

**281—41.153(256B,34CFR300) Filing a complaint.**

**41.153(1) *Complainant.*** An organization or individual may file a signed written complaint under the procedures described in rules 281—41.151(256B,34CFR300) and 281—41.152(256B,34CFR300).

**41.153(2) *Contents of complaint.*** The complaint must include the following:

- a. A statement that a public agency has violated a requirement of Part B of the Act or of this chapter;
- b. The facts on which the statement is based;
- c. The signature and contact information for the complainant; and
- d. If alleging violations with respect to a specific child:
  - (1) The name and address of the residence of the child;
  - (2) The name of the school the child is attending;
  - (3) In the case of a homeless child or youth within the meaning of Section 725(2) of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11434a(2), available contact information for the child, and the name of the school the child is attending;
  - (4) A description of the nature of the problem of the child, including facts relating to the problem; and
  - (5) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

**41.153(3) *Time limit.*** The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with rule 281—41.151(256B,34CFR300).

**41.153(4) *Complainant must provide copy of complaint to AEA and LEA.*** The party filing the complaint must forward a copy of the complaint to the AEA and LEA or public agency serving the child at the same time the party files the complaint with the state.

**41.153(5) *Failure to comply with due process hearing decision, mediation agreement, resolution meeting agreement.*** A complainant may allege a public agency has failed to comply with a due process hearing decision, or a mediation agreement, or a resolution meeting agreement. If the complaint is substantiated, the state will grant appropriate relief.