**New York State Education Department**

**New York State Rate Dispute State Complaint Form and Checklist**

**for Parents Residing in New York City**

**The following Rate Dispute State Complaint Form and checklist must be used when filing a Rate Dispute State Complaint and must only include the allegation specific to a rate dispute.** For other allegations unrelated to a rate dispute, you must file a separate [State complaint.](https://www.nysed.gov/special-education/state-complaint)

**The asterisked (\*) information on the form is required under** [section 300.153(b)](https://sites.ed.gov/idea/regs/b/b/300.153) **of the Code of Federal Regulations and** [section 200.5(l)(1)](https://www.nysed.gov/special-education/section-2005-due-process-procedures) **of the Regulations of the Commissioner of Education to file a State Complaint.**

**Rate Dispute State Complaints must be mailed to:**

The Office of Special Education

New York State Education Department

89 Washington Avenue

Room 309

Albany, New York 12234

Attn: Rate Dispute State Complaints

**Complaint Contact Information (Complainant)**

|  |  |
| --- | --- |
| Name of Person/Organization filing the complaint:      | Date:      |
| Relationship to the Student (ex. Parent or Person in Parental Relationship, Surrogate Parent, Parent’s Attorney, School District/State Agency Representative):      |
| \*Contact Information for Complainant:       |
| Mailing Address:       | Telephone:Day:       Work:       Email:        |
| What is the best time to contact you (the complainant) and at what phone number?       |

**Student Information (if you are alleging a violation with respect to a specific student)**

|  |  |
| --- | --- |
| \*Child’s Name:      | Date of Birth:      |
| \*Address of Child’s Residence (if any):      |
| \*Name of the School the Child Attends:      |
| Name of the School District of Residence (if different from the school the child attends):      |
| Address of the School the Child Attends:      |
| \*Additional Contact Information for Homeless Child or Youth (if available):      |
| Parent’s Name:      |
| Parent’s Address:      | Telephone:       Email:        |
| **\***If a third party is submitting this Complaint, a notarized authorization, signed by the parent of the student, or consent of a student 18 years or older, for the release of personally identifiable information about that student is required.  |

**\*Complainant Signature**:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Rate Dispute State Complaint Checklist**

If you have more than one rate dispute State complaint allegation, please complete a separate checklist for each alleged violation of federal or State law or regulation relating to the education of students with disabilities.

1. Have you contacted the New York City Department of Education’s (NYSDOE) ERES Unit?

[ ]  **NO** If **no**, please contact the ERES Unit directly at EquitableServicesAssistance@schools.nyc.gov prior to submitting a rate dispute State complaint. The NYCDOE has posted additional information on its [Equitable Services (IESP) Assistance webpage.](https://www.schools.nyc.gov/learning/special-education/iesp-equitable-services-assistance)

 [ ]  **YES** If **yes**, proceed to Question 2 of the checklist.

1. Within 60 days of contacting the ERES Unit, have you received a determination from the NYCDOEs ERES Unit for an enhanced rate?

[ ]  **NO** If **no**, please attach all of the following documentation with your rate dispute State Complaint:

[ ]  a copy of the webform or email receipt(s) showing that the NYCDOE ERES Unit was contacted,

[ ]  copies of any affidavits submitted to the NYCDOE ERES Unit, and

[ ]  copies of any attachments submitted to the NYCDOE ERES Unit.

[ ]  **YES** If **yes**, note that a Rate Dispute State Complaint is **not** an appeal process for disagreements between a parent and the NYCDOE ERES Unit. If the NYCDOE ERES Unit denies a parent’s request for a specific rate for equitable services, a parent has the right to challenge the denial in a court of competent jurisdiction.