

# SLPS Every Student Succeeds Act (ESSA) Complaint Procedures

The Federal Every Student Succeeds Act (ESSA) of 2016 requires that school districts have board-adopted written procedures to resolve allegations of violations of requirements under this law. The District must disseminate the complaint procedures to parents and appropriate officials or representatives. Copies of these procedures should also be available upon request to the Missouri Department of Elementary and Secondary Education (DESE) Director of Federal Grants Management Section. The following should serve as a guide for resolving complaints under Title IX Part C Section 9304(a) (3) (c) for programs authorized under the Act, including Title I, Title II, Title III, Title IV (Part A), Title X (Part C).

## What is a complaint for purposes of this Policy?

A complaint is an allegation that a specific federal or state law or regulation has been violated, misapplied or misinterpreted by school district personnel. There are both formal and informal complaint procedures.

A complaint under this procedure must be in writing and signed by the complainant. The written complaint must specify the details of the situation and must pertain to a law or regulation that is allegedly being violated, misapplied or misinterpreted.

## Who May File a Complaint?

Any parent or guardian, surrogate parent, teacher, administrator, school board member or other person directly involved with an activity, program or project operated under the general supervision of DESE may file a complaint.

## How are Complaints Filed?

A complaint alleging that local school district officials have violated or misinterpreted a state or federal law or regulation must first be filed with local district policy. (See attached District policy.) If the issue cannot be resolved at the local level, the complainant may file a complaint with the Missouri Department of Education. Before accepting such a complaint, DESE will ask for evidence of an attempt to resolve the issue at the local level. If the parties have not attempted in good faith to resolve the complaint at the local level, DESE may require the parties to do so and may provide technical assistance to facilitate such resolution.

A question about local school district policies, rules or parties which are not based on federal or state laws or regulations is not a complaint within the meaning of this policy and must be settled at the local school district level.

## Citizen's Complaint Procedures:

### **STEP 1: Informal Conference (Day 1-5)**

Anyone wishing to lodge a complaint should contact the responsible administrator at the appropriate school location or administrative office. Within five days, the responsible administrator shall conduct an informal conference with the citizen and the person against whom the charge is directed (if appropriate, in some instances complaints may not be directed against a person). If the complaint is resolved, the process ends. If the complaint is unresolved the citizen may request a formal hearing by completing Section I of the Citizen Complaint Form.

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**STEP 2: Formal Complaint Hearing (Days 6-16)**

Upon appeal, the responsible administrator shall conduct a formal hearing, within five days. Those present should include the citizen lodging the complaint and any witnesses designated by the citizen or the responsible administrator.

The responsible administrator shall notify the citizen, in writing, of the decision regarding the complaint, within five days of the hearing.

If the complaint is not resolved, the responsible administrator completes Section II of the Complaint Form and forwards it to the Deputy and Associate Superintendents. The Deputy and Associate Superintendents will determine which of the three options will be utilized for complaint resolution.\*

1. Deputy and/or Associate Superintendent - because the resolution of the complaint exceeds the authority of the administrator,
2. Superintendent - because resolution of the complaint involves district-wide administrative procedures,
3. Complaint Subcommittee of the Special Administrative Board of the Transitional School District ("Board") - because resolution of complaint involves Board Policy,

\*The Superintendent's designee and the Superintendent should receive copies of all complaints forwarded regardless of their destination. The Missouri Department of Elementary and Secondary Education will be notified within fifteen (15) days after receipt of complaints.

Thus depending upon the nature of the complaint it will be forwarded to either A, B, or C for FINAL RESOLUTION.

**STEP 3: Formal Hearings by Deputy and Associate Superintendents (Days 17-27)**

- A. Upon the appeal, the Deputy or Associate Superintendent conducts a formal hearing involving the citizen and essential witnesses. This hearing shall take place within 5 days of the receipt of complaint. Within five days after the hearing, the Deputy or Associate Superintendent shall render a final decision to the citizen in writing.

OR

**STEP 3: Formal Hearing by Superintendent (Days 17-27)**

- B. Upon the appeal, the Superintendent conducts a formal hearing involving the citizen and essential witnesses. This hearing shall take place within 5 days of receipt of complaint. Within five days after the hearing, the superintendent shall render a final decision to the citizen in writing.

OR

**STEP 3: Formal Review by Complaint Subcommittee of the Special Administrative Board (Days 17-27)**

- C. Upon the appeal, the Complaint Subcommittee shall review the complaint and consult with appropriate administrative staff regarding the complaint. The Complaint Subcommittee shall conduct a formal hearing within five days of the appeal and within five days following the hearing, shall render a final decision. The citizen shall be notified in writing of the Subcommittee's decision. Copies should be forwarded to each of the administrators involved in the appeal process.

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