



## Filing a Special Education Complaint

If a child is treated unfairly or harmed at school, there are ways to hold the adults responsible. It helps to know which agency handles different problems, so your concern goes to the right place and is more likely to be taken seriously.

### Minnesota Department of Education Special Education Complaints

#### Who can file a complaint?

Anyone can file a complaint with the Minnesota Department of Education (MDE) if they think a public school has broken special education laws in Minnesota. These laws include both federal and state special education laws, like the [Individuals with Disabilities Education Act \(IDEA\)](#).<sup>1</sup> You must file your complaint within 1 year of the thing that happened.



MDE looks into many things. Some examples are:

- Your child’s IEP wasn’t followed properly. Or the services given didn’t match what the IEP says.
- The school did not evaluate your child for an IEP when you asked. Or the school did not find your child eligible for an IEP, but you think they are.
- The school wrongly separated your child from other students. Or the school did not “educate them in the least restrictive environment.” For example: your child didn’t get the chance to learn along with other students when it would have been fine to do that.
- The school does not involve you in the IEP process.

Usually, MDE must investigate the complaint and make a decision within 60 calendar days after the complaint is filed. If the complaint is already part of a due process hearing, the rules are different. MDE sends you a written decision by email after its investigation. The email also goes to the school district.

## What do I put in my MDE Special Education Complaint?

- The complaint must be in writing, signed, and have your contact information. You can write your own letter with this information, but [MDE has a fill-in-the-blank form](#) that is easy to use instead of writing out your own complaint.
- Clearly explain how the public school or agency has broken special education law. Give facts to support your claim.
- If the complaint is about a specific child, you must also include:
  - The child's name and address.
  - The name of the school or program the child goes to.
  - A description of the problem, including the facts of what happened.
  - A possible solution, if you have one in mind.

## How do I file the complaint?

- Download a complaint form at: [MDE Special Education Complaints](#).
- Send a copy of the complaint to the school or agency you're complaining about at the same time that you send it to the MDE. Keep a copy for yourself.
- Mail or deliver complaints to:

Minnesota Department of Education  
ATTN: Dispute Resolution Supervisor  
400 NE Stinson Blvd.  
Minneapolis, MN 55413

[mde.dispute-resolution@state.mn.us](mailto:mde.dispute-resolution@state.mn.us)

Fax: 651-582-8725



## What happens after I file?

After you file a complaint, MDE reviews it and decides if it is something they are responsible for dealing with (in their jurisdiction). If it is, an investigator reaches out to you to talk about the process. They ask for details about your complaint. The investigator may ask for documents, like your child's IEP or any emails or text messages, that are important to your complaint. The school also gives their side of the story and documentation to the MDE investigator.

There is no hearing or trial, no judge, and no communication between you and the school. The process is done entirely through paperwork and communication with the MDE investigator. You do not need a lawyer to file a complaint.

You can see MDE's decisions on other complaints like yours by searching for past outcomes here: [Data Reports and Analytics](#)

## What kinds of things can MDE Order?

If MDE decides that the school violated the law, it may order things like:

- Changes to the IEP
- Training for school staff
- Changes to school policies or procedures, and/or
- Learning services to help your child catch up. These are called “compensatory education services.”

## Minnesota Department of Education Maltreatment Complaints

### What is maltreatment?

Maltreatment is things like:

- **Physical Abuse:** When a child is hurt, threatened, or mentally harmed by someone responsible for taking care of them. This includes things like hitting (corporal punishment) or using actions that are not allowed by school rules.
- **Sexual Abuse:** Any illegal act of sexual contact or behavior toward a child by someone who is responsible for the child or has power over them. This also includes threats of sexual abuse.
- **Neglect:** Not giving a child the basic things they need, like food, shelter, clothing, or medical care. It also includes not protecting a child from dangerous situations or not watching over them properly, based on their age and needs.



The Minnesota Department of Education (MDE) investigates reports of student maltreatment that happen in Minnesota public schools. This includes charter schools. If the reported maltreatment happened in a school, or at the hands of a school staff member, you should file a MDE maltreatment complaint.

You can also file a complaint of alleged child abuse with the Minnesota Department of Children, Youth, and Families (DCYF) through your local [Child Protection Agency](#). But if the complaint is about a school, it is likely that MDE investigates. If your complaint is about a childcare center, call DCYF at 651-539-8222.

## How do I report maltreatment?

- You can download a [confidential reporting form](#) from MDE's website.
  - Send the completed form to:  
Minnesota Department of Education  
Attn: Student Maltreatment Program  
1500 Highway 36 West  
Roseville, MN 55113  
  
[mde.student-maltreatment@state.mn.us](mailto:mde.student-maltreatment@state.mn.us)  
Fax: 651-797-1601
- You can call a 24-Hour Reporting hotline: 651-582-8546

Many maltreatment complaints can't be proven, but it can be important to have it on record. You do not need a lawyer to file a complaint.

If you suspect criminal abuse or neglect, you can also file a complaint with [Child Protective Services](#) or do a non-emergency police report. A non-emergency police report is called a Child Protection Report. Contact your local law enforcement to do this.

## Minnesota Department of Human Rights (MDHR) Complaints

### When do I file a complaint with the Minnesota Department of Human Rights?

The Minnesota Department of Human Rights (MDHR) makes sure people are treated fairly under the [Minnesota Human Rights Act \(MHRA\)](#).<sup>2</sup> This law protects everyone in Minnesota from discrimination based on disability, race, age, sexual orientation, and gender.

