

## NYSSBA Sample Policy 1405

Required

Local

Notice

### COMPLAINTS ABOUT CERTAIN FEDERALLY-FUNDED PROGRAMS

Any person or entity representative may allege that the district has violated a law, rule, or regulation in the administration of any “covered federal program” under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) (see list below). As required by the State Education Department (SED), before persons or representatives may submit complaints to SED, they must first submit a complaint in writing to the Superintendent of Schools. After 30 days, any decision of the Superintendent which is unsatisfactory to the complainant, or the district’s lack of a response to the complaint, may be appealed to SED.

The federally-funded programs subject to this complaint procedure are:

- Title I, Part A: Grants to Local Educational Agencies
- Title I, Part C: Education of Migratory Children
- Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
- Title II, Part A: Supporting Effective Instruction
- Title III, Part A: Language Instruction for English Learners and Immigrant Students
- Title IV, Part A: Student Support and Academic Enhancement Grants
- Title IV, Part B: 21st Century Community Learning Centers
- Title V, Part B: Rural Education Initiative

All such complaints to SED must be signed and submitted in writing, and include, as outlined by SED:

1. A statement that the district has violated a requirement of a federal statute or regulation that applies to any of the programs listed above;
2. The facts on which the statement is based, including sufficient information as to when, where and the nature that is perceived to be in violation of law and/or regulation;

3. Documentation of attempts to resolve the issue with appropriate personnel at the local level where the child that is the subject of the complaint attends. Appropriate personnel could include the child's teacher, building principal, pupil personnel director, the Superintendent or Board of Education; and

4. The complainant's recommendation for resolving the complaint.

Complaints may be either emailed to [CONAPPTA@nysed.gov](mailto:CONAPPTA@nysed.gov) with "COMPLAINT" in the subject line of the email, or mailed to NYSED at the following address:

New York State Education Department  
Office of ESSA Funded Programs  
Attention: Complaint Coordinator  
89 Washington Avenue, Room 320EB  
Albany, New York 12234

SED will acknowledge, review, investigate and resolve the complaint, according to SED's complaint procedures, within 60 SED work days, unless an extension is granted by SED. Both the complainant and the district have the right to appeal to the U.S. Department of Education within 30 days of receiving SED's Letter of Resolution. Such appeals must be sent to:

United States Department of Education  
Compensatory Education Programs  
400 Maryland Avenue, S.W.  
Room 3W230, FOB #6  
Washington, D.C. 20202-6132

The district will disseminate this complaint procedure, free of charge, to parents of students, as well as appropriate private school officials or representatives.

Cross-ref: 1400, Public Complaints

1420, Complaints about Instructional Materials

Ref: 20 USC §7844(a)(3)(C) (ESEA) (SED required to have complaint procedures)

34 CFR §§299.10 – 299.13 (299.12(d) – district must disseminate complaint procedures)

New York State ESSA-Funded Programs Complaint Procedures, NYSED (available at: <http://www.nysed.gov/essa/new-york-state-essa-funded-programs-complaint-procedures> )

Adoption date: May 19, 2022