



Administrative Complaint Manual

Office of General Counsel

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Overview

The Individuals with Disabilities Education Act (IDEA) and its implementing regulations require states to have processes to resolve disputes between parents of students with disabilities and public education agencies, including local school districts. This manual is intended to provide information about the administrative complaint process in Tennessee.

An administrative complaint is a written complaint submitted to the Tennessee Department of Education (TDOE) alleging that a public education agency has not followed one or more requirements of the IDEA or state special education law and requesting that TDOE investigate the allegations. When TDOE receives an administrative complaint that meets the minimum filing requirements, TDOE will investigate the allegations in the administrative complaint and will issue a written decision with findings of fact, conclusions of law, and reasons for the final decision. If TDOE determines that the public education agency has violated the IDEA or state special education law, TDOE will issue a corrective action plan requiring the public education agency to correct the violation.

The administrative complaint process has historically been the most utilized special education dispute resolution process in Tennessee. Families of students with disabilities often prefer to utilize the administrative complaint process because a complaint can easily be filed without the assistance of an advocate or attorney, because complainants are not required to have any significant involvement in the process after the complaint has been opened, and because the complaint is required to be investigated and resolved within 60 calendar days of being opened.

If you have questions about the administrative complaint process, you may contact a member of the TDOE office of general counsel special education legal team at Dispute.Resolution@tn.gov. Please note that members of the special education legal team cannot provide legal advice or student-specific technical assistance. Appendices at the end of this manual contain frequently asked questions, a model administrative complaint form, release of information forms, and information on free and low-cost advocacy and legal resources.

Prior to Filing an Administrative Complaint

Individuals considering filing an administrative complaint are not required to undertake any steps prior to filing a complaint. Nonetheless, TDOE encourages families of students with disabilities to work collaboratively with the student's public education agency to resolve complaints prior to filing an administrative complaint. Resolving disputes in a non-adversarial manner is more likely to contribute to ongoing, positive relationships between families of students with disabilities and public education agencies. Individuals considering filing an administrative complaint are encouraged to consider the following options:

- Maintain regular communication with the student's teachers, service providers, and case manager. The student's teachers, service providers, and case manager can provide you with information on the student's present levels of academic achievement and functional

performance, the student's progress towards meeting his or her annual goals, and the implementation of the student's individualized education program (IEP).

- Request a meeting with the student's IEP team to discuss any new or ongoing concerns. The student's IEP team can provide you with information on the development and appropriateness of the student's IEP, as well as information on the special education procedural safeguards.
- Notify the principal of the student's school or the special education director of the student's school district if concerns are not being appropriately addressed by the student's teachers, service providers, or IEP team. The principal or special education director may be able to resolve any communication or personnel issues that you or your student are experiencing.
- Contact one of Tennessee's many excellent special education advocacy groups with assistance in identifying potential issues, communicating with the public education agency more effectively, and attempting to resolve concerns without the need to utilize one or more of the special education dispute resolution options. A list of advocacy services and low-cost legal assistance in Tennessee is also found in the appendix of this resource.

Filing an Administrative Complaint

Model Administrative Complaint Form

TDOE has developed a [model administrative complaint form](#) to assist parties interested in filing an administrative complaint against a public education agency. Complainants are not required to use the model administrative complaint form. Regardless of whether a complainant chooses to use the model administrative complaint form, the complainant must include certain information in the complaint for the complaint to be opened and investigated.

Complainants are not required to use the model administrative complaint form.

Required Information in an Administrative Complaint

The IDEA's implementing regulations requires administrative complaints to include certain information. See [34 C.F.R. § 300.153\(b\)](#). TDOE will only open and investigate administrative complaints that contain the following required information:

1. **A statement that a public education agency has violated a requirement of the IDEA or state special education law.** Please note that not every issue or concern affecting a student with a disability can be addressed through the administrative complaint process. More information is provided below on the types of issues and concerns that can be addressed through the administrative complaint process. If an administrative complaint does not include a statement that a public education agency has violated a requirement of the IDEA or state special education law, TDOE will issue a non-jurisdictional letter to the complainant and the public education agency named in the complaint.
2. **The facts on which the statement is based.** The administrative complaint must include sufficient factual details to allow the public education agency to respond to the allegations and to allow TDOE to investigate the issue. For example, if an administrative complaint alleges that

a student's school district failed to provide the services listed in the student's IEP, then the complaint must include facts such as what services were not provided and when the services were not provided. If an administrative complaint does not include the facts on which the statement is based, TDOE will issue a non-jurisdictional letter to the complainant and the public agency named in the complaint. The complainant can submit a new administrative complaint with sufficient factual information.

