

Missouri Department of Elementary & Secondary Education  
**No Child Left Behind Act of 2001 (NCLB)**  
**COMPLAINT PROCEDURES**

This guide explains how to file a complaint about any of the programs<sup>1</sup> that are administered by the Missouri Department of Elementary and Secondary Education (the Department) under the No Child Left Behind Act of 2001 (NCLB)<sup>2</sup>.

Missouri Department of Elementary and Secondary Education Complaint Procedures for NCLB Programs Table of Contents	
<b>General Information</b> 1. What is a complaint under NCLB? 2. Who may file a complaint? 3. How can a complaint be filed?	
<b>Complaints filed with LEA</b> 4. How will a complaint filed with the LEA be investigated? 5. What happens if a complaint is not resolved at the local level {LEA)?	<b>Complaints filed with the Department</b> 6. How can a complaint be filed with the Department? 7. How will a complaint filed with the Department be investigated? 8. How are complaints related to equitable services to private school children handled differently?
<b>Appeals</b> 9. How will appeals to the Department be investigated? 10. What happens if the complaint is not resolved at the state level {the Department)?	

1. What is a complaint under NCLB?

For these purposes, a complaint is an 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 NCLB.

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 IDEA 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 local level may be appealed to the Department.

<sup>1</sup> Programs include Title I, A, B, C, D, Title II, Title I, A.2, Title I, V.A, Title VI, Title V/I.C

<sup>2</sup> In compliance with NCLB Title IX Part C. Sec. 9304(a)(3)(C)

6. How can a complaint be filed with the Department?

A complaint filed with the Department must be a written, signed statement that includes:

1. A statement that a requirement that applies to an NCLB program has been violated by the LEA or the Department, and
2. The facts on which the statement is based and the specific requirement 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 fifty 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 forty-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 ten 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 private school children handled differently?

If the complaint is an LEA is not providing equitable services for private school children, in addition to the procedures listed in number 7 above, the complaint 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. An independent on-site investigation may be conducted if the Department determines that it is necessary. The 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.

## **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.

**Appeal to the US Department of Education****Appeals**

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 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 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.

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