

WHAT IS THE DIFFERENCE BETWEEN A STATE COMPLAINT FILED THROUGH THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION (ESE) PROBLEM RESOLUTION SYSTEM AND A DUE PROCESS COMPLAINT FILED WITH THE BUREAU OF SPECIAL EDUCATION APPEALS (BSEA)?

	State Complaint filed with ESE Program Quality Assurance	Due Process Complaint filed with BSEA
Who can file a complaint:	Any individual or organization can file a state complaint through the ESE Problem Resolution System.	Only a parent or a school district may file a due process complaint or request for hearing with the BSEA.
Subject of the complaint:	The state complaint or problem resolution system considers violations of any state or federal education law.	The due process complaint considers the proposal or refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child.
Time period for filing a complaint:	State complaints must be filed within one year of the violation of the education law.	Due process complaints must be filed within two years of the violation of the special education law.
Determination of what happened	In a state complaint, staff of the ESE investigate the allegations in the state complaint and determines whether there has been a violation of law.	In a due process complaint, the parents and school district staff each present their version of the disagreement to an impartial hearing officer through documents and oral testimony at a hearing. The parties to the hearing have an opportunity to present and cross-examine witnesses, to have a record of the proceedings, and to enter and object to evidence. Parties can subpoena witnesses and testimony is under oath.
Timetable for a decision:	A state complaint is investigated and resolved by Program Quality Assurances within 60 days.	The due process hearing decision must be issued 45 days after the conclusion of the resolution process unless the hearing officer grants a request to postpone the hearing.
Review of the decision:	The state complaint cannot be appealed. The staff person who conducted the investigation may consider new or additional information that has a bearing on the outcome of the investigation.	The decision of the due process hearing officer may be appealed to state or federal court.