

Federal Programs

GREAT NECK PUBLIC SCHOOLS

COMPLAINT PROCEDURES FOR FEDERAL PROGRAMS

As required by the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, and as amended by the Every Student Succeeds Act (ESSA) of 2018.

Background Information

Section 9304(a)(3)(C) of the ESEA and Section 100.2 (ee) of Commissioner's Regulations require school districts to adopt written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs in PL 107-110 (No Child Left Behind Act of 2001). The Great Neck Public Schools outlines the following procedures to be followed in resolving complaints alleging violations of requirements of the Elementary and Secondary Act of 1965 as amended by the No Child Left Behind Act of 2001.

The Great Neck Public Schools (GNPS) shall receive, review, and resolve complaints for which no other procedures or remedies are available. These complaints must involve the allegation that LEAs or a subgrantee has violated a federal statute, regulation, or interpretive rule. This rule shall affect those federal education programs listed in CFR Title 34 (Education).

- (a) Any person(s) who believes that grounds exist for filing a complaint may file a written complaint with the Assistant Superintendent for Elementary Education. The complaint must:
 - (1) be signed by the person(s) making it;
 - (2) show who has violated a specific federal requirement;
 - (3) tell how the requirement has been violated;
 - (4) state the facts upon which the complaint is based; and
 - (5) tell what relief the person is seeking.
- (b) If the Assistant Superintendent for Elementary Education receives a complaint which is not complete, they shall contact the person making it and explain how the complaint may be made complete.
- (c) The Assistant Superintendent for Elementary Education shall send the complaint to staff for review and response. If the complaint involves a subgrantee, the department shall send the complaint to that subgrantee.
- (d) The Assistant Superintendent for Elementary Education may, in their discretion, allow the person to appear and present evidence.

- (e) The Assistant Superintendent for Elementary Education shall issue a final written resolution of each acceptable complaint to each party involved within 60 days of receipt, unless they find good cause for an extension.
- (f) The resolution shall include:
 - a summary of the facts involved;
 - a statement of the federal requirement involved;
 - the Assistant Superintendent's findings of fact and a summary of the evidence it considered;
 - the Assistant Superintendent's conclusions regarding each allegation and a summary of their reasons for them; and
 - the Assistant Superintendent's order for any negotiation or corrective action that must occur and when those actions must be taken.

Procedures for Filing Complaints/Appeals with the New York State Education Department

The State Education Department (SED) will review complaints when the complaint pertains to:

- The State's administration of the ESSA Title I Basic Grant, Migrant Education, or Neglected or Delinquent Program;
- An appeal from the decision of an LEA regarding an action by the LEA.

Complaints that do not meet any of the above criteria, including complaints concerning the LEA's administration of its Title I program, will be referred for possible resolution to the LEA against whom the complaint is made. Appropriate SED Department staff will complete an on-site review (if necessary) and/or records examination and will notify all parties of its findings within 60 business days of the receipt of the complaint/appeal.

Complaints/appeals should be sent to:

New York State Education Department

Title I School and Community Services Office

Room 365 EBA

89 Washington Avenue

Albany, NY 12234

The 60-day limit for SED review of complaints and appeals may be extended under exceptional circumstances, which need not be limited to such occurrences as:

- illness of involved parties;

- cancellation of scheduled on-site reviews due to unscheduled school closings;
- the need for extended review activities beyond those specified in the written notification; and/or
- any other mutual agreement to changes in review scope or activity.

When exceptional circumstances are identified, the revised date for the completion of the complaint review will be provided in writing to all parties involved in the complaint or appeal. All parties to the complaint have the right to initiate a request for an extension beyond the 60 business day complaint resolution period based on exceptional circumstances. All such requests must be presented to the SED. An appeal must be requested and postmarked within 20 business days of receipt of the LEA's response to the original complaint. The Title I representative in the SED office who is assigned as the program manager for the LEA against which the complaint is made and other Department staff, as may be appropriate, shall conduct the review of complaints or appeals.

The Department's response to the complaint shall contain:

- the names of persons interviewed;
- the records or other evidence examined;
- relevant dates/times/locations/events;
- summary of findings; and
- nature of corrective action to be taken including applicable timelines.

Failure of the LEA to take corrective action within the time period stipulated in the complaint resolution shall be cause to withhold all, or a portion of, the ESSA Title I allocation to the LEA. Copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint/appeal resolution will be maintained by the SED for five years. Records will be made available to interested parties in accordance with the provisions of the New York State Freedom of Information Law (Public Officers Law Sections 84-89).

Parties dissatisfied with the SED's complaint resolution may file an appeal directly with the United States Department of Education (USDOED) at:

United States Department of Education

Compensatory Education Programs

400 Maryland Avenue, S.W.

Room 3W230, FOB#6

Washington, DC 20202-6132