

Complaint Procedures

Toombs County Board of Education

Complaint Procedures under the Every Student Succeeds Act (ESSA)

A. Grounds for a Complaint

Any individual, organization or agency (“complainant”) may file a complaint with the Toombs County Board of Education (“Department”) if that individual, organization, or agency believes and alleges that a local educational agency (“LEA”) is violating a Federal statute or regulation that applies to a program under the Every Student Succeeds Act (ESSA). The complaint must allege a violation 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 systematic or ongoing.

B. Federal Programs for Which Complaints Can Be Filed

1. Title I, Part A: Improving the Academic Achievement of the Disadvantaged
2. Title I, Part A: Academic Achievement Awards
3. Title I, Part A: Flexible Learning Program (FLP)
4. Title I, Part A: Foster Care Program
5. Title I, Part A: Family-School Partnership Program
6. Title I, Part C: Education of Migratory Children
7. Title I, Part D: Programs for Neglected or Delinquent Children
8. Title II, Part A: Supporting Effective Instruction
9. Title III, Part A: Language Instruction for English Learners and Immigrant Students
10. Title IV, Part A: Student Support and Academic Enrichment
11. Title IV, Part B: 21st Century Community Learning Centers
12. Title V, Part B: Rural Education Initiative
13. Title IX, Part A: McKinney-Vento Homeless Assistance Act
14. Individuals with Disabilities Education Act (IDEA)

C. Filing a Complaint

A formal complaint must be made in writing, signed by the complainant, and filed with the Toombs County School Superintendent or his/her designee at the Board of Education office at 117 East Wesley Avenue, Lyons, GA 30436. 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.

Once the complaint is received by the Superintendent or his/her designee, it will be copied and forwarded to the appropriate Federal Program Manager.

D. Investigation of Complaint

Within ten (10) days of receipt of the complaint, the Superintendent or his/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 additional information or an investigation is necessary, the LEA will have thirty (30) days from the receipt of the information or completion of the investigation to issue a Letter of Findings. If the Letter of Findings indicates a violation has been found, corrective action will be required and timelines for completion will be included. The 30-day timeline 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 the individual, organization or agency does not agree with the decision of the Superintendent, an appeal may be filed with the Local Board of Education.

Within thirty working days of receipt of the appeal of the Superintendent's decision, the Superintendent will present the matter to the Board of Education at its regular meeting or at a special meeting called for that purpose. The Board will review the original complaint, the response of the Federal Programs Director, the response of the Superintendent, and the response of the complainant. In addition, the Board may, but is not required to, hear directly from any individuals with knowledge of any relevant facts relating to the complaint.

The Board of Education will either uphold the recommendation of the Superintendent or require the District to take some other action in response to the complaint. A copy of the action of the Board will be furnished to the complainant, either as part of the minutes of the Board of Education or as a separate written statement that will include the right to appeal to the Georgia Department of Education. The board will be the final reviewing authority within the system.

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 Georgia Department of Education. The review is at the State School Superintendent's discretion.

For complaints filed pursuant to Title IX, Part E, Subpart 1, Section 9503 (20 U.S.C. 7883, complaint process for participation of private school children), a complainant may appeal the LEA's 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's decision and include a complete statement of the reasons supporting the appeal.

Nothing in this procedure is intended to prohibit the parties from resolving a problem prior to formal filing of a written complaint. At any stage of processing the complaint, the parties may mutually agree to attempt mediation as an alternative dispute resolution.