

# 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 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.

The Department of Elementary and Secondary Education does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities. Inquiries related to Department programs and to the location of services, activities, and facilities that are accessible by persons with disabilities may be directed to the Jefferson State Office Building, Civil Rights Compliance (Title VI/Title IX/504/ADA/Age Act), 5th Floor, 205 Jefferson Street, Jefferson City, MO 65102-0480; telephone number 573-526-4757 or Relay Missouri 800-735-2966.