3. **The signature and contact information of the complainant.** Administrative complaints can be signed physically or electronically but cannot be submitted anonymously. If an administrative complaint does not include the signature and contact information of the complainant, TDOE will request additional information from the complainant before opening the complaint. Please note that the complainant, the student, and the student's family are protected from retaliation. If any individual involved in the administrative complaint process believes that he or she is being retaliated against for filing an administrative complaint or participating in the investigation, the individual should reach out to [the Tennessee Office of Civil Rights](#).
4. **If the complaint is filed on behalf of a specific student, information about the student.** As detailed below, administrative complaints can be filed on behalf of an individual student or on behalf of a class of similarly situated students. If the complaint is filed on behalf of a specific student, the complaint must include (a) the student's name, (b) the student's address, and (c) the name of the school the student is attending. If the complaint is filed on behalf of a homeless student, the complaint must include (a) the student's name, (b) available contact information for the student, and (c) the name of the school the student is attending. If an administrative complaint is filed on behalf of a specific student but does not include the required information about the student, TDOE will request additional information from the complainant before opening the complaint.
5. **Evidence that a violation occurred within one calendar year of the date the complaint is filed.** Administrative complaints must allege that the public education agency violated the IDEA or state special education law within the last calendar year. For example, if an administrative complaint is filed on March 25, 2024, then the alleged violation must have occurred on or after March 25, 2023. If an administrative complaint does not include evidence that a violation occurred within the last calendar year, TDOE will issue a non-jurisdictional letter to the complainant and the public agency named in the complaint.
6. **Evidence that the complainant provided a copy of the complaint to the named public education agency.** The complainant must provide a copy of the complaint to an individual at the public education agency. The complainant is encouraged to provide the administrative complaint to the director of schools of the student's public education agency, director of special education of the student's public education agency, or the principal of the student's school. If you are unsure of whom to send the administrative complaint to, you can reach out to TDOE's office of general counsel special education legal team at Dispute.Resolution@tn.gov.
7. **A proposed resolution of the problem to the extent known and available to the complainant at the time the complaint is filed.** The complainant must include a proposed resolution to the problem, if known at the time of filing the complaint. Please note that, if an

alleged violation is substantiated, TDOE's office of general counsel special education legal team will formulate an appropriate remedy and the complainant will not be limited to the proposed remedy set forth in the complaint.

| What happens if an administrative complaint does not include the required information? | |
|---|--|
| <p>If the complainant fails to provide:</p> <ul style="list-style-type: none"> • A statement that a public education agency has violated a requirement of the IDEA or state special education law. • The facts on which the statement is based. • Evidence that a violation occurred within one calendar year of the date the complaint is filed. | <p>TDOE will not open the administrative complaint and a non-jurisdictional letter will be provided to the complainant and the named public education agency.</p> |
| <p>If the complainant fails to provide:</p> <ul style="list-style-type: none"> • The signature and contact information of the complainant. • If the complaint is filed on behalf of a specific student, information about the student. • Evidence that the complainant provided a copy of the complaint to the named public education agency. • A proposed resolution of the problem to the extent known and available to the complainant at the time the complaint is filed. | <p>TDOE will seek additional information from the complainant before opening the complaint. If the complainant submits the requested information, TDOE will consider the complaint opened on the date the requested information is provided. If the complainant does not submit the requested information, TDOE will not open the administrative complaint and a closure letter will be provided to the complainant and the named public education agency.</p> |

Jurisdictional Issues in an Administrative Complaint

TDOE is only authorized to investigate alleged violations of the IDEA and state special education law through the administrative complaint process. The following is a list of common issues and concerns that **can** be addressed through the administrative complaint process:

- Failing to evaluate a student for special education and related services.
- Failing to follow proper evaluation or re-evaluation procedures.
- Failing to follow proper IEP team procedures.
- Failing to develop an appropriate IEP to meet the student's needs.
- Failing to implement IEP accommodations or services.
- Failing to follow proper discipline procedures.
- Failing to allow the student's parent to participate in educational decisions.
- Improperly isolating or restraining a student receiving special education services.

Not every issue or concern affecting a student with a disability can be addressed through the administrative complaint process.

The following is a list of common issues and concerns that generally **cannot** be addressed through the administrative complaint process:

- Administrative decisions, including decisions to retain or promote a student with a disability and decisions related to a teacher, classroom, grade, or school assignment. Administrative decisions should generally be discussed with the student's teacher, principal, or appropriate district-level personnel.
- Instructional decisions, including teaching methodology or philosophy. Instructional decisions should generally be discussed with the student's teacher, principal, or appropriate district-level personnel.
- Issues related to tiered intervention services and other student support plans, including Section 504 plans, individualized learning plans for characteristics of dyslexia, and individualized learning plans for English language learners. Issues related to tiered intervention services and other support plans should generally be discussed with the student's teacher, interventionist, case manager, or appropriate district-level personnel.
- Issues related to the accuracy or truthfulness of education records. Issues related to education records should generally be discussed with the student's teacher, principal, case manager, or appropriate district-level personnel. Additionally, local boards of education are required to have a policy or process for requesting amendments to a student's education record.
- Issues related to personnel concerns. Issues related to personnel should generally be discussed with the student's principal, the director of schools of the student's school district, or the board of the student's school district. Additionally, local boards of education generally have a policy or process for filing a complaint against school or district personnel.

