

FEDERAL PROGRAMS COMPLAINT POLICY**I. PURPOSE**

A. Federal Programs regulations (34CFR Part 299, Subpart F S299.10-12) pertaining to programs under the reauthorized *Elementary and Secondary Education Act (ESEA)* require the State Education Agency (SEA) to adopt written procedures, consistent with State law for:

1. Receiving and resolving any complaint from an organization or individual that the SEA or an agency or consortium of agencies is violating a Federal statute or regulations that apply to a covered program listed in subsection (b) of this section.
2. Reviewing an appeal from a decision of an agency or consortium of agencies with respect to a complaint; and
3. Conducting an independent on-site investigation of a complaint if the SEA determines that an on-site investigation is necessary.

II. COVERED PROGRAMS

A. Programs covered by this section are the following:

1. Part A of Title I (Improving Basic Programs Operated by LEAs)
2. Subpart I of Part B of Title I (Reading First)
3. Subpart 3 of Part B of Title I (Even Start Family Literacy Programs)
4. Part C of Title I (Migrant Education)
5. Part D of Title I (Neglected and Delinquent)
6. Part F of Title I (Comprehensive School Reform)
7. Part A of Title II (Teacher and Principal Training and Recruiting fund)Part B of Title II (Math and Science Partnerships)
8. Part D of Title II (Enhancing Education Through Technology)
9. Part A of Title III (English Language Acquisition, Language Enhancement and Academic Achievement)

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10. Part A of Title IV (Safe and Drug Free Schools and Communities)
11. Part B of Title IV (21st Century Community Learning Centers)
12. Part A of Title V (Innovative Programs)
13. Subpart 1 of Part B of Title VI (Small, Rural School Achievement Program)
14. Subpart 2 of Part B of Title VI (Rural and Low-Income School Program)

III. COMPLAINT PROCEDURES at the LOCAL EDUCATION AGENCY LEVEL

- A.** All complaints concerning an LEA should be filed with the appropriate LEA or with the General Counsel of the State Department of Education. Within thirty (30) days of receipt of a complaint, the applicant agency shall conduct an investigation of the allegation and resolve the complaint. Subsequent to the investigation and resolution, a written decision shall be filed with the General Counsel of the State Department of Education and the complainant
- B.** A complaint may be filed by parents, teachers, or other concerned individuals or by an organization in relationship to the program. An LEA is required to review all complaints made concerning a covered program if:
 1. The complaint is in written form and alleges that Federal program requirements have been violated;
 2. The complaint is signed;
 3. The complaint includes the facts on which the statement is based and the specific program requirement alleged to have been violated; and
 4. The complaint includes information supporting the allegation along with the allegation.

IV. COMPLAINT PROCEDURES at the STATE EDUCATION AGENCY LEVEL

- A.** Within thirty (30) days of receipt of a decision, the SEA shall review the investigation and decision and make the LEA aware if further steps are to be taken by the LEA or the SEA. A complainant who is dissatisfied with the decision of the LEA may file an appeal with the SEA. A request for an appeal must be submitted in writing to the General Counsel of the State Department of Education within thirty (30) days of resolution of the complaint by the LEA.

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- B.** Upon receipt of an appeal, the SEA will request from the LEA a copy of the original complaint and evidence found during the investigation by the LEA. Upon receipt of evidence supplied by the complainant and the LEA, the SEA will either make a disposition from submitted documentation or conduct an independent, on-site investigation of the complaint if deemed warranted
- C.** Resolution of the complaint shall be made by the SEA within forty-five (45) days of receipt of an appeal. A request for an extension of this time limit may be submitted by the LEA or the complainant. An extension of this time limit will be made only if exceptional circumstances exist with respect to a particular complaint.
- D.** Within ten (10) days of completion of the appeal review process by the SEA, a written decision will be provided to the person, persons, or organization making the complaint and to the LEA to which the complaint was filed.
- E.** A complaint against an LEA made directly to the SEA without previously being filed with the appropriate LEA will be reviewed by the SEA to determine if an investigation is warranted by the SEA because of the seriousness of the complaint or if the complaint shall be returned to the complainant to be filed with the appropriate LEA. The forwarding of a complaint filed with the SEA requires the LEA to conduct an investigation and produce a decision within thirty (30) days of receipt of the complaint by the LEA.
- F.** A direct complaint which the SEA determines must be investigated by the SEA will be resolved within forty-five (45) days of the receipt of the complaint by the SEA. A written decision will be provided to the person, persons, or organization making the complaint and to the LEA upon which the complaint was filed.
- G.** The complainant has the right to request the Secretary of the United States Department of Education to review, at the Secretary's discretion, the final decision made by the SEA.
- H.** Complaints against the SEA must be filed with the General Counsel of the State Department of Education. Complaints must:
1. Be submitted in written form and specify the Federal program requirements alleged to have been violated;
 2. Be signed;
 3. Include the facts on which the statement is based and the specific program requirement alleged to have been violated; and

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- 4. Include information supporting the allegation along with the allegation.
- I. The SEA will investigate and resolve the complaint and issue a written decision to the LEA and to the complainant within forty-five (45) days of receipt of the complaint.
- J. The complainant has the right to request the Secretary of the United States Department of Education to review, at the Secretary’s discretion, the final decision made by the SEA.