

- I. SUBJECT: COMPLAINT MANAGEMENT
- II. PURPOSE: To establish a policy and procedure which provides (1) a mechanism for the acceptance, review, investigation, and resolution of written complaints about Federal programs received by the MSDE other than requests for due process hearings; and (2) an opportunity for a hearing for a subgrantee regarding an order for repayment or termination of Federal funds for a program.
- III. APPLICABILITY: To all organizational entities in MSDE except the Division of Vocational Rehabilitation.
- IV. SUPERCESSION: This policy shall supersede internal procedures for complaint management that an MSDE organizational entity may have developed.
- V. RESPONSIBILITY: Office of the Deputy State Superintendent
- VI. REFERENCE: 34C.F.R. §76.780 through §76.783
- VII. DEFINITIONS:
- A. Complaint – A written statement alleging that MSDE or one of its subgrantees has violated a State or Federal statute or regulation that applies to a program supported by Federal funds. A complaint includes a request for review of a decision of a subgrantee, but does not include a request for a due process hearing.
  - B. Subgrantee – A recipient of Federal funds administered by an MSDE organizational entity.
  - C. Resolution – The final decision by MSDE as to whether or not the violation alleged in the complaint has occurred and any actions deemed necessary to remedy a violation.
- VIII. POLICY STATEMENT: It is the policy of MSDE that uniform procedures shall be used by all MSDE organizational entities for managing complaints.
- IX. POLICY: It is the policy of MSDE that:
- These procedures shall be implemented whenever MSDE receives a written complaint alleging that MSDE or one of its subgrantees has violated a State or Federal statute or regulation.

X. PROCEDURE: In order to implement this Policy in a consistent manner, the procedures describing herein shall be followed:

A. Filing of Complaint

1. An organization or an individual may file a complaint with MSDE.
2. The complaint shall be in writing and signed by the individual complainant or by an official of the complaining organization.
3. Each complaint shall contain:
  - a. A statement that the State or a subgrantee has violated a requirement of a Federal or State statute or regulation that apply to a program and
  - b. The facts upon which the statement is based.
4. The complaint may include a request to review a decision of a subgrantee.
5. Complainants whose allegations fail to meet the requirements are to be notified that they must comply with the requirements in order for the complaint to receive full investigation.

B. Receipt of Complaint by MSDE Unit

1. Complaints against subgrantees shall be received by the Division/Office Head of the unit which has administrative responsibilities for the program named in the complaint.
2. Complaints against MSDE shall be received by the Deputy Superintendent who shall assign the complaint to a Division/Office Head of a unit not named in the complaint for investigation.
3. If it is unclear whether the complaint is directed properly at MSDE or one of its subgrantees, Deputy Superintendent shall confer with the office of the Attorney General regarding further disposition.
4. Initial Processing by the Division/Office Head:
  - a. All complaints shall be logged in, in writing, with information:
    - i. Identifying the complaint;
    - ii. Supplying the date upon which the complaint was filed; and
    - iii. Noting whether the complaint is against MSDE, a subgrantee, or both.

- b. Within 10 days of a receipt of a complaint, the Division/Office Head or designee shall notify the complainant in writing of:
  - i. The date of receipt of the complaint;
  - ii. The date by which the complainant will be notified of the resolution, i.e. 60 calendar days from the date of receipt of the complaint;
  - iii. The name of staff assigned to the complaint; and
  - iv. MSDE's intent to fully investigate the complaint.
- c. Each subgrantee or MSDE unit named in a complaint shall receive a copy of this acknowledgement letter as well as a copy of the complaint.

C. Investigation of Complaints

1. The designated staff shall review and investigate the complaint.
  - a. Where necessary, an independent on-site investigation shall be conducted.
  - b. If the Division/Office Head determines that exceptional circumstances warrant an extension of time in excess of 60 days to investigate and resolve the complaint, the complainant shall be so informed in writing with inclusion of the extended deadline date. Exceptional circumstances may include but are not limited to the complexity of the issues raised in the complaint or the unavailability of key personnel.
2. Upon completion of the investigation, the designated staff shall report the findings to the Division/Office Head Superintendent or the Deputy Superintendent as appropriate.

D. Resolution of Complaint

1. The Division/Office Head or, for complaints against MSDE, the Deputy Superintendent shall inform the parties in writing of MSDE's resolution of the complaint and include:
  - a. MSDE's final decision as to the action which will be taken, if any, in response to the complaint; and
  - b. Notice of the right of either party to request that the Secretary of the U.S. Department of Education review the final decision of MSDE.

2. After the resolution letter is sent, the Division/Office Head or designee shall note on the complaint log the date of the letter, and whether or not any further action is required.
3. Each Division/Office Head or designee shall be responsible for determining whether any complaints remain unresolved for 60 days from the date of filing, and shall take appropriate steps to ensure a timely resolution for outstanding complaints.

E. Supergrantee's Opportunity for a Hearing

1. A subgrantee may request a hearing if the subgrantee has alleged that MSDE violated a State or Federal statute or regulation by:
  - a. Ordering the repayment of misspent or misapplied Federal funds pursuant to a final State audit resolution determination; or
  - b. Terminating further assistance for an approved project.
2. A subgrantee's request for a hearing shall be handled by an impartial hearing officer according to procedures outlined in 34 C.F.R. §76.401(c) and (d).

XI. DELEGATION OF AUTHORITY: In accordance with this Policy, the following delegations of authority and responsibility shall be authorized.

RESPONSIBILITY

AUTHORITY

A. Deputy Superintendent

Ensures appropriate implementation of the Policy relative to complaints against the Maryland State Department of Education.

B. Division/Office Head

Ensures the implementation of the Policy relative to complaints against subgrantees about programs they administer.

XII. EFFECTIVE DATE: This Policy shall be implemented effective March 1, 1991