

**16 NCAC 06H .0103 COMPLAINT PROCEDURES FOR FEDERAL PROGRAMS**

- (a) The department shall receive, review and resolve complaints for which no other procedures or remedies are available. These complaints must involve the allegation that LEAs, another subgrantee or the department has violated a federal statute, regulation or interpretive rule. This Rule shall affect those federal education programs listed in 34 CFR Part 76.
- (b) Any person(s) who believes that grounds exist for filing a complaint under Paragraph (a) of this Rule may file a written complaint with the department. The complaint must:
- (1) be signed by the person(s) making it;
  - (2) show who has violated a specific federal requirement;
  - (3) tell how the requirement has been violated;
  - (4) state the facts upon which the complaint is based; and
  - (5) tell what relief the person is seeking.
- (c) If the department receives a complaint which is not complete, it shall contact the person making it and explain how the complaint may be made complete.
- (d) The department shall send the complaint to staff for review and response. If the complaint involves a subgrantee, the department shall send the complaint to that subgrantee.
- (e) The department may, in its discretion, allow the person to appear and present evidence.
- (f) The department shall issue a final written resolution of each acceptable complaint to each party involved within 60 days of receipt, unless it finds good cause, as that term is defined in 26 NCAC 03 .0118, for an extension.
- (g) The resolution shall include:
- (1) a summary of the facts involved;
  - (2) a statement of the federal requirement involved;
  - (3) the department's findings of fact and a summary of the evidence it considered;
  - (4) the department's conclusions regarding each allegation and a summary of its reasons for them; and
  - (5) the department's order for any technical assistance, negotiation or corrective action that must occur and when those actions must be taken.
- (h) If a federal education program requires a subgrantee to develop and use a complaint procedure, the person complaining may use either that or the department's procedure. If the person uses the subgrantee's procedure, the person may appeal that decision to the department within 30 days after receiving it.

*History Note: Authority G.S. 115C-113; 15C-409; 34 C.F.R. 76.780; N.C. Constitution Article 1X, s. 5; 34 C.F.R.. 300.660-662; Eff. July 1, 1986; Amended Eff. August 1, 2000.*