

ESSA Complaint Procedures

This guide explains how to file a complaint about any of the programs (*Title 1.A, B, C, D, Title II, Title III, Title IV.A, Title V*) that are administered by the Missouri Department of Elementary and Secondary Education (DESE) under the Every Student Succeeds Act of 2015 (ESSA).

MO DESE Complaint Procedures for ESSA Programs	
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1. What is a complaint?

For these purposes, a complaint is a written 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 ESSA.

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 the 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.

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 ESSA 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 45 calendar days. That time limit can be extended by the agreement of all parties.

1. **Record.** A written record of the investigation will be kept.
2. **Notification of LEA.** The LEA will be notified of the complaint within 5 days of the complaint being filed.
3. **Resolution at LEA.** The LEA will initiate its local complaint procedures in an effort to first resolve the complaint at the local level.
4. **Report by the LEA.** Within 35 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 5 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, 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 nonpublic school children handled differently?

In addition to the procedures listed in #7 above, complaints related to equitable services will also be filed with the U.S. Dept. of Education, and they will receive all information related to the investigation and resolution of the complaint. Also, appeals to the U.S. Dept. of Education must be filed no longer than 30 days following the Department's 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 10 days, which will be concluded within 30 days from the day of appeal. This investigation may be continued beyond the 30 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 15 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.