When TDOE receives a complaint alleging issues or concerns that cannot be addressed through the administrative complaint process, the office of general counsel special education team strives to identify alternative complaint or grievance processes that the complainant can utilize. In particular, complainants should be aware that allegations of abuse and neglect should be reported to local law enforcement or [the Tennessee Department of Children's Services](#) and that allegations of

discrimination, retaliation, harassment, bullying, or other civil rights violations should be reported to the [Tennessee Office for Civil Rights](#).

Individuals Filing an Administrative Complaint

Any individual or organization, regardless of residency, may submit an administrative complaint to TDOE on behalf of a student with a disability or on behalf of a class of similarly situated students alleging that a public education agency in Tennessee violated federal or state special education law. For example, administrative complaints are regularly submitted by the parents or guardians of the student, other family members of the student, teachers or service providers of the student, advocates of the student, and other governmental agencies on behalf of the student.

Any individual or organization may submit an administrative complaint.

While any individual or organization may submit an administrative complaint to TDOE, the Family Educational Rights and Privacy Act (FERPA) generally prohibits TDOE from disclosing personally identifiable information from a student's education record with someone other than the public education agency identified in the complaint and the student's parents without prior written consent of the student's parents. See [34 C.F.R. §§ 99.30, -99.31](#). For that reason, if any individual other than the student's parent submits an administrative complaint, TDOE is unable to share information with the individual about the status of the investigation unless there is a release of information form on file. The office of general counsel special education legal team can support the complainant with the release of information process upon request.

Public Education Agency Named in an Administrative Complaint

Administrative complaints are generally filed against the student's zoned school district, but they may be filed against any public education agency in Tennessee. For example:

- If the student is in the custody of the Tennessee Department of Children's Services or the Tennessee Department of Corrections, an administrative complaint may be filed against those entities.
- If the student is enrolled in a state-operated school, such as the Tennessee School for the Blind or the Tennessee Schools for the Deaf, the administrative complaint may be filed against either the local education agency, TDOE, or both.
- If the student is enrolled in a public charter school, an administrative complaint may be filed against the charter authorizer, including against the Tennessee Public Charter School Commission.
- If the student is enrolled in the student's zoned school district, but the alleged violation is attributable to a policy, procedure, or practice developed by TDOE or the Tennessee State Board of Education, the administrative complaint may be filed against TDOE or the Tennessee State Board of Education.

Support with Completing an Administrative Complaint

The office of general counsel special education legal team can assist individuals with completing administrative complaints when an individual has an accessibility issue. For example, the team can intake complaints made orally and can provide translation services upon request. Requests for support with completing an administrative complaint can be made by emailing Dispute.Resolution@tn.gov or by calling (615) 741-2921.

Submitting an Administrative Complaint

Complainants can submit a completed administrative complaint to TDOE in the following ways:

- Emailing the administrative complaint to Dispute.Resolution@tn.gov;
- Faxing the administrative complaint to (615) 253-5567; or
- Mailing or delivering a physical or electronic copy of the administrative complaint to:

TDOE Office of General Counsel
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway
Nashville, Tennessee 37243

Requests for support with submitting an administrative complaint can be made by emailing Dispute.Resolution@tn.gov or by calling (615) 741-2921.

Opening of an Administrative Complaint

Review of Administrative Complaints

Members of TDOE's general counsel special education legal team review all submitted administrative complaints. Within five calendar days of receipt, a member of the team will issue an opening letter to the public education agency setting forth the allegations that will be investigated and the allegations that will not be investigated. A member of the team will also issue an opening letter to the complainant, as permitted by FERPA.

Date Opened

The date an administrative complaint is opened is important because it establishes when the one-year statute of limitations begins and ends and when the 60-day timeline for investigations begins and ends.

TDOE considers administrative complaints as opened on the date that the administrative complaint has been submitted along with all required information. If an administrative complaint is submitted along with all required information after 5:00 p.m. Central Standard Time, the complaint is considered opened on the next business day. Consider the following examples:

