

Complaint Resolution Process for NCLB Programs

Introduction

The No Child Left Behind Act of 2001 (NCLB) legislation requires State Educational Agencies (SEAs) to adopt written procedures for “receiving and resolving any complaint alleging violations of the law in administration of programs.” In accordance with this legislative requirement, the Pennsylvania Department of Education (PDE) Division of Federal Programs has adopted the following procedures after presenting them to the Committee of Practitioners.

Definition

A “complaint” is a written, signed statement filed by an individual or an organization. It must include:

- a. A statement that PDE or a Local Educational Agency has violated a requirement of federal statute or regulations which apply to programs under the No Child Left Behind Act.
- b. The facts on which the statement is based.
- c. Information on any discussions, meetings or correspondence with PDE or the LEA regarding the complaint.

Complaint Resolution Procedures

- 1) **Referral** - Complaints against LEAs or appeals from LEA decisions regarding complaints will be referred to the Regional Coordinator for the LEA against which the complaint has been filed.
- 2) **Notice to LEA** - The Regional Coordinator will notify the LEA’s superintendent or chief administrative officer that a complaint or appeal has been received, will provide a copy, and will direct the LEA to respond.
- 3) **Investigation** - After receiving the LEA’s response, the Regional Coordinator will determine whether further investigation is necessary. If necessary, the Regional Coordinator may carry out an independent investigation on-site at the LEA.
- 4) **Opportunity to Present Evidence** - The Regional Coordinator may, in his or her discretion, provide for the complainant, the complainant’s representative, or both, and the LEA to present evidence. Such presentation may include the opportunity for each side to question parties to the dispute and any of their witnesses.

- 5) **Report and Recommended Resolution** - Once the Regional Coordinator has finished any investigation and taking of evidence, he or she will prepare a final report with a recommendation for resolving the complaint or appeal. The final report will give the name of the party bringing the complaint or appeal, the nature of the complaint or appeal, a summary of the investigation, the recommended resolution, and the reasons for the recommendation. The regional Coordinator will issue the report to all parties to the complaint or appeal. The recommended resolution will become effective upon issuance of the final report.
- 6) **Follow-up** - The Regional Coordinator will insure that the resolution of the complaint or appeal is implemented.
- 7) **Time Limit** - The period between PDE's receipt of a complaint or appeal and its resolution shall not exceed sixty (60) calendar days.
- 8) **Extension of Time Limit** - The Chief of the Division of Federal Programs may extend the 60-day time limit if exceptional circumstances exist with respect to a particular complaint or appeal.
- 9) **Right to Appeal** - Either party may appeal the final resolution to the United States Secretary of Education.

Procedures for Resolving Complaints Against PDE

- 1) **Referral** - Complaints against PDE will be referred to the Chief of the Division of Federal Programs.
- 2) **Acknowledgment** - The Division Chief will acknowledge receipt of the complaint in writing.
- 3) **Investigation** - The Division Chief will investigate the complaint.
- 4) **Opportunity to Present Evidence** - The Division Chief may, in his or her discretion, provide for the complainant and/or the complainant's representative to present evidence. Such a presentation may include the opportunity for each side to question parties to the dispute and any of their witnesses.
- 5) **Report and Recommended Resolution** - Once the Division Chief has finished any investigation and taking of evidence, he or she will prepare a final report with a recommendation for resolving the complaint. The final report will give the name of the party bringing the complaint, the nature of the complaint, a summary of the investigation, the recommended resolution, and the reasons for the recommendation. The Division Chief will issue the report to the complainant and the complainant's representative, if any.
- 6) **Appeal to Secretary of Education** - In appropriate cases, the complainant may appeal from the recommended resolution to the Secretary of Education of the Commonwealth. In all other cases, the

recommended resolution will become effective upon issuance of the final report.

- 7) **Follow-up** - The Division Chief will insure that the resolution of the complaint is implemented.
- 8) **Time Limit** - The period between PDE's receipt of a complaint and its resolution shall not exceed sixty (60) calendar days.
- 9) **Extension of Time Limit** - The Division Chief may extend the 60-day time limit if exceptional circumstances exist with respect to a particular complaint.
- 10) **Right to Appeal** - Either party may appeal the final resolution to the United States Secretary of Education.

Local Complaint Procedures

- 1) **Adoption of Procedures** – Each LEA must adopt procedures for resolving complaints filed with them.
- 2) **Appeal to PDE** - The LEA's procedures must provide the complainant or the complainant's representative with the right to appeal the LEA's resolution of the complaint to PDE.

Filing a Complaint

Complaints should be addressed as follows:

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