

Instruction

SUBJECT: TITLE I COMPLAINTS OR APPEALS

Complaints concerning violations of the Elementary and Secondary Education Act (ESEA) Title I, Parts A, C, and D, or of the General Education Provisions Act, as well as complaints concerning violations of Commissioner's Regulation Section 100.2(ee), Academic Intervention Services, are covered by the following procedures:

Who May File a Complaint

Any parent or teacher, other interested person, or agency may file a complaint.

Filing Complaints or Appeals with the District

Complaints or appeals regarding the District's administration and implementation of its ESEA Title I Grant or Academic Intervention Services should be sent first to the District's Superintendent.

Complaints

All complaints filed with the District must:

- 1) Be written;
- 2) Be signed by the person or agency representative filing it;
- 3) Specify the requirement of law or regulation claimed to be violated and the related issue, problem, or the concern;
- 4) Contain information or evidence supporting it; and
- 5) State the nature of the corrective action desired.

The District has 30 business days to resolve a complaint.

Appeals

An appeal filed with the District must contain:

- 1) A copy of the original signed complaint;
- 2) A copy of the District's response to the original complaint or a statement that the District failed to respond in 30 business days; and
- 3) A statement identifying those parts of the District's response which the party is appealing.

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SUBJECT: TITLE I COMPLAINTS OR APPEALS (Cont'd.)**Filing Complaints or Appeals with SED**

SED will review complaints regarding:

- 1) The State's administration of the ESEA Title I Basic Grant, Migrant Education, or Neglected or Delinquent Program; or
- 2) An appeal from a District decision regarding a District action.

Complaints that do not meet this criteria, including complaints concerning the District's Title I program administration, will be referred to the District for possible resolution.

An appeal to SED from a District decision must be requested and postmarked within 20 business days of receiving the District's response to the original complaint.

Complaints or appeals should be sent to:

New York State Education Department
Title I School & Community Services Office
Room 320 EB
89 Washington Avenue
Albany, NY 12234

SED's Title I representative who is the District's assigned program manager and other appropriate department staff will review the complaints or appeals.

SED's response will contain:

- 1) The names of persons interviewed;
- 2) The records or other evidence examined;
- 3) Relevant dates, times, locations, and events;
- 4) Summary of findings; and
- 5) Nature of corrective action to be taken including applicable timelines.

If the District fails to take corrective action within the time period stipulated in the SED complaint resolution, its Title I allocation may be withheld.

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SUBJECT: TITLE I COMPLAINTS OR APPEALS (Cont'd.)

SED will maintain copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint or appeal resolution for five years. SED will comply with record requests made under the New York State Freedom of Information Law.

Timeline for SED Review

SED 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 receiving the complaint or appeal. In exceptional circumstances, the 60-day review or examination period may be extended.

Exceptional circumstances may include, but are not limited to, the following:

- 1) Illness of involved parties;
- 2) Cancellation of scheduled on-site reviews due to unscheduled school closings;
- 3) The need for extended review activities beyond those specified in the written notification; and/or
- 4) Any other mutual agreement to changes in review scope or activity.

When SED identifies exceptional circumstances, it will provide, written notice of the revised date for completing the complaint review to all involved parties.

All parties have the right to request an extension beyond the 60-business day complaint resolution period based on exceptional circumstances.

Appealing SED's Decision

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

United State Department of Education
Compensatory Education Programs
400 Maryland Avenue, S.W.
Room 3W230, FOB #6
Washington, D.C. 20202-6132