

 POLICIES AND PROCEDURES State of Tennessee Department of Disability and Aging	Policy #: 60.7.1	Page 1 of 5
Policy Type: Administrative/Community	Effective Date: December 10, 2025	
Approved by:  Brad Turner, Commissioner	Distribution: A/B	
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	Last Review or Revision: Sept. 23, 2025	
Subject: TEIS PROCEDURAL SAFEGUARDS – ADMINISTRATIVE COMPLAINTS		

- I. **AUTHORITY:** 20 United States Code Annotated § 1439; 34 Code of Federal Regulations (C.F.R.)– Subtitle B, Chapter III, Subpart E – Procedural Safeguards; Tennessee Code Annotated (“T.C.A.”) § 4-3-2708, 52-1-105, 49-10-702.
- II. **PURPOSE:** The purpose of this policy is to establish uniform procedures within the Department of Disability and Aging (“Department”) for the State Administrative Complaint system to be used with the Tennessee Early Intervention System (“TEIS”) procedural safeguards for the purpose of resolving any written State complaints filed by any party regarding any violation of Part C of the IDEA.
- III. **APPLICATION:** This policy applies to all Department of Disability and Aging (“Department”) workforce members who interface with Tennessee Early Intervention System (“TEIS”), as well as any party seeking to file a complaint regarding any violation of Part C of the IDEA.
- IV. **DEFINITIONS:** For the purpose(s) of this policy, the following definitions apply.
 - A. **Early Intervention Services Provider (“EIS Provider”)** shall mean the Department-contracted entity responsible for providing early intervention services to qualifying children with disabilities.
 - B. **Part C of the IDEA (“Part C”)** shall mean the section of the Individuals with Disabilities Education Act (“IDEA”) which requires participating States to ensure infants and young children with disabilities and their families receive early intervention services. In Tennessee, the Part C program is the TEIS.

Effective Date: May 21, 2025	Policy #: 60.7.1	Page 2 of 5
Subject: TEIS PROCEDURAL SAFEGUARDS – ADMINISTRATIVE COMPLAINTS		

- C. **Procedural Safeguards** shall mean a system of requirements designed to protect the rights of parents and their child with a disability and, at the same time, give families and service providers means by which to resolve their disputes.
- D. **Tennessee Early Intervention System ("TEIS")** shall mean the program that provides early intervention services for infants and young children with disabilities and their families through Part C of IDEA.
- E. **Workforce Member(s)** shall mean all persons whose conduct, in the performance of work for a covered entity or business associate, is under the direct control of such covered entity or business associate, whether or not such persons are paid for such work by the covered entity or business associate. Thus, employees, trainees, interns, students, contract workers, and volunteers are all part of the Department's workforce.
- F. **Written State Complaint** shall mean a complaint set forth in writing which alleges a violation of Part C of the IDEA. A Department Administrative Complaint form is available.
- V. **POLICY:** The Department shall establish and maintain an administrative complaint process to be used within the TEIS program for the purpose of resolving any written State complaint filed by any party regarding any violation of Part C of the IDEA.
- VI. **PROCEDURES:**
 - A. Initiation of Complaint
 - 1. Any person or organization, even one from another state, may file a written State complaint.
 - 2. A complaint made under this policy shall be made in writing. A written complaint shall not be denied solely because the request was not made using the Department's form, if the request contains all required information.
 - B. Requirements
 - 1. The written State complaint process shall comply with the provisions on confidentiality in 34 C.F.R. §§ 303.401 through 303.417, parental consent and notice in 34 C.F.R. §§ 303.420 and 303.421, and surrogate parents in 34 C.F.R. § 303.422.
 - 2. The complaint must include:
 - a. A statement that the Department, public agency, or EIS provider has violated a requirement of Part C of the IDEA;

Effective Date: May 21, 2025	Policy #: 60.7.1	Page 3 of 5
Subject: TEIS PROCEDURAL SAFEGUARDS – ADMINISTRATIVE COMPLAINTS		

- b. The facts on which the statement is based;
 - c. The signature and contact information for the complainant;
 - d. If alleging violations with respect to a specific child:
 - (1) The name and address of the child;
 - (2) The name of the EIS provider serving the child;
 - (3) A description of the problem, including facts relating to the problem; and
 - (4) A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed;
 - e. An allegation of a violation that occurred no more than one year prior to the date the complaint is received;
3. The party filing the complaint must forward a copy of it to the public agency or EIS provider serving the child at the same time the party files it with the Department.

C. Department Responsibilities

- 1. Within sixty (60) days after a complaint is filed, the Department must:
 - a. Carry out an independent, on-site investigation, if it determines an investigation is necessary;
 - b. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
 - c. Provide the Department, the public agency, or EIS provider with the opportunity to respond to the complaint including, at a minimum:
 - (1) At the discretion of the Department, a proposal to resolve the complaint; and
 - (2) An opportunity for a parent who has filed a complaint and the Department, public agency, or EIS provider to voluntarily engage in mediation.
 - d. Review all relevant information and make an independent determination as to whether the Department, public agency, or EIS provider is violating a requirement of Part C of the IDEA;

Effective Date: May 21, 2025	Policy #: 60.7.1	Page 4 of 5
Subject: TEIS PROCEDURAL SAFEGUARDS – ADMINISTRATIVE COMPLAINTS		

- e. Issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact and conclusions and the reasons for the Department's final decision; and
 - f. Include procedures for effective implementation of the lead agency's final decision, if needed, including technical assistance activities, negotiations, or corrective actions to achieve compliance.
- 2. The Department will widely disseminate to parents and other interested individuals the State procedures set forth in this policy.
- D. Remedies for Denial of Appropriate Services: In resolving a complaint in which the Department has found a failure to provide appropriate services, the Department must address:
 - 1. The failure to provide appropriate services, including corrective actions appropriate to address the needs of the infant or toddler with a disability who is the subject of the complaint and the infant's or toddler's family; and
 - 2. Appropriate future provision of services for all infants and young children with disabilities and their families.
- E. Extension of Deadline: An extension of the 60-day limit set forth in Section VI.C. above is permitted only if:
 - 1. Exceptional circumstances exist with respect to a particular complaint; or
 - 2. The person or organization making the complaint and the Department, public agency or EIS provider involved agree to extend the time to engage in mediation pursuant to Department policy 60.7.2 TEIS Mediation.
- F. Written State Complaints and Due Process Hearings
 - 1. If a written State complaint is received which is also the subject of a due process hearing or contains multiple issues of which one or more are part of that hearing, then the State must set aside any part of the administrative complaint which is being addressed in the due process hearing until the conclusion of the hearing.
 - 2. Any issue which is not being addressed in the due process hearing must be resolved using the timeline and procedures described in this policy and required by applicable law.

Effective Date: May 21, 2025	Policy #: 60.7.1	Page 5 of 5
Subject: TEIS PROCEDURAL SAFEGUARDS – ADMINISTRATIVE COMPLAINTS		

3. If an issue raised in an administrative complaint filed under this policy has previously been decided in a due process hearing involving the same parties:
 - a. The due process hearing decision is binding on that issue; and
 - b. The Department is responsible for informing the complainant of the due process hearing decision.
4. A complaint alleging the Department, public agency, or EIS provider's failure to implement a due process hearing decision must be resolved by the Department.

VII. **REVISION HISTORY: October 8, 2021; March 19, 2024; September 23, 2025.**

VIII. **ATTACHMENTS:**

- A. 60.7.1a DDA Administrative Complaint Form