

Frequently Asked Questions about Filing Complaints

1. Why are complaints restricted to alleged violations of federal program statutes and regulations?

The Georgia Department of Education (GaDOE), as the recipient of federal grants awarded by the U.S. Department of Education, has the responsibility to ensure that what the law requires is being done. The complaint system has been created to specifically fulfill this responsibility.

2. What is meant by the terms “statutes” and “regulations”?

The term “statute” refers to the law, itself. The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), is the statute. “Regulations” are developed and imposed to ensure and enforce the law, in other words “regulate” its implementation.

3. What should be considered before I decide to submit a formal complaint to the Georgia Department of Education (GaDOE)?

The most important thing to consider is whether the issue is a violation of a statute or regulation. Next to consider is whether all available avenues to resolve the issue at the local school, local program, or district level were utilized. In its review of an alleged violation, the GaDOE will first assess the level to which the complaint was presented and addressed locally.

4. What should I do if I have a complaint that is not about one of the federal programs listed above or isn't a violation of the related statute or regulations?

The best course of action is always to begin with the individual with oversight or responsibility for the issue. If things at this level simply seem to be stalled, then addressing the issue with an immediate supervisor is the next course of action. The issue should continue to be elevated within the local context until resolved.

5. Who at the GaDOE is responsible for investigating my complaint and how do I communicate with that individual during the investigation process?

Once a complaint is received by the Federal Programs Director, it is assigned to the program manager(s) or to the specialist or set of specialists of the specific federal program(s) within the office for investigation. The GaDOE Federal Programs Division will send a notice to you acknowledging receipt of your complaint and with details regarding how to communicate with the assigned investigators.



- 6. My concerns are such that they impact my child's education right now. What can I expect to be done to ensure the immediate impact to her education is addressed while the larger investigation is completed? Waiting 30 days will not work.**

Complaints are always evaluated to determine their immediate impact on a child's education and safety. If a child is not enrolled in school or if his or her health and well-being are at stake, the local school district is contacted and advised to mitigate the issue in the child's immediate and best interest, even if only temporary. If the child is in school and is safe, the investigation progresses as quickly as possible, but may require the full available time frame for investigation.

- 7. What if I am not satisfied with the GaDOE's investigation outcomes or decision?**

The GaDOE takes its responsibility for investigating alleged violations of statute and regulations very seriously. Unless otherwise defined in statute or regulation for a specific federal program, the GaDOE's determination is considered final.

- 8. Are complaints under the McKinney-Vento Act for homeless children and youth handled differently than other complaints?**

Each school district, or local education agency (LEA), must have a written process for resolving complaints under the McKinney-Vento Act. When an issue arises at the LEA level regarding barriers to the enrollment, attendance, or success in school of homeless children and youth, the LEA must follow its written process before a complaint is submitted to the GaDOE. The complaint submitted to the GaDOE must request a review of the LEA's decision regarding the issue. The GaDOE will issue a determination that either affirms or refutes the LEA decision.

- 9. Are complaints regarding private school services under ESSA programs handled differently than other complaints?**

Yes. The ESSA requires that each state appoint a State Ombudsman to oversee the state's implementation of equitable services to private school children. The GaDOE's State Ombudsman oversees an independent complaint process. Please see the [State Ombudsman](#) webpage for specific information regarding the complaint process.