**Office of Federal Programs Complaint Procedures**

Revised: December 2016

**Purpose**
This document sets forth the process for resolving complaints submitted by any individual or organization to the Ohio Department of Education's (ODE) Office of Federal Programs alleging that a school district, grantee or ODE has violated a law, rule, or regulation in the administration of any "covered federal program" under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) identified below.

These procedures offer parents and other stakeholders a process to file complaints and allow for the timely resolution of such complaints. Complaints filed against a local entity such as a school district or grantee will be reviewed by ODE's Office of Federal Programs. Complaints filed against ODE will be reviewed by ODE's legal counsel.

> NOTE: Before submitting a complaint against a school district or grantee, individuals should first contact the appropriate personnel at the local level where the child, subject to the complaint, attends (e.g. school building, school district or grantee administrators) and attempt to resolve all issues first. Appropriate personnel could include the child's teacher, building principal, pupil personnel director, the superintendent and/or local board of education. In many cases, problems can be quickly resolved by working with local personnel without the need to file a complaint. If the concern cannot be resolved, these discussions will help clarify the issues for the complaint coordinator so that the complaint can be more efficiently considered, investigated (as necessary), and resolved according to the procedures listed below.

**Authorization**
The procedures contained in this document are required under 20 U.S.C. 7844 and 20 U.S.C. 7883.

**Covered Federal Programs**
The ESEA programs for which an individual or entity may submit a complaint to ODE include:

- Title I, Part A: Grants to Local Educational Agencies
- Title I, Part C: Education of Migratory Children
- Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
- Title II, Part A: Supporting Effective Instruction
- Title III, Part A: Language Instruction for English Learners and Immigrant Students
- Title IV, Part A: Student Support and Academic Enhancement Grants
- Title IV, Part B: 21st Century Community Learning Centers
- Title V, Part B: Rural Education Initiative
- Title VIII, Section 8501: Nonpublic Equitable Services
- Title IX: McKinney-Vento Homeless Education Program

**Complaint Resolution Policy**
A complaint is defined as a written allegation that a school district, grantee, or the ODE has violated a law, rule, or regulation in the administration of any "covered federal program" under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) identified below, and the facts upon which the allegation is based.

**Step 1: Submission of a Complaint**
In order to initiate a complaint with the ODE that a school district, grantee, or the ODE has violated a law or regulations in the administration of any covered federal program, a complainant must submit a written, signed complaint including the following:

1) Description of the pertinent facts;
2) Identification of the alleged violations of the law, rule, or regulation; and
3) Recommendation for resolving the complaint.

The complainant may include any of the following: public agencies, parents, and other individuals or organizations.

Complaints must be emailed to ESEA@education.ohio.gov or mailed to the ODE at the following address:

Ohio Department of Education
Office of Federal Programs
Attention: Complaint Coordinator
25 South Front Street
Columbus, Ohio 43215-4183

Timeline
Once a complaint is received, the complaint coordinator will provide a written resolution within 45 days of receipt[1].

**Step 2 Acknowledgement Letter to the Complainant**: The complaint coordinator will issue a Letter of Acknowledgement to the complainant that contains the following information**:**

- The date that the ODE received the complaint;
- The name and contact information of the assigned complaint coordinator;
- How the complainant may provide additional information; and
- A statement of the ways in which the complaint coordinator may investigate the complaint.

Depending on the type and level of the allegation, the complaint coordinator is an ODE education program specialist, the homeless coordinator[2], the nonpublic ombudsman[3], or ODE legal counsel.

The Acknowledgment Letter will be mailed (or emailed with confirmation).

[1] The 45 day resolution is subject to the complaint coordinator receiving all pertinent information from all parties according to the required timelines and that the outside entities follow the processes and procedures. It should be the practice of the complaint coordinator to resolve any disputes in an appropriate timeframe.
[2] Disputes regarding the education placement of homeless children and youths (ESSA Section 722(g)(1(C)) will follow ODE's Homeless dispute resolution process. If a dispute arises over eligibility, school selection or enrollment, the LEA must immediately enroll the homeless student in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.
[3] Complaints regarding nonpublic (private) schools will be addressed by ODE's nonpublic ombudsman and follow the Ombudsman Procedures

**Step 3 Investigation of a Complaint**

A. Letter of Allegations: The complaint coordinator will develop and provide a Letter of Allegation to the entity in question ("the alleged"). The Letter of Allegations will:

1) Identify the complainant's allegations in which the alleged failed to comply with the laws, rules or regulations related to the administration of the covered programs;
2) Identify the documentation the alleged will need to provide in order to assist the complaint coordinator in making a determination of compliance or noncompliance; and
3) Specify the date in which the alleged will need to submit a written response and documentation to the complaint coordinator.

The Letter of Allegation will be mailed (or emailed with confirmation) to the alleged.

The assigned complaint coordinator may, if necessary, request additional information from either party. Unless the complaint coordinator grants an extension, based on extenuating circumstances, the documentation from the alleged must be received within the stated timelines in the Letter of Allegations.

B. Review of the Complaint: The complaint coordinator retains authority for determining how the allegations will be investigated. The complaint coordinator may use, but is not limited to, the following investigative options: 1) review of written documentation only; 2) "on site" visit only (including opportunity of both the complainant and the alleged to present further information); or, 3) a combination of both. Once all documentation is received, the complaint coordinator will analyze the information to determine whether or not the complaint has merit and issue a Letter of Resolution.

**Step 4 Resolution**:
The Letter of Resolution will be sent to the alleged with a copy to the complainant. The letter will specify whether or not the allegation is sustained by the complaint coordinator and if any corrective action is required. If corrective action is required, the Letter of Resolution will specify the actions needed, timeline for implementation and the acceptable documentation for resolution. If the complaint coordinator finds an additional violation, which was not cited in the original Letter of Allegations, the complaint coordinator will add this violation to the Letter of Resolution.

**Step 5: Appeal**:
Both parties have the right to appeal the complaint coordinator's Letter of Findings to the U.S. Secretary of Education.

*Resources*
20 U.S.C. 7844 (General Applicability of State Educational Agency Assurances)
20 U.S.C. 7883 (Complaint Process for Participation of Private School Children)