Discrimination is not allowed:

- at your job
- in your housing
- in public places
- in schools

If you have a disability and think you were treated differently than non-disabled people because of it, you should make a complaint with MDHR. You can file a single complaint based on more than one protected class. This means if you think you were treated unfairly because of your disability and your race, you can mark both of those boxes on the complaint form.

You have one year from the date of the incident to file an MDHR complaint report. An MDHR investigation can take several years. You can see the entire process for a MDHR complaint here: <https://mn.gov/mdhr/intake/what-happens-next/>.

## How do I file?

- Complete the [discrimination reporting form](#) on the MDHR website within 1 year of the alleged act of discrimination.
- You can also call in a report:
  - 651-539-1100
  - 1-833-454-0148



## What happens after I file?

After you file a complaint, MDHR reviews it and decides if it falls in their jurisdiction. If it does, an investigator reaches out to you to talk about the process. They ask for details about your complaint. The investigator may ask for documents, like emails or text messages, that are important to your complaint. The school also gives their side of the story and documentation to the MDHR investigator.

There is no hearing or trial, no judge, and no communication between you and the school. The process is done entirely through paperwork and communication with the MDHR investigator. You do not need a lawyer to file a complaint.

## Section 504 Complaints

### What is Section 504?

[Section 504 of the Rehabilitation Act of 1973](#) is a federal law that makes it illegal for schools that get federal funding to discriminate against people based on their disability.<sup>3</sup> If you think discrimination based on disability happened in a school, you can file a report. All children with disabilities enrolled in public schools are protected by Section 504, even if they do not have a Section 504 plan or an IEP.

### Where can I file a Section 504 complaint?

#### With the U.S. Department of Education, Office for Civil Rights (OCR)

- <https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint>
- Complete the complaint within 180 days of the last time the discrimination happened

#### With the Minnesota Department of Human Rights (MDHR)

- Complete the reporting form within 1 year of the discrimination that happened
- A report can be made on the MDHR website: [MDHR Report Discrimination](#)
- You can also call in a report:
  - 651-539-1100
  - 1-833-454-0148

### **With your Local School District's Section 504 Coordinator**

- Each district must have an ADA/Section 504 Coordinator and Section 504 policy.
- Search for school board policies on your school district's website. You can also contact your school building principal and ask for the school district's non-discrimination policy. The policy says who the coordinator is and how to go about filing a complaint.
- File your complaint making sure you follow the district's policy.

## **Minnesota Professional Educator Licensing and Standards Board (PELSB) Complaints**

### **What if I have a complaint about a teacher?**

The Professional Educator Licensing and Standards Board (PELSB) handles complaints about licensed teachers in Minnesota. They look into issues about teachers' ethics and professional conduct. The laws that cover teacher's actions are [Sec. 122A.20](#), [Sec. 214.10](#), and [8710.2100](#).<sup>4</sup>

PELSB can investigate a teacher if they:

- Treated students unfairly because of things like race or disability.
- Did not try to keep students safe from harm.
- Shared private information about students for the wrong reasons.
- Lied or gave false information about their qualifications.
- Said harmful or untrue things about students.

How to make a [PELSB Complaint](#):

- Write a letter explaining your complaint and any proof you have.
- Make sure you include your contact information, including your full name, address, email address, and phone number.
- Make sure you include the teacher's full name and their teaching license number. You can look up the teacher's license number on the [PELSB website](#).
- Add any supporting documents like letters, notes, emails, photos, videos, or other messages.
- PELSB does not accept anonymous complaints. But they keep your name confidential during the investigation. Your identity may be revealed if the case goes to court.
- Email Complaints to their ethics lawyer: [Maria.Zalokar@state.mn.us](mailto:Maria.Zalokar@state.mn.us)

# Making a Report to the Minnesota Department of Children, Youth, and Families

## Who looks into reports of abuse?

If you are worried about abuse, neglect, or sexual abuse of a child or vulnerable adult, you can report it to the Minnesota Department of Children, Youth, and Families. There are 2 programs you can contact for reports.

- [Minnesota's Child Protective Services \(CPS\)](#) looks into reports of child abuse or neglect.
- [Minnesota's Adult Abuse Reporting Center \(MAARC\)](#) looks into reports about vulnerable adults, including students aged 18-21.

## How do I report it?

**Child Protective Services** is for reports about a child (birth to 18 years)

- [Contact the county or reservation](#) where the child lives.
- If the child is at immediate risk of harm, call the police or call 911.

**Vulnerable Adult Protective Services** is for reports about a vulnerable adult (age 18+)

- Contact the Minnesota Adult Abuse Reporting Center (MAARC) at 1-844-880-1574
- If the vulnerable adult is at immediate risk of harm, call the police or call 911.

**Local Police** can investigate reports of crimes. If you think a child has been the victim of a crime like abuse, neglect, sexual abuse, harassment, or assault, you can report it to your local police.

- Call the police and ask about filing a non-emergency report
- For emergency help right away, call 911.

**Fact Sheets are legal information NOT legal advice. See a lawyer for advice.**

*Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.*

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# Laws, Statutes, Rules and Regulations

## Who can file a complaint?

1. [Individuals with Disabilities Education Act \(IDEA\), 20 U.S.C. § 1400, et sq.](#)

## When do I file a complaint with the Minnesota Department of Human Rights?

2. [Minnesota Human Rights Act \(MHRA\), Minn. Stat. § 363A.01](#)

## What is Section 504?

3. [Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794](#)

## What if I have a complaint about a teacher?

4. [Minn. Stat. § 122A.20](#)  
[Minn. Stat. § 214.10](#)  
[Minn. R. §8710.2100](#)