| When is the administrative complaint considered opened? | |
|---|---|
| The complainant submits an administrative complaint with all required information to TDOE on Monday, March 25 at 10:00 a.m. CST. | The complaint was submitted with all required information during business hours on Monday, March 25. The complaint is considered opened on Monday, March 25. |
| The complainant submits an administrative complaint with all required information to TDOE on Monday, March 25, at 6:00 p.m. CST. | The complaint was submitted with all required information after business hours on Monday, March 25. The complaint is considered opened on Tuesday, March 26. |
| The complainant submits an administrative complaint to TDOE on Monday, March 25, at 10:00 a.m. CST. The office of general counsel special education legal team reviews the complaint and determines that a copy was not submitted to the named public education agency. The complainant submits a copy to the named public education agency on Monday, March 25 at 4:00 p.m. CST. | The complaint was submitted with all required information during business hours on Monday, March 25. The complaint is considered opened on Monday, March 25. |
| The complainant submits an administrative complaint to TDOE on Monday, July 1, at 10:00 a.m. CST. The office of general counsel special education legal team reviews the complaint and determines that a copy was not submitted to the named public education agency. The complainant submits a copy to the named public education agency on Wednesday, July 3, at 11:00 p.m. CST. Thursday, July 4 is a state holiday. | The complaint was submitted with all required information after business hours on Wednesday, July 3. Because Thursday, July 4 is a state holiday, the complaint is considered opened on Friday, July 5. |

Investigation of an Administrative Complaint

Additional Information from the Complainant

Once an administrative complaint has been opened, complainants have the opportunity to submit additional information to TDOE within 10 calendar days of receiving the opening letter. Complainants are encouraged to only submit additional information related to the allegations that will be investigated, not information related to allegations that were not part of the original complaint. If information is submitted related to allegations that were not part of the original complaint, the allegations may be submitted as a new administrative complaint.

Response from the Public Education Agency

TDOE will request a written response with supporting evidence from the public education agency named in an administrative complaint that is considered opened. The public education agency must provide a response within 15 calendar days of receiving the opening letter unless an extension is granted by a member of the office of general counsel special education legal team. An extension will only be granted for good cause, and an extension generally will not exceed 10 calendar days. The 60-day investigative timeline is not extended simply because an extension is granted for the public education agency's response.

Consideration of Evidence

TDOE's office of general counsel special education legal team will review all evidence submitted by the parties as part of the investigation. If the team needs additional clarifying information, a member of the team may contact the complainant or personnel from the public education agency to ask follow-up questions or request additional documentation. The team also has the ability to review the student's education records that have been uploaded to TN PULSE, which is the state's system of record for student learning plans including IEPs.

There is no burden of proof in an administrative complaint. See U.S. Dep't of Educ., [Letter to Reilly](#) (Nov. 3, 2014). The office of general counsel special education legal team reviews all evidence submitted by the parties, weighs the evidence, and issues a determination supported by the evidence.

Resolution of an Administrative Complaint

Final Determination Letter

No later than 60 calendar days after the administrative complaint is opened, TDOE will issue a final determination letter with its findings of fact, conclusions of law, and decision and reasoning. The final determination letter will be sent to appropriate parties, which will generally be the complainant, the director of schools and director of special education for the public education agency named in the complaint, and relevant TDOE personnel. If the administrative complaint was filed by an individual other than the student or the student's parents, TDOE will not send the complainant a final determination letter unless a valid release of information has been signed by the adult student or the family of the student and accepted by TDOE.

Corrective Action

If TDOE determines the public education agency violated federal or state special education law, the final determination letter will specify the violation, the corrective actions the public education agency must take, and the required timeline for compliance. The corrective action will depend on the type of violation and the circumstances pertaining to the violation. Corrective action is intended to be compensatory and remedial in nature, not punitive. For example, TDOE will almost always require the public education agency to train relevant personnel to ensure the violation does not continue or recur.

but may also require the public education agency to award compensatory services, to reconvene IEP team meetings, to conduct a new evaluation or re-evaluation, or to reimburse the student’s family, in limited circumstances.

The office of general counsel special education team monitors the implementation of corrective action and determines when the public education agency has completed the corrective action plan. Upon approval of the corrective action plan, TDOE will send a closure letter to the public education agency and the complainant indicating the complaint has been closed.

Concurrent Use of Dispute Resolution Processes

Administrative complaints are one of three dispute resolution processes available to families of students with disabilities in Tennessee. Families of students with disabilities also have the right to request a due process hearing and the right to participate in mediation. On occasion, families may choose to utilize more than one of the dispute resolution processes concurrently. This section of the manual explains how the dispute resolution processes proceed concurrently.

Administrative Complaints and Due Process Hearing Requests

When an administrative complaint is filed and a due process hearing is requested on the same issue, the administrative complaint must be “set aside” until the due process hearing has an opportunity to resolve the issue. When an administrative complaint is “set aside,” the investigation and the 60-day timeline for resolving administrative complaints are temporarily paused. The office of general counsel special education legal team reviews the administrative complaint and the due process hearing request to determine which issues must be set aside. The determination is made on an issue-by-issue basis. Consider the following examples:

| Will the administrative complaint be set aside? | |
|---|---|
| Both an administrative complaint and a due process hearing request are filed on Issues A, B, and C. | The administrative complaint will be set aside for Issues A, B, and C until the due process hearing has an opportunity to resolve the issues. |
| An administrative complaint is filed on Issues A, B, and C. A due process hearing request is filed on Issues B, C, and D. | The administrative complaint will not be set aside for Issue A. The administrative complaint will be set aside for Issues B and C until the due process hearing has an opportunity to resolve the issues. The 60-day timeline for resolving the administrative complaint will be different for Issue A than it is for Issues B and C. |
| An administrative complaint is filed on Issues A, B, and C. A due process complaint is filed on Issues D, E, and F. | The administrative complaint will not be set aside. |

If an administrative complaint and a due process hearing are filed on the same issue, and the issue is decided on the merits through the due process hearing, the issue must be permanently set aside through the administrative complaint process.

