, the determinations of this office regarding the closure of your complaint have been specifically focused upon your failure to provide sufficient factual information related to the identified allegations.

If you have any questions regarding this response, I can be reached at 217/782-5589 or mkelley@isbe.net.

Sincerely,

A handwritten signature in black ink that reads "Marcia L. Kelley". The signature is written in a cursive style with a large, looped "K" at the end.

Marcia L. Kelley
Principal Education Consultant
Special Education Services Division

cc: Ms. Carla Cumblad, Director of Special Education, Mid-Valley Special Education Cooperative