

# Procedures for Complaint to the Ombudsman Individuals with Disabilities Education Act

## Statutory Requirement

Pursuant to CFR § 300.136 and the Individuals with Disabilities Education Act (IDEA), a non-public school official has the right to file a written complaint with the state education department ombudsman asserting that a local education agency (LEA) did not engage in consultation that was meaningful and timely or did not give due consideration to the views of the non-public school.

**Note:** The complaint process outlined in this document pertains to IDEA *equitable services* only. Regarding the IDEA dispute resolution process [administrative complaints, mediation requests, and/or due process hearing (DPH) requests], please review the following link for more information: <https://www.tn.gov/education/legal-services/special-education-legal-services/legal-dispute-resolution-processes.html>.

For questions regarding or assistance with administrative complaints, contact Tricia Craig ([Tricia.Craig@tn.gov](mailto:Tricia.Craig@tn.gov)) or Dana Johnson ([Dana.Johnson@tn.gov](mailto:Dana.Johnson@tn.gov)). For questions regarding or assistance with due process hearings or mediation, contact Taylor Jenkins ([Taylor.Jenkins@tn.gov](mailto:Taylor.Jenkins@tn.gov)).

## What must be included in a complaint?

Non-public school officials filing a complaint with the ombudsman concerning equitable services under IDEA must do so in writing and utilize the form provided with this document that requires the following information:

- full name, address, email address, and telephone number of individual(s) or organization(s) filing the complaint;
- a basis of the non-compliance and a description of the situation or allegation, including whether or not the LEA engaged in consultation that was meaningful and timely or gave due consideration to the views of the non-public school officials;
- the name of the LEA the complaint is being filed against and the names of any other agencies or employees involved;
- a statement that a violation of the equitable services requirement has taken place;
- all facts supporting the allegation; and
- efforts made to resolve the complaint with the LEA.

## Where should a complaint be sent?

1. Once a complaint is completed by the non-public school official, it must be signed by the individual(s) or organization(s) filing the complaint.
2. After the complaint is completed and signed, the non-public school official must submit the complaint, as well as additional documentation, via email to the department to the attention of the Federal Programs Ombudsman, Michelle Harless ([Michelle.Harless@tn.gov](mailto:Michelle.Harless@tn.gov)), with the LEA Representative copied to the email.
3. Once the LEA receives the signed complaint, the LEA must upload the complaint to the current year's LEA Document Library in the applicable program's Equitable Services Complaint folder.
4. Complaints can also be mailed to the department at the following address, however it is strongly recommended that a copy be emailed as specified above:

**Tennessee Department of Education  
Division of Federal Programs and Oversight  
Complaint to the Ombudsman  
710 James Robertson Parkway  
Nashville, Tennessee 37243**

## What happens to a complaint after it is received?

A written complaint will be acknowledged within 10 business days and then investigated with appropriate program staff, including the ombudsman, conducting a review of the complaint and notifying the complainant of receipt. If necessary, an on-site review may be conducted. If appropriate, additional information may be gathered and forwarded to other appropriate offices or organizations. When receiving documentation and information, the department will ensure that federal guidelines of FERPA are met during the investigation.

If additional information is needed, the complainant and the LEA will be contacted. For this reason, a telephone number, address, and email address of the complainant must be included with the complaint. Failure to provide a telephone number, mailing address, and email address could result in the department not being able to adequately respond to the complaint. Within forty-five (45) calendar days of receipt of the complaint, the ombudsman will investigate and send a written finding of fact to the complainant and the LEA. If areas of noncompliance are found, corrective action will be required and timelines for completion indicated. All parties will be informed of the areas of noncompliance and the required corrective actions.

## How can a complaint decision be appealed?

- A. The ombudsman's decision may be appealed by filing an appeal with the U.S. Secretary of Education within thirty (30) calendar days after the resolution of the complaint. If the forty-five (45) day time limit for response by the ombudsman has passed without a decision, the deadline for filing an appeal is thirty (30) calendar days after the forty-five (45) day deadline.
- B. The appeal to the U.S. Secretary of Education must be accompanied by a copy of the resolution by the ombudsman and, if there is one, a complete statement of the reasons for an appeal.
- C. The U.S. Secretary of Education shall investigate and resolve the appeal no later than ninety (90) calendar days after receipt of the appeal.

## Equitable Services Complaint to the Ombudsman

**Please type or print legibly**

Full name and position of individual(s) filing the complaint:	Full name of organization(s):	
Complainant mailing address:	Complainant phone number:	
LEA against which the complaint is being filed:	Complainant email address:	
Did the LEA engage in consultation that was meaningful and timely? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>		
Did the LEA give due consideration to the views of non-public school officials? <span style="float: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</span>		
Provide a description of the alleged violation of the equitable services requirement by the LEA (Please include specific dates, communication with school LEA personnel, and related facts to each of the title programs checked above):		
List names and telephone numbers of individuals who can provide additional information:		
Have efforts been made to resolve this complaint through the LEA (required)? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, please describe the steps taken:		
Has the complaint been filed with any other government agency? <input type="checkbox"/> YES <input type="checkbox"/> NO If so, please provide the agency's name as well as the date filed:		
If the Tennessee Department of Education does not have jurisdiction to investigate this complaint, do you give permission to send this complaint to the federal and/or state department or agency that has jurisdiction? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Signature of complainant:	Title of complainant:	Date:

**Return to the ombudsman and LEA, along with  
the attached **CONSENT FOR USE OF PERSONAL INFORMATION FORM.****

## Equitable Services Complaint to the Ombudsman Consent for Use of Personal Information

I am aware that it is the policy of the Tennessee Department of Education, to the extent allowed by state law, to protect the identity of complainants who cooperate with the department's reviews and investigations. Because of the nature of equitable services complaints, I understand for this complaint to be investigated, it shall be necessary for the department to release my name and information about me to the LEA that is the subject of this complaint. I understand the information I provide, as well as any information obtained during the review of this complaint, will also be available to any person within the department with a need to know its contents, and may be used for program analysis, review, evaluation, and statistical purposes.

I also understand that the information I provide pertaining to parties other than students may be public records under the Tennessee Public Records Act (T.C.A. § 10-7-503) and that the information contained in this complaint may be subject to disclosure if formally requested.

Signature of complainant:	Title of complainant:	Date:
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Return to the ombudsman and LEA, along with the attached **EQUITABLE SERVICES COMPLAINT TO THE OMBUDSMAN FORM** via email to [Michelle.Harless@tn.gov](mailto:Michelle.Harless@tn.gov), or mail to:

**Tennessee Department of Education  
Division of Federal Programs and Oversight  
Complaint to the Ombudsman  
710 James Robertson Parkway  
Nashville, TN 37243**