

# 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>.

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## 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 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 local level may be appealed to the Department.

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