

**281—120.434 (34CFR303) Filing a complaint.**

**120.434(1) *Complainant.*** An organization or individual may file a signed written complaint under the procedures described in rules 281—120.432(34CFR303) and 281—120.433(34CFR303).

**120.434(2) *Contents of complaint.*** The complaint must include:

*a.* A statement that an agency or EIS provider has violated a requirement of Part C 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 EIS provider serving the child;

(3) A description of the nature of the problem of the child, including facts relating to the problem;

and

(4) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.

**120.434(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—120.432(34CFR303).

**120.434(4) *Providing copies to parties named in the complaint.*** The party filing the complaint must forward a copy of the complaint to the public agency or EIS provider serving the child at the same time the party files the complaint with the department.

**120.434(5) *Failure to comply with mediation agreement or due process decision.*** A complainant may allege a party has failed to comply with a due process hearing decision, a mediation agreement, or a resolution meeting agreement. If the complaint is substantiated, the department will grant appropriate relief.