

Complaint Procedures under ESEA

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 Superintendent if that individual, organization or agency believes and alleges that the local educational agency ("LEA"), is violating a Federal statute or regulation that applies to a program under the Title I, Part A of the 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.

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 C: Education of Migrant Children
3. Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
4. Title II, Part A: Teacher and Principal Training and Recruiting Fund
5. Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement
6. Title IV, Part B: 21st Century Community Learning Centers
7. Title VI, Part A, Subpart 1, Section 6111: State Assessment Program
8. Title VI, Part A, Subpart 1, Section 6112: Enhanced Assessment Instruments Competitive Grant Program
9. Title VI, Part B, Subpart 2: Rural and Low-Income Schools
10. Title IX, Part E, Subpart 1, Section 9503: Complaint Process for Participation of Private School Children
11. Title X, Part C: McKinney-Vento Homeless Assistance Act

C. Complaints Originating at the Local Level

As part of its assurances within the ESEA program grant applications and pursuant to Section 9306 within the Title I, Part A of the 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 Department 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 Department with written proof of his/her attempt to resolve the issue at the local level.

D. 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 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:

Superintendent of Schools
Coffee County Board of Education
1311 S. Peterson Avenue
Douglas, GA 31533
TEL: (912) 384-2086

Once the complaint is received, it will be copied and forwarded to the appropriate Federal Program Manager.

E. Investigation of Complaint

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

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

All efforts will be made to resolve the complaint. Appropriate Department 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;
4. A letter of findings can be issued

If additional information or an investigation is necessary, the Superintendent 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.

F. Right of Appeal

If an individual, organization or agency is aggrieved by the final decision of the Superintendent, that individual, organization or agency has the right to request review of the decision by the Georgia 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 Superintendent's decision to the Georgia 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 Superintendent's decision and include a complete statement of the reasons supporting the appeal.