

## **Complaint Procedures for Federal Grant Programs**

### Elementary and Secondary Education Act (ESEA)

#### **Statutory Requirement**

Pursuant to 20 USC 7844, [Sec. 9304 \(a\)\(3\)\(C\)](#), of the ESEA, a State Educational Agency shall adopt written procedures that offer parents, public agencies, other individuals or organizations a method for receipt and resolution of complaints alleging violations in the administration of the programs.

#### **What is a complaint?**

A complaint is a written allegation that a school, school district, other agency authorized by a school district or the Tennessee Department of Education (TDOE), has violated the law in the administration of education programs required by the ESEA.

#### **What must be included in a complaint?**

Individuals or organizations filing a complaint concerning federal grant programs under the ESEA, reauthorized as the *No Child Left Behind Act of 2001*, must do so in writing and must utilize the form provided with this document that requires the following information:

- Full name, address, and telephone number of individual(s) or organization(s) filing the complaint;
- A description of the situation or allegation;
- The name of the school, school system, or other agency, and employee name(s) if known, the complaint is being filed against;
- A statement regarding the federal statute or regulation that applies to an applicable federal grant program that has been allegedly violated;
- The facts supporting the allegation;
- Efforts made to resolve the complaint with the school system.

#### **Where should a complaint be sent?**

Complaints, which must be signed by the individual(s) or organization(s) filing the complaint, must be sent to:

**Tennessee Department of Education  
Office of Consolidated Planning & Monitoring  
Federal Grant Programs Complaint  
710 James Robertson Parkway, Andrew Johnson Tower, 9<sup>th</sup> floor  
Nashville, Tennessee 37243**

## Complaint Procedures for Federal Grant Programs

Elementary and Secondary Education Act (ESEA)

### What happens to a complaint after it is received?

A written complaint will be promptly acknowledged and investigated. Appropriate program staff will conduct a review of the complaint and notify the complainant of receipt. If necessary, an on-site review may be conducted. If appropriate, based on the type of complaint, additional information may be gathered and forwarded to other appropriate offices or organizations.

If additional information is needed, the complainant will be contacted. For this reason, a telephone number and address of the complainant must be included with the complaint. Failure to provide a telephone number and address will result in TDOE not being able to adequately respond to the complaint.

Within sixty (60) calendar days of receipt of the complaint, it will be investigated and a written findings of fact will be issued and mailed to the complainant.

If areas of noncompliance are found, corrective action will be required and timelines for completion indicated. All parties will be informed of the areas of noncompliance and the required corrective actions.

If exceptional circumstances exist, the 60-day timeline may be extended. Some examples of exceptional circumstances may include:

- Complexity of issues;
- Need for additional information not received within the initial 60-day timeline;
- Unavailability of any of the necessary parties to the complaint.

### How can a complaint decision be appealed?

- a. If the complainant disagrees with the findings of fact, within ten (10) calendar days of receiving the findings, the complainant may file a written appeal of the findings to the same address noted above.
- b. The Office of Consolidated Planning & Monitoring will review the written appeal, the findings of fact, and after consulting with a Deputy Commissioner or the Commissioner of Education, within forty-five (45) calendar days will provide the complainant written notification of the decision.
- c. The complainant has the right to request review of the Tennessee Department of Education's decision by the Secretary, United States Department of Education. The review is at the Secretary's discretion.
- d. In matters involving violations of section 9501, participation of private school children, the complainant has the right to file a complaint with the Secretary of Education or request the Secretary of Education to review the decision of the Tennessee Department of Education. For additional information on complaint procedures for participation of private school children, click [here](#):

**Federal Grant Programs  
COMPLAINT FORM  
PLEASE PRINT**

Full Name of Individual(s) or Organization(s) Filing the Complainant:	
Complainant Mailing Address:	Complainant Phone Number:
Agency against which the complaint is being filed:	
Description of the situation and the allegation:	
Statement regarding the federal statute or regulation that applies to the applicable federal program(s) that has been allegedly violated:	
Facts supporting the allegation:	
List names and telephone numbers of individuals who can provide additional information:	
Have efforts been made to resolve this complaint through the school system's internal grievance procedure? If so, what is the status of the grievance?	
Has the complaint been filed with any other government agency? If so, provide the name of the agency.	
If the Tennessee Department of Education does not have jurisdiction to investigate this complaint, do you give permission to send this complaint to the federal and/or state department or agency that has jurisdiction?	
Signature of Complainant:	Date:

**Return this form, along with the attached CONSENT FORM.**

**Federal Grant Programs Complaint  
CONSENT FORM**

**CONSENT FOR USE OF PERSONAL INFORMATION**

I am aware that it is the policy of the Tennessee Department of Education (TDOE), to the extent allowed by state law, to protect the identity of complainants who cooperate with the department's reviews and investigations. I understand the information I provide, as well as any information obtained during the review of this complaint, will be available to any person within the TDOE with a need to know its contents, and may be used for program analysis, review evaluation, and statistical purposes.

I also understand that any information I provide is subject to any state law which allows any citizen of Tennessee to review the records maintained by the TDOE. I also understand that for this complaint to be investigated it may be necessary for the TDOE to release my name and information about me to the entity or organization that is the subject of this complaint.

Signature of Complainant:

Date:

**Return this form, along with the attached COMPLAINT FORM to:**

**Tennessee Department of Education  
Office of Consolidated Planning & Monitoring  
Federal Grant Programs Complaint  
710 James Robertson Parkway, Andrew Johnson Tower, 9<sup>th</sup> floor  
Nashville, Tennessee 37243**