Procedures for Complaint to the Ombudsman
Perkins V: Career and Technical Education

Statutory Requirement

Pursuant to the Strengthening Career and Technical Education (CTE) for the 21st Century Act (Perkins V), Section 217, a non-public school official has the right to file a written complaint with the state education department ombudsman asserting that the LEA did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the non-public school, or did not make a decision that treats non-public school students equitably.

What must be included in a complaint?

Non-public school officials filing a complaint with the ombudsman concerning equitable services under Perkins V 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 description of the situation or allegation, including whether or not the LEA engaged in consultation that was meaningful and timely, gave due consideration to the views of the non-public school officials, or made decisions that treated non-public school students equitably;
- The name of the LEA the complaint is being filed against and the names of any other agencies or employees involved;
- A statement identifying which title requiring equitable services has been allegedly violated;
- 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, Danny Bounds (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 ePlan in the LEA Document Library in the *Equitable Services Complaint* section.
4. Complaints can also be mailed to the department at the following address:

Tennessee Department of Education
Division of Federal Programs and Oversight
Complaint to the Ombudsman
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway
Nashville, Tennessee 37243

What happens to a complaint after it is received?

A written complaint will be promptly acknowledged and investigated. Appropriate program staff, including the ombudsman, will conduct a review of the complaint and notify 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.

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 school district.

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 complainant can appeal the decision by the ombudsman 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 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.

TN Department of Education

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?*		☐ YES ☐ NO
Did the LEA give due consideration to the views of non-public school officials?*		☐ YES ☐ NO
Did the LEA make decisions that treated non-public school students equitably?*		☐ YES ☐ NO
*if the complainant checks "YES" to these questions, no formal complaint can proceed but the ombudsman will work with parties to resolve the issue informally		
Which program(s) has allegedly been violated? Please check all that apply. ☐ CTE programs (Student Participation) ☐ CTE programs (Staff/Personnel Participation)		
Description of the allegation. (Please include specific dates, communication with 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)? ☐ YES ☐ NO If yes, please describe the steps taken:		
Has the complaint been filed with any other government agency? ☐ YES ☐ 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? ☐ YES ☐ NO		
Signature of complainant:	Title of complainant:	Date:

Return to the ombudsman and school district, 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 any information I provide is subject to any state law which allows any citizen of Tennessee to review the records maintained by the department.		
Signature of complainant:	Title of complainant:	Date:

Return to the ombudsman and LEA, along with the attached **EQUITABLE SERVICES COMPLAINT TO THE OMBUDSMAN FORM** via email to Michelle.Harless@tn.gov.