If an administrative complaint and a due process hearing are filed on the same issue, and the issue is settled during the course of the due process proceeding, TDOE's office of general counsel special education legal team will contact the complainant and may request to review the terms of the settlement agreement, to determine whether the issue will continue to be investigated through the administrative complaint process.

If an administrative complaint and a due process hearing are filed on the same issue, and the issue is voluntarily withdrawn by the complainant during the course of the due process hearing, the investigation must resume through the administrative complaint process. The 60-day timeline will resume from the same point as when the set aside began.

| Will the investigation through the administrative complaint continue? | |
|--|--|
| A complainant files an administrative complaint and requests a due process hearing on Issue A. The due process hearing takes place and the administrative law judge rules on Issue A. | The investigation through the administrative complaint will not continue. The judge's ruling on Issue A is final. |
| A complainant files an administrative complaint and requests a due process hearing on Issue A. Before the due process hearing takes place, the parties enter into a settlement agreement. TDOE communicates with the complainant, and the complainant confirms that she wants to withdraw the complaint. | The investigation through the administrative complaint will not continue. The complainant has withdrawn the administrative complaint after a settlement agreement was reached between the parties. |
| A complainant files an administrative complaint and requests a due process hearing on Issue A. Before the due process hearing takes place, the parties enter into a settlement agreement. The settlement agreement requires the complainant to withdraw the request for the due process hearing but does not say anything about the administrative complaint. TDOE communicates with the complainant, and the complainant confirms that she does not want to withdraw the complaint. | The investigation through the administrative complaint will continue. The settlement agreement does not require the complainant to withdraw the administrative complaint on Issue A, so TDOE is required to complete the investigation. |
| On May 1, a complainant files an administrative complaint on Issue A. On May 11, the complainant requests a due process hearing on Issue A. On May 21, the complainant withdraws the request for a due process hearing before the due process hearing takes places. | The investigation through the administrative complaint will continue. Because the administrative complaint was set aside on the 10th day of the 60-day timeline, TDOE will have 50 days from May 21 to complete the investigation and issue a final determination. |

Administrative Complaints and Mediation Requests

When an administrative complaint is filed and a mediation is requested on the same issue, the administrative complaint is not required to be set aside. The parties may agree to pause or extend the 60-day timeline to allow for mediation.

From a practical perspective, complainants are reminded that mediation must be agreed to by both parties and that public education agencies are less likely to agree to attend mediation if the complainant does not agree to extend the 60-day timeline for the administrative complaint.

Appendix A – Frequently Asked Questions

Question 1: What is an administrative complaint?

Answer: An administrative complaint is a written complaint submitted to TDOE alleging that a public education agency has not followed one or more requirements of the IDEA or state special education law.

Question 2: Where can I find more information about federal and state special education laws?

Answer: The federal regulations implementing the IDEA are set forth in 34 C.F.R. Part 300 and are available [here](#). Tennessee statutes on special education are set forth in Tennessee Code Title 49, Chapter 10, and are available [here](#). The Tennessee State Board of Education rules on special education are set forth in Chapter 0520-01-09 and are available [here](#).

Question 3: What is the difference between an administrative complaint and a due process hearing?

Answer: A due process hearing is a formal trial-like proceeding before an administrative law judge in which the student's parents and the public education agency present evidence through witnesses and the judge makes a written determination on the issues detailed in the due process complaint. Prior to the due process hearing, the parties may also engage in "discovery," which is a formal process in which the parties exchange relevant information that may be presented at the hearing. Complainants often prefer administrative complaints over due process hearings because administrative complaints are less formal, less adversarial, and less time consuming.

Question 4: What is the difference between an administrative complaint and mediation?

Answer: Mediation is a meeting that allows the student's parents and the public education agency to discuss their disagreements with a trained, neutral mediator who guides a discussion about identification and resolution of the issues. Both parties must agree to attend mediation. The goal of mediation is to reach a signed, enforceable compromise, not to investigate and determine whether the public education agency violated the IDEA or state special education law. Complainants often prefer administrative complaints over mediation because administrative complaints include an investigation and a final determination rather than just an opportunity to compromise.

Question 5: Who can file an administrative complaint?

Answer: Any individual or organization can file an administrative complaint. The complainant does not have to be the parent or guardian of the student on whose behalf the complaint is filed, and the complainant does not have to be a resident of Tennessee.

