

Complaint Procedures

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Sources:

Key Words:

Summary:

Purpose

This document sets forth the process for resolving complaints presented by any individual or organization to the Ohio Department of Education (ODE) that a school district or the ODE has violated a state law, rule, or regulation or any federal law, rule or regulation applicable to any “covered federal programs” identified below. The procedures for resolving written complaints satisfy 20 U.S.C. 7844 and 20 U.S.C. 7883, and offer parents and other stakeholders concerned with the appropriate delivery of services to children a simple, straightforward method for considering their claims of inappropriate district or the ODE action. These procedures allow for the timely resolution of complaints at little or no cost to either the person or entity filing the complaint (the “complainant”) or the district, and in a manner that will be far less adversarial than would use of formal hearing procedures.

All complaints will be directed to, and reviewed by the Office of Federal Programs.

NOTE: Before submitting a complaint about a school or district action, the ODE requires that all complainants first contact the appropriate personnel at the school building and school district the child attends and attempt to resolve all issues at the local level first. Appropriate personnel could include the child’s teacher, building principal, pupil personnel director, the superintendent and/or local board of education. In many cases, problems can be quickly resolved by working with local personnel. If they cannot be resolved, these discussions will help clarify the issues for the ODE so that a complaint can be more quickly considered, investigated (as necessary), and resolved according to the procedures listed below.

Authorization

The ODE issues the policies and procedures contained in this document under authority of 20 U.S.C. 7844 and 20 U.S.C. 7883. Copies of these provisions are contained in the Appendix.

Covered Federal Programs

An individual or other eligible entity may submit a complaint to the ODE under these procedures with regard to any of the following ESEA programs:

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies.

Title I, Part B, Subpart 3: Even Start Family Literacy.

Title I, Part C: Education of Migrant Children.

Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk.

Title I, Part F: Comprehensive School Reform.

Title II, Part A: Teacher and Principal Training and Recruiting Fund.

Title II, Part D: Enhancing Education Through Technology.

Title III, Part A: English Language Acquisition and Language Enhancement.

Title IV, Part A, Subpart 1: Safe and Drug-Free Schools and Communities.

Title IV, Part A, Subpart 2: Community Service Grants.

Title IV, Part B: 21st Century Community Learning Centers.

Title V, Part A: Innovative Programs.

Title VI, Part B, Subpart 2: Rural and Low-Income Schools.

General Requirements

Complaint Resolution Policy

It is the policy of the ODE to investigate all allegations of noncompliance with state or federal law, rules, or regulations.

In order to initiate a complaint with the ODE that a school district or the ODE has violated State law or regulations, or federal law or regulations that apply to any covered federal program, a complainant must submit a written, signed complaint that: 1) describes the pertinent facts; 2) identifies the alleged violations of the law; and, 3) recommends how the complainant would have the ODE resolve the complaint. The complaint must be mailed to the ODE.

Complainants include any: public agencies, parents, and other individuals or organizations. The ODE will not accept or investigate allegations of violations from anonymous sources.

The ODE will strive to resolve all complaints within 60 days of receipt.

Process for Accepting Complaints

Initial Contact and Intake

Written Complaint

A complaint is defined as a written allegation that a school district or the ODE has violated the federal and/or state laws and/or rules/regulations.

Complaints must be mailed to the ODE at the following address:

Ohio Department of Education
Office of Federal Programs
Attention: Complaint Coordinator
25 South Front Street, MS #404
Columbus, Ohio 43215-4183

A complainant interested in learning the status of a complaint may call the ODE at :
(614) 466-4161, or contact ODE by email at the following address: NCLB@ode.state.oh.us.

Acknowledgment Letter

The ODE will issue a letter of acknowledgement to the complainant that contains the following information:

- The date that the ODE received the complaint.
- The identity of the assigned consultant.
- How the complainant may provide additional information.
- A statement of the ways in which the ODE may investigate the complaint.
- The ODE's commitment to issue a resolution in the form of a "Letter of Findings."

If the complaint involves a school or district, the ODE also will send a copy of the acknowledgment letter to the district superintendent, along with a copy of the complaint.

