

BUREAU OF FEDERAL EDUCATIONAL PROGRAMS
SES GRIEVANCE PROCEDURE

Please use the process outlined in State Board of Education Rule [6A-1.039](#) for submitting Grievances to the Florida Department of Education (FDOE) by June 3, 2011, regarding the state approval process.

(10) Grievance Procedures for Providers. This subsection establishes the basis and procedures for the resolution of disputes about the denial to serve as a state-approved supplemental educational services provider and the removal from the State-Approved Educational Services Provider List, as well as disputes about the award of a service designation.

(a) Hearing Officer. The Commissioner shall appoint one or more hearing officers to hear disputes and make a recommendation to the Commissioner for resolution of the grievance.

(b) Process for Filing a Grievance.

1. Grievances shall be in written form.

2. The grievance shall be mailed or delivered to the following address: Florida Department of Education, Bureau of Federal Educational Programs, 325 West Gaines Street, Suite 348, Tallahassee, Florida 32399-0400.

3. In order to be timely, grievances shall be received no later than ten (10) days after the Department mails notice of the intended action.

4. Grievances that are not provided in written form will not be considered. Grievances received after the deadline will not be considered, absent demonstration of extraordinary circumstances beyond the control of the grievant.

(c) Contents of Grievance.

1. All grievances shall contain the following items: the name and mailing address of the organization, the name, mailing address, e-mail address, and telephone number of the grievant or representative, the provider identification number, the grounds or basis for the grievance, and any documentation the grievant intends to rely on. A grievance that requests reconsideration without identifying alleged errors or deviation from the application is insufficient.

2. Unless the Department receives an alternative address, all Departmental notices to the grievant will be provided by e-mail to the e-mail address provided by the grievant.

(d) Basis of Grievance.

Grievances must contain a statement of specific facts the grievant contends warrants reversal or modification of the Department's action and a statement of the specific rules or statutes that the grievant contends requires reversal or modification of the Department's action. A grievance that requests reconsideration without identifying the specific facts that warrant reversal or modification or that fails to include the specific rules or statutes that require reversal or modification will not be considered.

(e) Pre-review procedures.

1. Within thirty (30) days of receipt, the Department shall review the grievance and any supporting documentation identifying the specific alleged errors and deviations submitted with the grievance.

2. Where the Department determines that the grievance should be granted, the grievant shall be notified within three (3) working days of the decision and the grievance shall be dismissed with no further action by the Department.

3. Where the Department determines that the grievance should not be granted, the grievance and response shall be forwarded to the Hearing Officer.

(f) Conduct Review. Proceedings shall be as informal as fairness and principles of due process will allow. The Hearing Officer may disregard or discount evidence that is not credible, material,

competent, or relevant.

1. The determination shall be based upon written submissions unless a request for a formal review is received with the grievance and the Hearing Officer determines that a formal hearing is necessary in order to resolve the grievance. Either the agency or grievant may request a formal review.

2. Reviews may be conducted telephonically.

(g) Recommendation. The Hearing Officer shall recommend findings of fact and conclusions of law to the Commissioner.

SES GRIEVANCE PROCEDURE CHECKLIST

The Grievance must be submitted to the FDOE and contain the following items:

- Grievance submitted in written form (on company letterhead)
- Name and mailing address of the organization
- Name of the grievant or representative
- Mailing address of the grievant or representative
- E-mail address of the grievant or representative
- Telephone number of the grievant or representative
- Provider identification number

Note: Only Renewing providers will have an assigned provider identification number. If you are an applicant that has never provided SES in Florida, please reference in your grievance that this requirement is not applicable.

- Grounds or basis for the grievance
- Documentation the grievant intends to rely on.
- Statement of specific facts the grievant contends warrants reversal or modification of the Department's action
- Statement of the specific rules or statutes that the grievant contends requires reversal or modification of the Department's action.

Note: You may view Rule 6A-1.039 Supplemental Educational Services in Title I Schools at <https://www.flrules.org/gateway/ruleNo.asp?id=6A-1.039>. A grievance that requests reconsideration without identifying the specific facts that warrant reversal or modification or that fails to include the specific rules or statutes that require reversal or modification will not be considered.

Mail or deliver grievance to the following address:

Florida Department of Education
Bureau of Federal Educational Programs
325 West Gaines Street, Suite 348
Tallahassee, Florida 32399-0400

The Grievance must be **RECEIVED** by FDOE no later than 5:00 p.m. EST on June 3, 2011. Unless the FDOE receives an alternative e-mail address, all Departmental notices to the grievant will be sent by e-mail to the e-mail address provided by the grievant.