

BOARD POLICY

STUDENTS: 5112

SUBJECT: COMPLAINT PROCEDURE FOR FEDERAL PROGRAMS

As required by the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001.

Background Information:

Section 9304(a)(3)(C) of the ESEA and Section 100.2(ee) of Commissioners Regulations require school districts to adopt written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs in PL 107-110 (No Child Left Behind Act of 2001). The Sewanhaka Central High School District outlines the following procedures to be following in resolving complaints alleging violations of requirements of the Elementary and Secondary Action of 1965 as amended by the No Child Left Behind Act of 2001.

The Sewanhaka Central High School District shall receive, review, and resolve complaints for which no other procedures or remedies are available. These complaints must involve the allegation that the District or a subgrantee has violated a federal statute, regulation, or interpretive rule. This rule shall affect those federal education programs listed in CFR Title 34 (Education).

Procedures for Filing Complaints/Appeals with the Sewanhaka Central High School District:

Any public or nonpublic school parent or teacher, or other interested person, or agency, may file a complaint.

- All complaints must:
1. be written;
 2. be signed by the person or agency representative filing the complaint;
 3. specify the requirement of law or regulation being violated and the related issue, problem, and/or the concern;
 4. contain information/evidence supporting the complaint; and
 5. state the nature of the correction action desired.

- An appeal must contain:
1. a copy of the original signed complaint;
 2. a copy of the District's response to the original complaint or a statement that the District failed to respond in 30 business days;
 3. a statement identifying those parts of the District's response which the party wishes to appeal.

Complaints/appeals regarding the District's administration and implementation of its ESEA Title I Grant or Academic Intervention Services for students identified under Commissioner's Regulations Part 100 should be sent first to the Superintendent of Schools of the District against whom the complaint is made. The District has a 30 business day period in which to resolve a complaint.

If the District fails to resolve the complaint within 30 business days, or fails to resolve the issue to the satisfaction of the complainant, the complaint should be sent to the Title I School and Community Services Offices, Room 365 EBA, New York State Education Department, 89 Washington Avenue, Albany, New York 12234.

PROCEDURES FOR FILING COMPLAINTS/APPEALS WITH THE NEW YORK STATE EDUCATION DEPARTMENT:

The State Education Department will review complaints when the complaint pertains to:

- the State's administration of the ESEA Title I Basic Grant, Migrant Education, or Neglected or Delinquent Program;
- an appeal from the decision of a district regarding an action by the district.

Complaints that do not meet any of the above criteria, including complaints concerning the district's administration of its Title I Program, will be referred for possible resolution to the district against whom the complaint is made.

Within 60 business days of receipt of the complaint/appeal, Department staff will complete an on-site review (if necessary) and/or records examination and will notify all parties of its findings. An extension of the 60-day complaint resolution period is permitted under CFR Part 299.11(b), for exceptional circumstances.

Complaints/appeals regarding Title I should be sent to:

New York State Education Department
Title I School and Community Services Office
89 Washington Avenue – Room 365 EBA
Albany, New York 12234

An appeal must be requested and postmarked within 20 business days of receipt of the district's response to the original complaint.

Complaints/appeals from nonpublic school officials regarding the district's administration and implementation of ESEA Title I Grant should be sent to the New York State Education Department (NYSED). The NYSED has a 60-business day period in which to resolve a nonpublic school complaint.

No later than 30 days following the written response by the NYSED, or in the event the NYSED fails to resolve the complaint within a reasonable period of time, the nonpublic school office may appeal NYSED's decision to the secretary of the U.S. Department of Education. A copy of the NYSED's written response, if available, and a complete statement of the reasons supporting the appeal, must accompany such appeal.

The Title I representative in the State Education Department office who is assigned as the program manager for the district against which the complaint is made, and other Department staff as may be appropriate, shall conduct the review of complaints or appeals.

The Department's response shall contain:

1. the names of persons interviewed;
2. the records or other evidence examined;
3. relevant dates/times/locations/events;
4. summary of findings; and
5. nature of corrective action to be taken including applicable timelines.

Failure of the district to take correction action within the time period stipulated in the complaint resolution shall be cause to withhold all, or a portion of, the ESEA Title I allocation to the district.

Copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint/appeal resolution will be maintained by the State Education Department for five years. Records will be made available to interested parties in accordance with the provisions of the New York State Freedom of Information Law (Public Officers Law Sections 84-89).

The State Education Department has determined that exceptional circumstances may include, but need not be limited to, such occurrences as:

1. illness of involved parties;
2. cancellation of scheduled on-site reviews due to unscheduled school closings;
3. the need for extended review activities beyond those specified in the written notification; and/or
4. any other mutual agreement to changes in review, scope, or activity.

When exceptional circumstances are identified, the revised date for the completion of the complaint review will be provided in writing to all parties involved in the complaint or appeal. All parties to the complaint have the right to initiate a request for an extension beyond the 60 business day complaint resolution period based on exceptional circumstances. All such requests must be presented to the State Education Department.

PROCEDURES FOR ADJUDICATING APPEALS FROM THE DECISION OF THE STATE EDUCATION DEPARTMENT:

Parties dissatisfied with the New York State Education Department's complaint resolution may file an appeal directly with the United States Department of Education at the following address:

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