Question 6: Who can an administrative complaint be filed on behalf of?

Answer: An administrative complaint can be filed on behalf of any student from age 3 through 22 who has a disability or is suspected of having a disability. The administrative complaint must allege that a public education agency violated federal or state special education law.

Question 7: Can an administrative complaint be filed on behalf of a student currently enrolled in a non-public school?

Answer: Yes. An administrative complaint can generally be filed on behalf of a student enrolled in a non-public school in two situations. First, an administrative complaint can be filed on behalf of the student if the student attended a public school within the last calendar year. For example, an administrative complaint could allege that the student was not properly evaluated in a previous school year. Second, an administrative complaint can be filed on behalf of the student if the student still has entitlements under federal or state special education law despite being enrolled in a non-public school. For example, an administrative complaint could allege that the local school district failed to meet its child find obligations, failed to conduct a re-evaluation, or failed to implement services identified on an individualized service plan.

Question 8: Can an administrative complaint be filed on behalf of a student currently living and attending a school outside of Tennessee?

Answer: Yes. An administrative complaint can be filed on behalf of a student enrolled living and attending a school outside of Tennessee as long as the student was attending a school in Tennessee at the time the alleged violation of federal or state special education law occurred. For example, if a student attended a public school in Tennessee during the 2022-23 school year, but moved to Kentucky prior to the 2023-24 school year, an administrative complaint could be filed on behalf of the student for events that occurred during the 2022-23 school year, as long as the events are still within the one-year statute of limitations.

Question 9: Can an administrative complaint be filed on behalf of a student whose eligibility for special education and related services has permanently terminated?

Answer: Yes. An administrative complaint can be filed on behalf of a student whose eligibility has permanently terminated (i.e., the student graduates with a regular education diploma or the student completes the school year following his or her 22nd birthday) as long as the student was attending a school in Tennessee at the time the alleged violation of federal or state special education law occurred and the one-year statute of limitations has not passed. For example, if a student graduates at the end of the 2023-24 with a regular education diploma, an administrative complaint could still be filed on behalf of the student for events that occurred during the 2023-24 school year, as long as the events are still within the one-year statute of limitations.

Question 10: Who can an administrative complaint be filed against?

Answer: An administrative complaint can be filed against any public education agency, which includes local school districts as well as state agencies such as TDOE, the Tennessee State Board of Education, the Tennessee Department of Children's Services, the Tennessee Department of Corrections, and the Tennessee Public Charter School Commission.

Question 11: Can TDOE assist individuals with completing and filing an administrative complaint?

Answer: Yes. TDOE has developed a [model administrative complaint form](#) that complainants can, but are not required, to use. Additionally, the office of general counsel special education legal team can

support individuals who have accessibility issues, such as by providing translation services and by intaking complaints orally. Because TDOE must serve as a neutral factfinder, please note that the office of general counsel special education legal team cannot provide legal advice, such as advising a complainant on the best way to set forth and support alleged violations.

Question 12: How can an individual submit an administrative complaint to TDOE?

Answer: There is no required method for submitting an administrative complaint to TDOE. Complainants can email an administrative complaint to Dispute.Resolution@tn.gov, fax an administrative complaint to (615) 253-5567, or mail or hand-deliver an administrative complaint to TDOE Office of General Counsel, Andrew Johnson Tower, 9th Floor, 710 James Robertson Parkway, Nashville, Tennessee 37243.

Question 13: Can an administrative complaint be filed in the summer?

Answer: Yes, an administrative complaint can be filed at any point during the year.

Question 14: Can multiple administrative complaints be filed by a complainant on behalf of the same student?

Answer: Yes, but TDOE may consolidate the administrative complaints if they are filed in quick succession and TDOE will not investigate the same issue more than once.

Question 15: What types of allegations can TDOE investigate through the administrative complaint process?

Answer: TDOE can investigate any alleged violation of federal or state special education law, including systemic allegations filed on behalf of a class of similarly situated students.

Question 16: Can TDOE investigate both alleged “procedural” and “substantive” violations of federal or state special education law through the administrative complaint process?

Answer: Yes, TDOE is not limited in the types of alleged violations of federal or state special education law that it can investigate through the administrative complaint process. TDOE can investigate “procedural” violations of federal or state special education law (e.g., failure to issue an invitation to a meeting, failure to convene an IEP team meeting within 10 days of a written request) as well as “substantive” violations of federal or state special education law (e.g., failure to determine a student eligible for special education and related services, failure to develop an appropriate IEP for a student).

Question 17: Can an administrative complaint be withdrawn?

Answer: Yes, the complainant can withdraw the administrative complaint at any time prior to TDOE issuing a final determination letter. Complainants are encouraged to submit requests to withdraw in writing. Please note that TDOE may continue to investigate credible allegations in an alternative manner to ensure that it is meeting its general supervisory authority over the public education agency named in the complaint.

