

Public Notices

Missouri Department of Elementary & Secondary Education Every Student Succeeds Act of 2015 (ESSA) COMPLAINT PROCEDURES

This guide explains how to file a complaint about any of the programs*that are administered by the Missouri Department of Elementary and Secondary Education (the Department) under the Every Student Succeeds Act of 2015 (ESSA).

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- 1. What is a complaint?**
 - For these purposes, a complaint is a written allegation that a local education agency (LEA) or the Missouri Department of Elementary and Secondary Education (the Department) has violated a federal statute or regulation that applies to a program under ESSA.
- 2. Who may file a complaint?**
 - Any individual or organization may file a complaint.
- 3. How can a complaint be filed?**
 - Complaints can be filed with the LEA or with the Department.
- 4. How will a complaint filed with the LEA be investigated?**
 - Complaints filed with the LEA are to be investigated and attempted to be resolved according to locally developed and adopted procedures.
- 5. What happens if a complaint is not resolved at the local level (LEA)?**
 - A complaint not resolved at the level level may be appealed to the Department.
- 6. How can a complaint be filed with the Department?**
 - A complaint filed with the Department must be written, signed statement that includes:
 - A statement that a requirement that applies to an ESSA program has been violated by the LEA or the Department, and

- The facts on which the statement is based and the specific requirements allegedly violated.

7. How will a complaint filed with the Department be investigated?

- The investigation and complaint resolution proceedings will be completed within a time limit of forty-five calendar days. That time limit can be extended by the agreement of all parties.
- The following activities will occur in the investigation:
 1. **Record.** A written record of the investigation will be kept.
 2. **Notification of LEA.** The LEA will be notified of the complaint within five days of the complaint being filed.
 3. **Resolution at LEA.** The LEA will then initiate its local complaint procedures in an effort to first resolve the complaint at the local level.
 4. **Report by LEA.** Within thirty-five days of the complaint being filed, the LEA will submit a written summary of the LEA 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.
 5. **Verification.** Within five days of receiving the written summary of a complaint resolution, the Department will verify the resolution of the complaint through an on-site visit, letter, and/or telephone call(s).
 6. **Appeal.** The complainant or the LEA may appeal the decision of the Department to the U.S. Department of Education.

8. How are complaints related to equitable services to nonpublic school children handled differently?

- In addition to the procedures listed in number 7 above, the complaints related to equitable services will also be filed with the U.S. Department of Education, and they will receive all information related to the investigation and resolution of the complaint. Also, appeals to the United States Department of Education must be filed no longer than thirty days following the Departments' resolution of the complaint (or its failure to resolve the complaint).

9. How will appeals to the Department be investigated?

- The Department will initiate an investigation within ten days, which will be concluded within thirty days from the day of the appeal. This investigation may be continued beyond the thirty day limit at the discretion of the Department. At the conclusion of the investigation, the Department will communicate the decision and reasons for the decision to the complainant and the LEA. Recommendations and details of the decision are to be implemented within fifteen days of the decision being delivered to the LEA.

10. What happens if a complaint is not resolved at the state level (the Department)?

- The complainant or the LEA may appeal the decision of the Department to the United States Department of Education.

Complaints Against LEAs Received from the United States Department of Education

1. Complaints against LEAs received from the U.S. Department of Education will be processed as though they had been received initially at the SEA.
2. A report of final disposition of the complaint will be filed with the U.S. Department of Education.
3. These procedures shall not prevent the SEA from partially or wholly interrupting funding of any LEA IASA program or taking any other action it deems appropriate.

Procedure Dissemination

1. This procedure will be disseminated to all interested parties through the agency webpage at <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. LEAs are asked to incorporate the elements of the complaint procedure into their own policies and procedures.
3. DESE will also keep records of any complaints filed through this policy.

STANDARD COMPLAINT RESOLUTION PROCEDURES FOR IMPROVING AMERICA'S SCHOOLS ACT PROGRAMS

This complaint resolution procedure applies to all programs administered by the Department of Elementary and Secondary Education under the Goals 2000: Educate America Act and the Improving America's Schools Act (IASA).

A complaint is a formal allegation that a specific federal or state law or regulation has been violated, misapplied, 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.

Title Grievance Procedure – Regulation 1621

Any parent, other individual, or organization alleging a violation of state or federal laws, rules, or regulations or an approved application by the District in the administration of Title I shall file with the Superintendent a written complaint containing the specific nature of the alleged violation, the time and place of the violation, and related details for the alleged violation. The Superintendent of Schools shall cause a review of the written complaint to be conducted and a written response mailed to the complainant within ten (10) working days after receipt of the written complaint. A copy of the written complaint and the Superintendent's response shall be provided each member of the Board. If complainant is not satisfied with such response, he or she may submit a written appeal to the board indicating with particularity the nature of disagreement with the response and his/her reasons underlying such disagreement.

The Board shall consider the appeal at its regularly scheduled board meeting following receipt of the response. The Board shall permit the complainant to address the Board in public or closed session, as appropriate and lawful, concerning his/her complaint and shall provide the complainant with its written decision in the matter as expeditiously as possible following completion of the hearing.

If the complainant is dissatisfied with the action taken by the Board of Education, a written notice stating the reasons for dissatisfaction shall be filed within fifteen (15) working days following resolution of the complaint by the Board with the state director of Title I. The state director of Title I will initiate an investigation; determine the facts relating to the complaint and issue notice of his findings to the Board and the complainant. If the findings support actions taken by the Board of Education, the Board's action will stand.

For complaints concerning any federal programs please contact:

Alice Heidenwith
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Green City, MO 63545
(660) 874-4126 Fax (660) 874-4515
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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.