

Complaint Procedures

Pursuant to programs administered under the No Child Left Behind Act of 2001 (NCLB)

This section addresses the requirements of 20 USC § 7844 and 20 USC § 7883 for resolving complaints applicable to covered federal programs. A complaint may be submitted by any individual or organization, in-state or out-of-state, and is defined as a written, signed allegation that a federal or state law, rule, or regulation has been violated by a Local Educational Agency (LEA) or the Indiana Department of Education (IDOE). A complaint must include a statement that an LEA or the IDOE has violated a statute, rule, or regulation applicable to a covered program and the facts on which the statement is based. The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

PART 1: A complaint may be filed by parents, teachers, administrators, or other concerned individuals or organizations. NCLB also provides that nonpublic school officials have the right to formally complain to the IDOE if they believe an LEA did not engage in consultation that was meaningful and timely, or if the LEA did not give due consideration to the views of the nonpublic school officials. Any complaint involving the poverty data on nonpublic students may also be addressed to the IDOE.

(A) As part of its *Assurances* within NCLB program grant applications, an LEA accepting federal funds also agrees to adopt local written procedures for the receipt and resolution of complaints alleging violations of law in the administration of covered programs. Therefore, for complaints originating at the local level, a complaint should not be filed with the IDOE until every effort has been made to resolve the issue through local written complaint procedures.

(B) Complaints to the IDOE shall provide, in writing, the facts on which the complaint is based, and must be signed. Complaints may be faxed or mailed. Persons making written complaints shall register such complaints with the director of the affected program division (e.g., IDOE); Indiana Department of Education; 115 W. Washington Street, South Tower, Suite 600; Indianapolis, Indiana 46204.

1 Title I, Part A; Title I, Part B, Subpart 3 (Even Start); Title I, Part C (Migrant); Title I, Part D (N/D); Title I, Part F (CSR); Title III, Part A (English Language Acquisition); Title IX, Part C (Homeless)
2 Local Educational Agency (LEA) shall have the meaning set forth at 20 USC § 7801(26).

PART 2: Upon receipt of a complaint:

(A) The IDOE will issue a letter of acknowledgement to the complainant that contains the following information:

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

If the complaint involves an LEA, the IDOE also will send a copy of the acknowledgment letter to the local superintendent or corresponding administrator, along with a copy of the complaint.

(B) The Assistant Superintendent of the relevant IDOE division will assign an IDOE staff person to be the Complaint Investigator.

(C) The Complaint Investigator will:

- a) Carry out an independent on-site investigation, if the IDOE determines that such an investigation is necessary;
- b) Review all relevant information and make an independent determination as to whether the public agency has complied with the federal program(s) in question;
- c) Issue a complaint investigation report, entitled *Letter of Findings*, to the complainant that addresses each allegation in the complaint and contains Findings of Fact, Conclusions, and Corrective Actions (with a specified timeline) where warranted, as well as the reasons for the IDOE's final decision.

(D) Where there are exceptional circumstances present with regard to a particular complaint, an extension of time can be granted to complete the investigation. Time extensions may only be granted after review by the Assistant Superintendent of the Office in which the affected program is located.

PART 3: When investigating complaints concerning the IDOE, the Complaint Investigator will adapt the process used for LEAs. The complainant will be notified of the procedures being followed to investigate the complaint and provide the complainant an appropriate opportunity to review any corrective action the IDOE proposes to take.

PART 4: The IDOE will review and investigate complaints and complete the *Letter of Findings* within 60 calendar days of receipt of a complaint. Complainant(s) will be notified, in writing, if exceptional circumstances exist requiring an extension of the 60-day time period, as described in Part 2(D). A complaint is considered resolved when the IDOE has released the *Letter of Findings* and corrective action has been achieved, where warranted.

PART 5: For complaints filed regarding 20 USC § 7883, a complainant may appeal the IDOE's complaint resolution to the Secretary of Education (U.S. Department of Education) not later than 30 days from the date on which the complainant receives the *Letter of Findings*. The appeal must be accompanied by a copy of the IDOE's resolutions.