Process for Investigating Complaints – Schools or Districts

Contacting the School District and Complainant

If the complaint involves a school or district, the assigned ODE educational consultant will contact the school district and the complainant via telephone call or written communication (in absence of a telephone number) to clarify the issues and review the complaint process with both parties. If the complaint cannot be resolved during this initial contact, the educational consultant will invite the district to submit a written response to the ODE, with a copy to the complainant.

The educational consultant retains authority for determining how the allegations will be investigated. The educational consultant can use, but is not limited to the following investigative options: 1) review of written documentation only; 2) “on site” visit only (including opportunity of both the complainant and the district to present further information); or, 3) a combination of one and two above.

Letter of Allegations

After the educational consultant makes the initial contact with both parties, the educational consultant will develop a Letter of Allegations. The Letter of Allegations will: 1) identify the complainant’s alleged issues i.e., areas in which the school district has allegedly failed to comply with the federal and/or state laws and/or rules/regulations related to the provision of services; 2) identify the documentation the district will need to provide in order to assist the ODE make a determination of compliance or noncompliance; and, 3) will indicate the date the district will need to submit a written response to the ODE.

Based on a review of the complaint or the district’s written responses, the assigned educational consultant may also send a letter to the complainant that requests further information.

Receipt of Documentation

Unless the educational consultant grants an extension, based on extenuating circumstances, the documentation from both the district and the complainant must be received within the stated timelines in the Letter of Allegations or written communication to the complainant. Once all documentation is received, the educational consultant will analyze the data and documentation to determine whether or not the complaint alleging noncompliance has merit, and issue a Letter of Findings. If the educational consultant finds an additional violation, which was not cited in the original Letter of Allegations, the consultant will add this violation to the Letter of Findings.

Developing a Letter of Findings

Once a determination is made (consistent with federal and/or state laws and/or rules/regulations), the educational consultant will develop a Letter of Findings to address whether or not the district is in compliance. The Letter of Findings will be sent to the school district with a copy to the complainant. The letter will either contain a statement that explains the need for corrective action, or will state that the ODE does not sustain the complaint.

Process for Investigating Complaints – The ODE

When investigating complaints concerning ODE, the assigned educational consultant will adapt the above Process for Investigating Complaints – School Districts. The educational consultant will notify the complainant of the procedures being followed to investigate the complaint and provide the complainant an appropriate opportunity to review any corrective action the ODE proposes to take.

Resolution of the Complaint

The ODE notifies the complainant and the school district when a complaint is resolved. A complaint is considered resolved when a school district has provided the ODE and the complainant with acceptable documentation that it has implemented the corrective action identified in the Letter of Findings, or the ODE has decided not to sustain the complaint.

Complaint Closure

The complainant and the school district will receive a Letter of Closure when the ODE has decided to close the complaint. If the ODE closes the complaint based on acceptance of a school district's corrective action, ODE will issue a Letter of Closure which will include a summary of the corrective action the school district or the ODE has taken or has agreed to take, and the ODE's reasons for believing that the corrective actions warrant closure of the complaint.

The ODE's Letter of Closure contains the ODE's final decision on any state or federal legal issues that a complainant or school district has raised.

Appeal of Resolution of Complaints Relating to Participation of Private School Children:

To the extent that the complainant alleged a violation of 20 U.S.C. § 7881 ("Participation by private school children and teachers"), any interested party may appeal the ODE's decision with regard to such allegation in accordance with 20 U.S.C. § 7883 and any applicable procedures of the U.S. Department of Education.

APPENDIX**“SEC. 9304. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.**

20 USC 7844.

“(a) ASSURANCES.—A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 9302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

“(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

“(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a nonprofit private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

“(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law;

“(3) the State will adopt and use proper methods of administering each such program, including—

“(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

“(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

“(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;

“(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

“(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

“(6) the State will—

“(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary’s duties under each such program; and

“(B) maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find necessary to carry out the Secretary’s duties; and

“(7) before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.

“(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

“SEC. 9503. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

20 USC 7883.

“(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 9501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

“(b) APPEALS TO SECRETARY.—The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. The appeal shall be accompanied by a copy of the State educational agency’s resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 120 days after receipt of the appeal.