

Standard Compliant Resolution Procedure For No Child Left Behind Programs

This complaint resolution procedure applies to all programs administered by the Missouri Department of Elementary and Secondary Education under the No Child Left Behind Act (NCLB).

A complaint is a formal allegation that a specific federal or state law or regulation has been violated, misapplies, or misinterpreted by school district personnel or by Department of Education personnel.

Any parent or guardian, surrogate parent, teacher, administrator, school board member, or other person directly involved with an activity, program, or project operated under the general supervision of the Department may file a complaint. Such a complaint must be in writing and signed; it will provide specific details of the situation and indicate the law or regulation that is allegedly being violated, misapplied, or misinterpreted.

The written, signed complaint must be filed and the resolution pursued in accordance with local district policy. If the issue cannot be resolved at the local level, the complainant may file a complaint with the Missouri Department of Education. If there is no evidence that the parties have attempted in good faith to resolve the complaint at the local level, the Department may require the parties to do so and may provide technical assistance to facilitate such resolution.

Any persons directly affected by the actions of the Department may file a similarly written complaint if they believe state or federal laws or regulations have been violated, misapplied, or misinterpreted by the Department itself.

Anyone wishing more information about this procedure or how complaints are resolved may contact local district or Department personnel.

Missouri Department of Elementary & Secondary Education

NCLB NONPUBLIC COMPLAINT PROCEDURES

The Federal No Child Left Behind Act of 2001 (NCLB), Title IX Part E. Sec. 9503 requires the Missouri Department of Elementary & Secondary Education (DESE) to adopt a complaint process for participation of private school children.

Who May File a Complaint

A local education agency (LEA) is required to provide to eligible private school children, their teachers, and their families Title I services or other benefits that are equitable to those provided to eligible public school children, their teachers, and their families. Private school officials have recourse through the complaint process if they do not believe their eligible children, teachers, or families are receiving equitable services.

Address to File a Complaint

The complaint should be addressed to Director, Federal Grants Management, Missouri Department of Elementary and Secondary Education, P.O. Box 480, Jefferson City, Missouri 65102-0480.

Definition of a Complaint

A private school official has a right to complain to the state educational agency (SEA) that the LEA did not engage in a timely and meaningful consultation process or did not give due consideration to the views of the private school officials.

Any dispute regarding the accuracy of low-income data for private school students also can be the subject of a complaint.

A formal complaint must be a written, signed statement that includes specific details of the situation of noncompliance by the local educational agency.

Alternatives for Filing Complaints

It is federal and state intent that complaints are resolved at a level nearest the LEA as possible. As described below, formal complaints filed with the SEA will be forwarded to the appropriate LEA for investigation and resolution.

Informal complaints made to the SEA will be subject of an initial investigation by

the SEA, but will be forwarded to the LEA if a formal complaint evolves. Precise processes in both instances are described below.

Informal Complaints Received by the SEA Office

Informal complaints (i.e., verbal and/or anonymous) to the SEA by individuals (who may ask not to be identified to the LEA) concerning nonpublic issues in an LEA will be investigated by the SEA, according to procedures deemed most appropriate by the SEA, within 10 days of receipt of the complaint. Findings of this investigation shall be reported to the complainant within 10 additional days. In the event that the complainant requests further investigation or a hearing, the complainant must file a signed written complaint. This formal complaint will be processed according to procedures outlined in sections below.

Formal Complaints Received by the SEA Office

1. *Record.* Upon receipt of a written complaint, a record of the source and nature of the complaint, including the applicable program involved in the complaint, and facts on which the complaint is based, will be initiated.

2. *Notification of LEA.* The SEA will inform the involved school district(s) of the complaint.

3. *Report by SEA.* Within thirty (30) days after receiving a complaint, the SEA will gather needed information including documentation and statements of the parties and may conduct an independent investigation. The SEA may provide technical assistance and may facilitate an appropriate resolution to the complaint through an on-site visit, if required.

Decision

The SEA will resolve the complaint and will provide the parties, a written summary of the investigation and complaint resolution. This report is considered public record and may be made available to parents, teachers, and other members of the general public.

The complainant or the LEA may appeal the decision of the SEA.

Appeals

Appeal to the U.S. Department of Education No later than 30 days following the written response by the SEA, or in the event the SEA fails to resolve the complaint within a reasonable period of time, the private school official may appeal the decision of the SEA to the secretary of the U.S. Department of Education. Such appeal must be accompanied by a copy of the SEA's written response, if available, and a complete statement of the reasons supporting the appeal.

The secretary must complete an investigation of the complaint and resolve the appeal within 120 days after receipt of the appeal.

Procedure Dissemination

1. This procedure will be disseminated to all interested parties through the agency webpage <http://dese.mo.gov> and to subscribers to the Federal Programs listserv.

2. This guidance will be distributed through regional and statewide meetings with Federal Programs Coordinators and nonpublic officials. LEAs are asked to distribute the complaint procedure to nonpublic entities during consultation meetings.

3. DESE will keep records of any complaints filed through this policy.

PUBLIC COMPLAINTS

The Board recognizes that situations of concern to parents/guardians or the public may arise in the operation of the district. Such concerns are best resolved by addressing them at the level where the concern originated through communication with the appropriate staff members. The administration has developed procedures for addressing those issues, copies of which are available at each building. Any concern regarding federal programs administered by the Missouri Department of Elementary and Secondary Education (DESE) may also be appealed to DESE or the United States Department of Education as permitted or required by law.

If a complaint has been made and appealed in accordance with administrative procedures, the parent/guardian or member of the public may appeal the issue to the Board by submitting a written request to the superintendent or the secretary of the Board. The Board will address the complaint in an appropriate and timely manner.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 06/20/2000

Revised: 11/18/2003

Cross Refs: AC, Nondiscrimination and Anti-Harassment

BDDH, Public Participation at Board Meetings

GBM, Staff Complaints and Grievances

IGBCA, Programs for Homeless Students

JFH, Student Complaints and Grievances

Legal Refs: No Child Left Behind Act of 2001, P.L. 107-110

West Plains R-VII School District, West Plains, Missouri