Complaints

Statutory Requirement Pursuant to 20 U.S.C. § 1412(a)(10) of the Individuals with Disabilities Education Act (IDEA), a nonpublic school official has the right to file a written complaint with the state education department ombudsman asserting that a LEA:

• did not engage in consultation that was meaningful and timely, or

• did not give due consideration to the views of the non-public school.

What must be included in a complaint? Non-public school officials filing a complaint with the ombudsman concerning equitable services under IDEA must do so in writing and utilize the form provided with this document that requires the following information:

• full name, address, email address, and telephone number of individual(s) or organization(s) filing the complaint;

• a basis of the non-compliance and a description of the situation or allegation, including whether or not the LEA engaged in consultation that was meaningful and timely, or gave due consideration to the views of the non-public school officials;

• the name of the LEA the complaint is being filed against and the names of any other agencies or employees involved;

• a statement identifying which title requiring equitable services has been allegedly violated; • all facts supporting the allegation; and

• efforts made to resolve the complaint with the LEA.

Where should a complaint be sent? Complaints must be signed by the individual(s) or organization(s) filing the complaint and copied to the LEA. Complaints must be sent to the department to the attention of the ombudsman via email to Michelle.Harless@tn.gov.

What happens to a complaint after it is received? A written complaint will be promptly acknowledged and investigated. Appropriate program staff, including the ombudsman, will conduct a review of the complaint and notify the complainant of receipt. If necessary, an on-site review may be conducted. If appropriate, additional information may be gathered and forwarded to other appropriate offices or organizations. If additional information is needed, the complainant and the LEA will be contacted. For this reason, a telephone number, address, and email address of the complainant must be included with the complaint. Failure to provide a telephone number, mailing address, and email address could result in the department not being able to adequately respond to the complaint. Within forty-five (45) calendar days of receipt of the complaint, the ombudsman will investigate and send a written finding of fact to the complainant and the LEA.

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.

How can a complaint decision be appealed?

A. The complainant can appeal the decision by the ombudsman by filing an appeal with the U.S. Secretary of Education within thirty (30) calendar days after the resolution of the complaint. If the forty-five (45) day time limit for response by the ombudsman has passed without a decision, the deadline for filing an appeal is thirty (30) calendar days after the forty-five (45) day deadline.

B. The appeal to the U.S. Secretary of Education must be accompanied by a copy of the resolution by the ombudsman and a complete statement of the reasons for an appeal.

C. The U.S. Secretary of Education shall investigate and resolve the appeal no later than ninety (90) calendar days after receipt of the appeal.