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Report Highlights

Complaint Process for Students With Disabilities Receiving Special Education Services

Louisiana Department of Education

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Why We Conducted This Audit

We evaluated the Louisiana Department of Education’s (LDOE) complaint process for students with disabilities receiving special education services. According to the United States Office of Special Education Programs, state complaints are a powerful tool to address noncompliance with federal law. This report is the first in a series of reports evaluating LDOE’s oversight of students with disabilities receiving special education services in Louisiana. As of October 2022, 89,681 (13.1%) of 685,606 kindergarten through twelfth-grade (K-12) public-school students in Louisiana had a disability and were receiving special education services.

What We Found

LDOE investigated and rendered decisions on 61 formal complaints in academic year 2021-2022. However, it did not address all allegations it received through its dispute resolution email. Better tracking of complaint information may help LDOE identify trends of noncompliance and ensure that all allegations are referred to monitoring or program staff. Specifically, LDOE received an additional 42 emails through its dispute resolution email but did not investigate these allegations. LDOE responded to nine (21.4%) of these emails, did not respond to 13 (31.0%) of these emails, and could not provide evidence of how they responded to 20 (47.6%) of these emails. The allegations in the emails included IEPs not being followed, services denied, discipline procedures, and behavior plans not being followed. These allegations were similar to other allegations that were accepted by LDOE.

**LDOE’s Action on Formal Complaints
Academic Year 2021-2022**

| LDOE Action | # | % |
|---|-----------|-------------|
| Withdrawn by Complainant | 21 | 34.4% |
| LDOE Dismissed | 17 | 27.9% |
| LDOE Investigated and found no findings | 16 | 26.2% |
| LDOE Investigated and had findings against the school system | 7 | 11.5% |
| Total | 61 | 100% |

Source: Prepared by legislative auditor’s staff using information provided by LDOE.

LDOE could increase trust in its complaint process by making it more accessible, user friendly, and transparent. This includes receiving complaints by phone, ensuring parents are routed to appropriate resources, providing dispute resolution forms in languages other than English, and contacting the complainant during the formal complaint investigation. Survey results showed that Special Education Directors generally had positive experiences with LDOE’s dispute resolution processes. However, according to our parent survey, interviews with parents and other stakeholders conducted by our office, and interviews described in LDOE’s consultant’s report on the dispute resolution process, many parents have a lack of trust in this process. For example, of the 17 complaints LDOE dismissed during academic year 2021-2022, eight (47.1%) were dismissed for

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What We Found (Cont.)

insufficient or incomplete information. LDOE could give parents the opportunity to submit missing information about their complaint before dismissing the complaint. LDOE also does not always reach out to parents during a complaint investigation, but it does reach out to the school systems, which may contribute to the parents' perception that the complaint process is unfair and complaints are not thoroughly investigated.

In addition, since there is no phone number for LDOE's dispute resolution staff posted on its website, the only phone number available to potential complainants is a general number for inquiries relating to everything LDOE oversees. However, we found that the call center did not always route calls regarding complaints to the dispute resolution office within LDOE to file a complaint. For example, we made 10 calls to LDOE's call center in attempt to file a formal state complaint and received incorrect information for nine (90.0%) of these calls.

With regards to the dispute resolution process, parent advocates believe that parents and attorneys know the dispute resolution process is broken and it does not work so why bother filing complaints. They shared, "It isn't worth the time and the most vulnerable families and students are suffering."

Source: LDOE Consultant Report – Dispute Resolution Process, issued May 2023

| Call Center Complaint Referrals Based on 10 Calls Made by LLA Staff May-July 2023 | | | |
|---|--|-----------|---------------|
| Usefulness | Referral | Number | Percent |
| Appropriate | Dispute Resolution Staff/Phone Number | 0 | 0.0% |
| Appropriate | Dispute Resolution Email | 1 | 10.0% |
| Appropriate | Families Helping Families or Exceptional Lives | 0 | 0.0% |
| Appropriate Referrals | | 1 | 10.0% |
| Incorrect | Local School Board - <i>We were told we had to first file a complaint here, and not about other options at the LDOE level.</i> | 2 | 20.0% |
| Incorrect | LDOE General Email Request | 1 | 10.0% |
| Incorrect | US Department of Education's Office of Civil Rights - <i>This is for 504 students, not students receiving special education.</i> | 5 | 50.0% |
| Incorrect | Provided caller with a local number with no answer/no voicemail option | 1 | 10.0% |
| Incorrect Referrals | | 9 | 90.0% |
| Total | | 10 | 100.0% |

Source: Prepared by legislative auditor's office using phone calls made to LDOE's call center.

LDOE should increase its outreach to parents and help them navigate and answer questions about the dispute resolution process. According to our survey, only 456 (47.8%) of the 954 parents or guardians that responded stated that they were aware of the dispute resolution options offered by LDOE. To increase outreach to parents, LDOE could post Families Helping Families contact information on its dispute resolution webpage and develop more user-friendly parent outreach resources. Unlike seven (70.0%) of the 10 other states we reviewed, LDOE does not provide Parent Training Information Center information on its dispute resolution webpage. Nine (90.0%) of the 10 states we reviewed provide more user-friendly dispute resolution resources for parents. In addition, state laws do not require school systems to post on their websites information on their informal complaint process or other dispute resolution options offered by LDOE.

View the full report, including management's response, at www.la.gov.