Question 18: Can a complainant re-file an administrative complaint that has previously been withdrawn?

Answer: Yes, the complainant can re-file an administrative complaint that has previously been withdrawn, as long as the events are still within the one-year statute of limitations.

Question 19: How long does TDOE have to investigate the alleged violations and issue a written determination?

Answer: TDOE has 60 calendar days from the date the administrative complaint is considered opened to investigate the alleged violations and issue a written determination. An administrative complaint is considered opened when the complaint meets the minimum filing requirements. Complaints received after 5:00 p.m. CST or on non-business days are considered received on the next business day.

Question 20: Can TDOE expedite the 60-calendar day investigative timeline?

Answer: No, TDOE will not consider requests to expedite the timeline. TDOE regularly issues final determination letters before the 60th day, but TDOE cannot guarantee that any particular administrative complaint will be resolved on any particular day.

Question 21: Can TDOE extend the 60-calendar day investigative timeline?

Answer: Yes, TDOE can extend the timeline, but only in limited circumstances. TDOE can extend the 60-day calendar timeline when (1) the parties agree in writing to pause or extend the timeline, (2) a request for a due process hearing is filed on the same issues and TDOE is required to “set aside” the administrative complaint, or (3) exceptional circumstances exist.

Question 22: What is the burden of proof in an administrative complaint?

Answer: There is no burden of proof in an administrative complaint because administrative complaints are intended to be investigative in nature. See U.S. Dep’t of Educ., [Letter to Reilly](#) (Nov. 3, 2014). TDOE reviews all evidence submitted by the parties, weighs the evidence, and issues a determination supported by the evidence.

Question 23: If an administrative complaint is filed against TDOE, how is the administrative complaint investigated?

Answer: TDOE is authorized to investigate administrative complaints filed against itself. See U.S. Dep’t of Educ., [Dispute Resolution Procedures under Part B of the Individuals with Disabilities Education Act \(Part B\)](#), Question B-12 (July 23, 2013). When an administrative complaint is filed against TDOE, the office of general counsel special education legal team decides on a case-by-case basis how the administrative complaint will be investigated. If one of the team members has been involved in the underlying dispute, the individual will generally be recused from the administrative complaint.

Question 24: Can a public education agency attempt to informally resolve an administrative complaint that is filed against it?

Answer: Yes. Parties are always encouraged to maintain communications with one another and to attempt to informally resolve the issues identified in an administrative complaint.

Question 25: Must an administrative complaint include a proposed resolution?

Answer: Yes, a complainant must include a proposed resolution to the problem in their administrative complaint to the extent known and available at the time. Proposed resolutions are required for two reasons. First, the public education agency named in the administrative complaint may be willing to work with the complainant to informally resolve the administrative complaint by offering to perform the actions listed in the proposed resolution. Second, if TDOE determines that the public education agency violated federal or state special education law, TDOE considers the proposed resolution in determining appropriate corrective action.

Question 26: If TDOE determines the public education agency violated federal or state special education law, must TDOE correct the violation by granting the proposed resolution?

Answer: No, TDOE will consider any proposed resolution identified in the administrative complaint, but TDOE is not required to grant the proposed resolution in whole or in part.

Question 27: If TDOE determines the public education agency violated federal or state special education law, how does TDOE determine appropriate corrective action?

Answer: TDOE attempts to issue corrective action that will return the parties to where they would have been, if not for the violation. For example, TDOE will almost always require the public education agency to train relevant personnel to ensure the violation does not continue or recur, but may also require the public education agency to award compensatory services, to reconvene IEP team meetings, to conduct a new evaluation or re-evaluation, or to reimburse the student's family, in limited circumstances. Please note that corrective actions are intended to be compensatory in nature, not punitive.

Question 28: Can TDOE award money to the family of a student?

Answer: Yes, but only in limited circumstances. The complainant generally must demonstrate that the public education agency required the family of the student to expend funds on an action that the public education agency was required to perform. For example, TDOE may award monetary damages to the family of a student if the public education agency requires the student's family to transport the student when the student's IEP includes special transportation services or if the public education agency requires the student's family to obtain a private evaluation that the public education agency was required to conduct. Awards of money are intended to be a reimbursement to the family for expending private funds.

Question 29: Can a party appeal TDOE's final determination?

Answer: No, TDOE will not consider appeals of the final determination.

Question 30: Can an administrative complaint be used to enforce a final order issued by an administrative law judge in a due process hearing?

Answer: Yes. If a complainant alleges that a public education agency failed to implement a final order issued by an administrative law judge in a due process hearing, TDOE is required to investigate the

allegation. See U.S. Dep't of Educ., [*Dispute Resolution Procedures under Part B of the Individuals with Disabilities Education Act \(Part B\)*](#), Question B-29 (July 23, 2013).

