

**Georgia Department of Education
FY13 Complaint Procedures under the Elementary and Secondary Education
Act of 1965**

**Section 9304 – General Applicability of State Educational Agency Assurances
Section 9503 – Complaint Process for Participation of Private School Children**

The Elementary and Secondary Education Act of 1965 (ESEA) requires the State educational agency (SEA) to investigate any complaint provided to the SEA.

Complaint Procedures

Any individual, organization or agency (Complainant) may file a complaint with the Georgia Department of Education (GaDOE) if that individual, organization or agency believes and alleges that a local educational agency (LEA), the State educational agency (SEA), or an agency or consortium of agencies is violating a Federal statute or regulation that applies to a program under the Elementary and Secondary Education Act of 1965 (ESEA). The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

A. Federal Programs for Which Complaints Can Be Filed

- a. Title I, Part A - Improving Basic Programs Operated by Local Educational Agencies
- b. Title I, Part C - Education of Migratory Children
- c. Title I, Part D - Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
- d. Title II, Part A - Teacher and Principal Training and Recruiting Fund
- e. Title II, Part D - Enhancing Education Through Technology
- f. Title III, Part A - English Language Acquisition, Language Enhancement, and Academic Achievement
- g. Title IV, Part B - 21st Century Community Learning Centers
- h. Title VI, Part A, Subpart I: Section 6111: State Assessment Program
- i. Title VI, Part A, Subpart I, Section 6112: Enhanced Assessment Instruments Competitive Grant Program
- j. Title VI, Part B, Subpart 2: Rural and Low-Income Schools

Georgia Department of Education

- k. Title IX, Part E, Subpart 1, Section 9503: Complaint Process for Participation of Private School Children
1. (Title X, Part C - McKinney-Vento Homeless Assistance Act-Education for Homeless Children and Youth

B. Complaints Originating at the Local Level

As part of its Assurances within the Elementary and Secondary Education Act of 1965 (ESEA) program grant applications and pursuant to Section 9306 of the Elementary and Secondary Education Act of 1965 (ESEA), an LEA accepting federal funds also agrees to adopt local written procedures for the receipt and resolution of complaints alleging violations of law in the administration of covered programs. Therefore, for complaints originating at the local level, a complaint should not be filed with the GaDOE until every effort has been made to resolve the issue through local written complaint procedures. If the complainant has tried to file a complaint at the local level to no avail, the complainant must provide the GaDOE with written proof of their attempt to resolve the issue at the local level.

C. Filing a Complaint

A complaint must be made in writing and signed by the complainant or thru the GaDOE's online complaint process at www.gadoe.org/tss_title.aspx. The complaint must include the following:

1. A statement that the LEA, SEA, agency or consortium of agencies has violated a requirement of a Federal statute or regulation that applies to an applicable program;
2. The date on which the violation occurred;
3. The facts on which the statement is based and the specific requirement allegedly violated (include citation to the Federal statute or regulation);
4. A list of the names and telephone numbers of individuals who can provide additional information;
5. Whether a complaint has been filed with any other government agency, and if so, which agency;
6. Copies of all applicable documents supporting the complainant's position; and
7. The address of the complainant.

If in writing, the complaint must be addressed to:

Georgia Department of Education
Office of Legal Services
205 Jesse Hill Jr. Drive SE

Georgia Department of Education

1854 Twin Tower East
Atlanta, Georgia 30334

Once the complaint is received by the Office of Legal Services, it will be copied and forwarded to the appropriate Federal Program Manager. If submitting online, the complaint will be forwarded to the appropriate Federal Program Manager.

D. Investigation of Complaint

Within ten (10) days of receipt of the complaint, the General Counsel or his or her designee will issue a Letter of Acknowledgement to the complainant that contains the following information:

1. The date the GaDOE received the complaint;
2. How the complainant may provide additional information;
3. A statement of the ways in which the GaDOE may investigate or address the complaint; and
4. Any other pertinent information.

If the complaint involves an LEA, the GaDOE will also send a copy of the Letter of Acknowledgement to the local superintendent, along with a copy of the complaint. The GaDOE will contact the LEA to clarify the issues and review the complaint process. If the complaint cannot be resolved through this contact, the GaDOE will invite the LEA to submit a written response to the GaDOE, and to provide a copy of the response to the complainant.

Appropriate GaDOE staff will review the information and determine whether:

1. Additional information is needed;
2. An on-site investigation must be conducted;
3. Other measures must be taken to resolve the issues raised in the complaint; or
4. A Letter of Findings can be issued.

If additional information or an investigation is necessary, the GaDOE will have sixty (60) days from receipt of the information or completion of the investigation to issue a Letter of Findings.

If the Letter of Findings indicates that a violation has been found, corrective action will be required and timelines for completion will be included.

Either the 30-day or the 60-day timelines outlined above may be extended, if exceptional circumstances exist.

Georgia Department of Education

The Letter of Findings will be sent directly to the complainant, as well as the other parties involved.

E. Right of Appeal

If an individual, organization or agency is aggrieved by the final decision of the GaDOE, that individual, organization or agency has the right to request review of the decision by the U.S. Secretary of Education. The review is at the Secretary's discretion.

For complaints filed pursuant to Section 9503 (20 U.S.C. §7883, complaint process for participation of private school children), a complainant may appeal the GaDOE's decision to the U.S. Secretary of Education no later than thirty (30) days from the date on which the complainant receives the Letter of Findings. The appeal must be accompanied by a copy of the GaDOE's decision and include a complete statement of the reasons supporting the appeal.

Georgia Department of Education
FY13 COMPLAINT FORM FOR FEDERAL PROGRAMS UNDER THE
THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (ESEA)

Please Print

Name (Complainant):
Mailing Address:
Phone Number (home):
Phone Number (work):
Agency/agencies complaint is being filed against:
Date on which violation occurred:
Statement that the Georgia Department of Education, local school district, other agency or consortium of agencies has violated a requirement of a Federal statute or regulation that applies to an applicable program (include citation to the Federal statute or regulation) (attach additional sheets if necessary):
The facts on which the statement is based and the specific requirement allegedly violated (attach additional sheets if necessary):

Title Programs Division

**FY13 COMPLAINT FORM FOR FEDERAL PROGRAMS UNDER THE
ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (ESEA)**

Please Print

List the names and telephone numbers of individuals who can provide additional information.

Has a complaint has been filed with any other government agency? If so, provide the name of the agency.

Please attach/enclose copies of all applicable documents supporting your position.

Signature of Complainant:

Date:

Mail this form to:

Georgia Department of Education
Office of School Improvement
Federal Programs Division
205 Jesse Hill Jr. Drive SE
1854 Twin Tower East
Atlanta, GA 30334