



## **Complaint Procedures for Federal Programs**

### **Every Student Succeeds Act (ESSA)**

#### **Statutory Requirement**

In December 2015, the Every Student Succeeds Act (ESSA) was signed into law. ESSA amends and reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA) of 1965. Pursuant to § 8304(a)(3)(C), a state educational agency (SEA) shall provide assurance that the state will adopt and use proper methods of administering each federal program, including the adoption of written procedures for the receipt and resolution of complaints alleging violations of law 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 has violated the law in the administration of education programs required by ESSA.

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

Individuals or organizations filing a complaint concerning federal programs under ESSA, must do so in writing and must utilize the form provided with this document. The following information is required on the form: full name, address, and telephone number of individual(s) or organization(s) filing the complaint; description of the situation or allegation and facts supporting the allegation; name of the school, school district, or other agency, and name(s) of employees, if known, the complaint is being filed against; statement regarding the federal statute or regulation that applies to an applicable federal program that has been allegedly violated; and whether efforts have been made to resolve the complaint with the school district.

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

Signed complaints must be sent to:

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



### **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 the department not being able to adequately respond to the complaint.

Within 45 days of receipt of the complaint, it will be investigated and a written decision with 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.

Except in the case of complaints involving §§ 1117 and 8501, if exceptional circumstances exist, the 45-day timeline may be extended. Some examples of exceptional circumstances may include:

- Complexity of issues
- Need for additional information not received within the initial 45-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 10 days of receiving the decision, the complainant may file a written appeal of the findings to the same address noted above.
- b. The office of consolidated planning and monitoring will review the written appeal of the decision, and after consulting with a Deputy Commissioner or the Commissioner of Education, within 45 days will provide the complainant written notification of the decision.
- c. The complainant has the right to request review of the department's decision by the Secretary of the United States Department of Education. The review is at the Secretary's discretion.
- d. In matters involving violations of § 8501, participation by private school children and teachers, the decision may be appealed to the Secretary no later than 30 days after the department resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall include a copy of the department decision and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal no later than 90 days after receipt. (§ 8503(b))



## Complaint Form for Federal Programs

### Every Student Succeeds Act (ESSA)

ESSA amends and reauthorizes the Elementary and Secondary Education Act (ESEA) of 1965.

Please print.

Full name of individual(s) or organization(s) filing the complaint:		Complainant phone number:
Complainant mailing address:		
Agency against which the complaint is being filed:		
Description of the situation or allegation and facts supporting the allegation:		
Statement regarding the federal statute or regulation that applies to the applicable federal program(s) that has been allegedly violated:		
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 signed CONSENT FORM.



## Consent Form for Federal Programs Complaint

### Every Student Succeeds Act (ESSA)

ESSA amends and reauthorizes the Elementary and Secondary Education Act (ESEA) of 1965.

### Consent for Use of Personal Information

I am aware that it is the policy of the Tennessee Department of Education, 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 department 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 department. I also understand that for this complaint to be investigated, it may be necessary for the department 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 signed form, along with the signed COMPLAINT FORM to:

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