Question 31: Can an administrative complaint be used to enforce a settlement agreement reached during mediation or a due process resolution session?

Answer: No. TDOE will not consider administrative complaints alleging that a party failed to abide by the terms of a settlement agreement. Those claims must be filed in a federal or state court of competent jurisdiction.

Appendix B – Advocacy and Legal Services

Advocacy Services

There are many agencies and organizations that offer support, information, training, and assistance in advocating for persons with disabilities in Tennessee. The following are a few of these organizations that provide services at no cost. A more extensive list of service organizations can be accessed via Tennessee Disability Pathfinder (<https://www.tnpathfinder.org/>).

| | |
|--|--|
| <p><i>Disability Rights in Tennessee</i> (800) 342-1660 Email: GetHelp@disabilityrightstn.org</p> | <p><i>Tennessee Voices for Students</i> (800) 670-9882 Email: info@tnvoices.org</p> |
| <p><i>Support and Training for Exceptional Parents (STEP)</i> (800) 280-7837 (English) (800) 975-2919 (Spanish) Email: gethelp@tnstep.info</p> | <p><i>The Arc of Tennessee</i> (800) 835-7077 Email: info@thearctn.org</p> |

Free and Low-Cost Legal Services

The following is a list of offices that provide free or low-cost legal services to assist persons with disabilities.

Disability Rights in Tennessee

(800) 342-1660
 Website: www.disabilityrightstn.org

Vanderbilt Legal Clinic

(615) 322-4964

Legal Aid of East Tennessee

(800) 238-1443
 Website: www.Laet.org

West Tennessee Legal Services

(800) 372-8346
 Website: www.wtls.org

Legal Aid Society of Middle Tennessee and the Cumberlands

(800) 238-1443
 Website: www.las.org

This information is provided as a service to individuals seeking additional avenues for help and information. The department does not intend this as an endorsement or recommendation of any individual, organization, or service represented on this page.

Appendix C – Release of Information Forms



BILL LEE
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

LIZZETTE REYNOLDS
COMMISSIONER

FERPA CONSENT TO RELEASE STUDENT INFORMATION

I, _____, of _____,

(Parent/Legal Guardian Name)

(Permanent Address)

hereby consent and grant the Tennessee Department of Education full authority and permission to disclose and discuss

- All educational records, as defined by 34 C.F.R. §§ 99.3, 300.611, 303.403 OR
- Only the following: _____ (must specify)

of my child, _____,

(Child's Legal Name)

to and with _____.

(Name, Address, E-mail of Recipient)

This disclosure is for the purpose of:

- Litigation
- Due Process Complaint or Mediation
- Administrative Complaint
- Other _____ (must specify)

I understand that the Family Educational Rights and Privacy Act of 1974 [FERPA] and the Individuals with Disabilities Education Act [IDEA] prohibit any further disclosure of this information without my specific written consent, or as otherwise permitted by such regulations. I understand that I have the right not to consent to disclosure of this information. I understand I have the right to revoke this authorization at any time. I understand that this consent shall remain in effect until revoked by me, in writing, and delivered to the TDOE, but that any such revocation shall not affect disclosures previously made by TDOE staff prior to the receipt of any such written revocation. Unless otherwise revoked, this authorization will expire twelve (12) months from the date of its signing, below. Having read and understood this release, I:

- Consent to the release
- Do not consent to the release

(Parent Signature)

(Date)

(Printed Name of Student)

(Birthday)



BILL LEE
GOVERNOR

STATE OF TENNESSEE
DEPARTMENT OF EDUCATION
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

LIZZETTE REYNOLDS
COMMISSIONER

FERPA CONSENT TO RELEASE
STUDENT INFORMATION

I, _____, of _____,
(Student's Legal Name) (Permanent Address)

hereby consent and grant the Tennessee Department of Education full authority and permission to disclose

- All educational records, as defined by 34 C.F.R. §§ 99.3, 300.611, 303.403 OR
- Only the following: _____ (must specify)

to and with _____
(Name, Address, E-mail of Recipient)

This disclosure is for the purpose of:

- Litigation
- Due Process Complaint or Mediation
- Administrative Complaint
- Other _____ (must specify)

I understand that the Family Educational Rights and Privacy Act of 1974 [FERPA] and the Individuals with Disabilities Education Act [IDEA] prohibit any further disclosure of this information without my specific written consent, or as otherwise permitted by such regulations. I understand that I have the right not to consent to disclosure of this information. I understand I have the right to revoke this authorization at any time. I understand that this consent shall remain in effect until revoked by me, in writing, and delivered to the TDOE, but that any such revocation shall not affect disclosures previously made by TDOE prior to the receipt of any such written revocation. Unless otherwise revoked, this authorization will expire twelve (12) months from the date of its signing, below. Having read and understood this release, I:

- Consent to the release
- Do not consent to the release

(Student signature)

(Date)

(Printed Name of Student)

(Date of Birth)

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