

# *Rhea County Department of Education*

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## CONSULTATION FOR EQUITABLE SERVICES TO NON-PUBLIC SCHOOLS

### COMPLAINT PROCEDURE

#### **Consultation Requirements**

Under the Elementary and Secondary Education Act (ESEA), reauthorized as Every Student Succeeds Act (ESSA), a local education agency (LEA) must provide services to eligible non-public school students, families, and teachers that are equitable to those provided in eligible public schools. LEAs and non-public school officials are required to complete and submit the results of consultation to the Equitable Services Ombudsman prior to the LEAs application for ESEA funds. Non-public school officials have recourse through the complaint process if they do not believe that the LEA has engaged in meaningful consultation or if they believe the LEA is not providing equitable services as agreed to in the consultation form. The Ombudsman for Equitable Services serves as the primary point of contact for responding to and resolving any complaints regarding equitable services.

If a non-public school official believes that timely and meaningful consultation has not occurred, they should first discuss concerns with the LEA point of contact responsible for coordinating the consultation and provision of services between the two entities. If, after discussing the concerns with the LEA, the non-public school official still believes the issue is unresolved, the official may reach out to the Ombudsman for Equitable Services and an informal mediation may occur upon request. In the event the problem is not resolved, non-public school officials have the right to file a formal written complaint with the Ombudsman for Equitable Services.

#### **Complaint Requirements**

Non-public school officials who wish to file a written complain must include the following:

1. Complainant contact information, including: the name, address, phone number, and email address of the complainant and the associated non-public school;
2. The specific requirements not met as required by the ESSA;
3. A statement that the LEA or other agency has failed to meet requirements for equitable participation;
4. A description of the facts on which the complaint is based, including the dates and events related to the complaint;
5. A description of documents that support the described facts, if applicable;
6. A description of the complainant's efforts to resolve the complaint in other ways, if applicable;
7. The complainant's expected resolution of the complaint; and,
8. The signature of the complainant.

Complainants may use the form on the following page to ensure that all required elements are included in the complaint.

#### **Complaint Submission**

Complaints should be submitted directly to:

Tennessee Department of Education  
Office of General Counsel  
9<sup>th</sup> Floor, Andrew Johnson Tower  
710 James Robertson Parkway  
Nashville, TN 37243  
Fax 615-253-5567

### **Complaint Process**

Complete complaints received by the Tennessee Department of Education will be accepted and reviewed by TDE. Complainants should ensure that the complaint and all supporting documentation are complete before submitting a complaint. Incomplete complaints will not be accepted for review.

Upon receipt of a complete complaint, TDE will send a copy of the complaint to all parties involved, including the LEA. Those entities will be allowed to respond to the complaint in writing within thirty (30) calendar days of receipt.

TDE, at its discretion, may allow the parties to present additional information or evidence in person and/or in writing

TDE will work to resolve the complaint within 45 days, unless an exceptional circumstance with respect to the complaint arises, then TDE will work to resolve the complaint in a timely manner. A written report will be provided to all parties at the conclusion of the complaint process. If, at that time, the complainant or LEA disagrees with TDE's resolution, the party may submit an appeal to the Secretary of the U.S. Department of Education within 30 days. The Secretary shall investigate and resolve the appeal within 90 days of receipt of the appeal.

## Equitable Services to Non-public Schools Complaint Form

### Contact Information

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Non-public School: \_\_\_\_\_

### Basis of Complaint

- (I) Describe the specific requirements not met, as required by the Every Student Succeeds Act, including a statement that the LEA or other agency has failed to meet the requirements for equitable participation.
- (II) Describe the facts on which the complaint is based, including the dates and events related to the complaint.
- (III) Describe the documents that support the above described facts, if applicable. CDE will request copies of the documents upon acceptance of the complaint.
- (IV) Describe your efforts to resolve the complaint prior to submitting the complaint, if applicable.
- (V) Describe your expected resolution upon CDE acceptance and review of the submitted complaint.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date