

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

(a) This Rule shall apply to federal programs of United States federal agencies that provide federal awards administered by the State Board of Education. The SBE shall receive, review and resolve complaints for which no other procedures or remedies are available by law or contract. These complaints shall involve the allegation that the SBE, an LEA, or a subrecipient has violated a federal statute, federal regulation or SBE rule governing a federal program.

(b) Any person who believes that grounds exist for filing a complaint under Paragraph (a) of this Rule may file a written complaint with the SBE. The complaint shall include the following:

- (1) The signature of the complainant;
- (2) The name of the party alleged to have violated a federal statute, federal regulation, or SBE rule;
- (3) An identification of the federal statute, federal regulation, or SBE rule alleged to have been violated by the party;
- (4) A detailed description of facts to support the complaint; and
- (5) A description of the relief the complainant is seeking.

(c) If the complaint involves a subrecipient, the SBE shall send the complaint to that subrecipient.

(d) The SBE shall review and issue a final written decision for each complete complaint to each party involved within 60 days of receipt. The SBE may extend the time for issuing a final written decision up to an additional 60 days if:

- (1) The complainant agrees to an extension; or
- (2) The SBE makes a finding good cause, as defined in 26 NCAC .0118(a)(1), for an extension.

(e) The final written decision shall include:

- (1) A summary of the relevant and material evidence;
- (2) Citations to the relevant federal statute(s), federal regulation(s), and SBE rules;
- (3) Findings of material fact;
- (4) Conclusions of law regarding each allegation and a summary of the reasons for those conclusions; and
- (5) An order for any technical assistance, negotiation, or corrective action that must occur and when those actions must be taken.

(f) If a federal program requires a subrecipient to develop and use a complaint procedure, the complainant may use either the subrecipient's procedure or the SBE procedure. If the complainant uses the subgrantee's procedure, the person may appeal the subrecipient's final decision to the within 30 days of receipt.

*History Note: Authority G.S. 115C-12(5); 15C-409; 7 C.F.R. 210.18; 34 C.F.R. 76.770; 34 C.F.R. 300.149–300.151;  
Eff. July 1, 1986;  
Amended Eff. August 1, 2000;  
Readopted Eff. February 1, 2026.*