

Frequently Asked Questions IDEA Administrative Complaints

The regulations for Part B of the federal Individuals with Disabilities Education Act (IDEA), Tennessee law, and the Tennessee State Board of Education rules and regulations set forth procedures for written Administrative Complaints. Any individual or organization may file a written Administrative Complaint alleging a violation of any Part B requirement by a school district, the Tennessee Department of Education (the department), or any other public agency.

The department has an Administrative Complaint form that an IDEA Complaint Investigator will send to anyone requesting a copy. The form is also available on the department website ([here](#)). Additional special education legal resources are located on the legal services page of the department website ([here](#)).

If you have questions about Administrative Complaints you may contact an IDEA Complaint Investigator by calling (615) 741-2921.

Does an Administrative Complaint have to be written?

The federal regulations state that it does; however, if circumstances prevent a person with a concern from filing an Administrative Complaint in writing, an IDEA Complaint Investigator may take it over the telephone or in some other appropriate way.

Can an Administrative Complaint be faxed to an IDEA Complaint Investigator?

Yes. Even letters or e-mail complaints are treated as Administrative Complaints, if they contain all the required elements and information, and specify that they are a complaint.

Can I submit an anonymous complaint?

No. According to federal and state law, an anonymous complaint cannot be accepted. The person(s) filing the complaint must sign the form and provide contact information in order for a complaint to be investigated.

Can someone who is not the parent of the child file an Administrative Complaint?

Yes. A parent, other concerned individual, or an organization may file an Administrative Complaint. However, a person or organization, other than the parent, filing a complaint would need to provide a signed release of information from the parent of the child before any

information related to the child could be released to them. Sometimes, advocates assist parents in writing/filing an Administrative Complaint. The advocate would need to have a signed release of information from the parent as well.

How soon must an Administrative Complaint be filed after an alleged violation occurs?

An Administrative Complaint must be filed within one (1) calendar year of the date the violation allegedly occurred.

Are Administrative Complaints ever resolved earlier than the sixty (60) calendar day timeline?

Yes. If the investigation is concluded and the school system has responded to the complaint, it is possible that the complaint may be resolved sooner than the sixty (60) calendar day deadline.

You received a letter that says your complaint will not be investigated. Why?

When a person filing a complaint submits an Administrative Complaint that is composed entirely of issues that are not related to special education, he/she would receive a letter explaining that the concerns could not be addressed through the Administrative Complaint process.

Some complaints contain special education issues plus some issues not related to special education. In those instances, the special education issues would be properly investigated, and the findings letter would explain which issues were not investigated.

What happens if the investigation finds a violation?

The Administrative Complaint process is a corrective action process, not a punitive process. The purpose is not to punish the school system.

If a school system is found to have violated one or more federal and/or state regulations, it will be required to complete a Corrective Action Plan. The Department will monitor the school system until it is satisfied that the corrective actions have been completed.

What can a person do if they don't like the outcome of an Administrative Complaint?

Either party has the right to request Mediation or a Due Process Hearing on the same issue(s).

You went to Mediation first and did not reach agreement. Can you file an Administrative Complaint on the same issue?

Yes, but an Administrative Complaint issue must allege a violation of an applicable rule or regulation.

Can you file an Administrative Complaint on an issue that has been part of a Due Process Hearing and ruled on by the Administrative Law Judge?

No. Once an issue has been ruled on by an Administrative Law Judge, that issue cannot be taken to Mediation or filed as an Administrative Complaint.

Can you file multiple Administrative Complaints close to one another?

Yes, but they will most likely be appended to the original Administrative Complaint filing one (1) complaint with multiple issues. This could benefit the person filing the complaint, in that the issue that was submitted after the original complaint would be resolved according to the sixty (60) calendar day timeline applied to the original complaint. In other words, it would be resolved more quickly than if it were submitted as a separate complaint.

If it is far enough into the sixty (60) calendar day timeline that it would be impractical to append an issue to the original complaint, a new complaint is created and a new sixty (60) calendar day timeline begins for the new complaint.

Can you file an Administrative Complaint in the summer?

Yes. Administrative Complaints have a one (1) year statute of limitations, and it is best to file an Administrative Complaint as soon after a person becomes concerned as possible. If a concern arises at the end of the school year or during ESY (Extended School Year), or if a concern from earlier in the school year does not improve by the end of school, it would be appropriate to file an Administrative Complaint in the summer. School system administrators work eleven (11) or twelve (12) months and respond to complaints year round.