



**Complaint Procedures under the Elementary and Secondary Education Act**  
**Section 9304 – General Applicability of State Educational Agency Assurances**  
**Section 9503 – Complaint Process for Participation of Private School Children**

**A. Grounds for a Complaint**

Any individual, organization or agency (“complainant”) may file a complaint with the Habersham County Board of Education 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. 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.

**B. Federal Programs for Which Complaints Can Be Filed**

1. Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies
2. Title I, Part B, Subpart 3: Even Start Family Literacy
3. Title I, Part C: Education of Migrant Children
4. Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
5. Title I, Part F: Comprehensive School Reform
6. Title II, Part A: Teacher and Principal Training and Recruiting Fund
7. Title II, Part D: Enhancing Education Through Technology
8. Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement
9. Title IV, Part A, Subpart 1: Safe and Drug Free Schools and Communities
10. Title IV, Part A, Subpart 2: Community Service Grants
11. Title IV, Part B: 21<sup>st</sup> Century Community Learning Centers
12. Title V, Part A: Innovative Programs
13. Title VI, Part A, Subpart 1, Section 6111: State Assessment Program 2
14. Title VI, Part A, Subpart 1, Section 6112: Enhanced Assessment Instruments Competitive Grant Program
15. Title VI, Part B, Subpart 2: Rural and Low-Income Schools
16. Title IX, Part E, Subpart 1, Section 9503: Complaint Process for Participation of Private School Children

**C. Filing a Complaint**

A complaint must be made in writing and signed by the complainant. 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.

The complaint must be addressed to:  
Habersham County Board of Education  
132 Stanford Mill Road  
Clarkesville, GA 30523

Once the complaint is received by the Habersham County Board of Education, it will be copied and forwarded to the appropriate Director of the appropriate program.

#### **D. Investigation of Complaint**

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

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

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

Appropriate LEA 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 LEA 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. 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 LEA, that individual, organization or agency has the right to request review of the decision by the Georgia Department of Education. The review is at the Department'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 LEA decision to the Georgia Department 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 LEA decision and include a complete statement of the reasons supporting the appeal.

Please use the FY14 Complaint Form for Federal Program. This document may be obtained from the Board of Education office or found on-line at [www.habershamschools.com](http://www.habershamschools.com).