
Complaint Procedures Under the No Child Left Behind Act of 2001

A. Grounds for a Complaint

Any individual, organization or agency (“complainant”) may file a complaint with the Local Education Agency (“LEA”) if that individual, organization or agency believes and alleges that a violation of a Federal statute or regulation that applies to a program under the No Child Left Behind Act has occurred within the school system. 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 alleged violation is considered systemic or ongoing.

B. 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 B, Subpart 3: Even Start Family Literacy
- c. Title I, Part C: Education of Migrant Children
- d. Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
- e. Title I, Part F: Comprehensive School Reform
- f. Title II, Part A: Teacher and Principal Training and Recruiting Fund
- g. Title II, Part D: Enhancing Education Through Technology
- h. Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement
- i. Title IV, Part A, Subpart 1: Safe and Drug Free Schools and Communities
- j. Title IV, Part A, Subpart 2: Community Service Grants
- k. Title IV, Part B: 21st Century Community Learning Centers
- l. Title V, Part A: Innovative Programs
- m. Title VI, Part A, Subpart 1, Section 6111: State Assessment Program
- n. Title VI, Part A, Subpart 1, Section 6112: Enhanced Assessment Instruments Competitive Grant Program
- o. Title I, Part B, Subpart 2: Rural and Low-Income Schools
- p. Title IX, Part E, Subpart 1, Section 9503: Complaint Process for Participation of Private School Children

C. Complaints Originating at the Local Level

As part of its Assurances within NCLB program grant applications and pursuant to Section 9306 of the No Child Left Behind Act, 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 Georgia Department of Education (“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 their attempt to resolve the issue at the local level.

D. Filing a Complaint at the Local Level

A complaint must be made in writing and signed by the complainant. The complaint must include the following:

- a. A statement the LEA, agency or consortium of agencies has violated a requirement of a Federal statute or regulation that applies to an applicable program;
- b. The date on which the alleged violation occurred;
- c. The facts on which the statement is based and the specific requirement allegedly violated (include citation to the Federal statute or regulation);
- d. A list of the names and telephone numbers of individuals who can provide additional information;
- e. Whether a complaint has been filed with any other system administrator, and if so, which administrator;
- f. Copies of all applicable documents supporting the complainant’s position; and
- g. The address of the complainant.

The complaint must be addressed to:

Superintendent of Schools
Charlton County Board of Education
1259 Third Street
Folkston, GA 31537

Once the complaint is received by the Superintendent’s Office, it will be copied and forwarded to the appropriate Federal Program Director.

E. Investigation of a Complaint

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

- a. The date the Superintendent received the complaint;
- b. How the complainant may provide additional information;
- c. A statement of the ways in which the LEA may investigate or address the complaint; and
- d. Any other pertinent information.

If the complaint involves any person or agency, other than the superintendent or Federal program director, the LEA will also send a copy of the Letter of Acknowledgement, along with a copy of the complaint, to that person or agency. The LEA will contact that person or agency to clarify the issues and review the complaint process. If the complaint cannot be resolved through this contact, the LEA will invite the person or agency to submit a written response to the superintendent, and to provide a copy of the response to the complainant.

The superintendent and program director will review the information and determine whether:

- a. Additional information is needed;
- b. An investigation must be conducted;
- c. Other measures must be taken to resolve the issues raised in the complaint; or
- d. 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, the Department will be informed, corrective action will be taken immediately, and timelines for completion will be included.

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

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

F. Process for Tracking Complaints and Reports of Resolution of Complaints

All complaints and reports on resolutions of complaints will be reviewed by the Charlton County Board of Education. The complaints and resolutions will be kept on file in the superintendent's office and tracked to ensure against systemic or repeat violations.

G. 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 file a complaint with the Georgia Department of Education. Request a copy of the Georgia Department of Education Complaint Procedures under the No Child Left Behind Act.

If an individual, organization or agency is aggrieved by the final decision of the Department, that individual, organization or agency has the right to request review of the decision by the United States 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 Department's decision to the United States Secretary of Education no later than thirty (30) days from the date on which the complainant receives the Letter of Findings from the Department. The appeal must be accompanied by a copy of the Department's decision and include a complete statement of the reasons supporting the appeal.

Complaint Form for Federal Programs under the No Child Left Behind Act of 2001

Please Print

Name (Complainant):
Mailing Address:
Phone Number (home): Phone Number (work):
Agency/agencies complaint is being filed against:
Date on which alleged violation occurred:
Statement that the local school system, 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):

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

Has a complaint been filed with any other school system administrator? If so, provide the name of the administrator.

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

Signature of Complainant:

Date:

Mail this form to:

Superintendent of Schools
Charlton County Board of Education
1259 Third Street
Folkston, GA 31537