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Every Student Succeeds Act

~~No Child Left Behind~~ Complaints

Jan 21

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[See POLICY ALERT Nos. 178 and 222]

2415.20 EVERY STUDENT SUCCEEDS ACT NO CHILD LEFT BEHIND COMPLAINTS

~~Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the No Child Left Behind Act of 2001 (NCLB);~~ **The Every Student Succeeds Act (ESSA) reauthorized the Elementary and Secondary Education Act of 1965 (ESEA).** A Board of Education shall adopt a policy and written procedures **for resolving a written complaint presented by an individual or organization that alleges that offer** ~~parent(s) or legal guardian(s), public agencies, other individuals, or organizations a method for receipt and resolution of complaints alleging~~ violations in the administration of the ~~ESSA NCLB~~ programs as identified by the New Jersey Department of Education (NJDOE).

Policy and Regulation 2415.20 set forth the requirements for resolving complaints presented by any individual or organization that:

1. A school, school district, other agency authorized by the school district, or by the NJDOE violated the administration of education programs **authorized required** by the ~~Elementary and Secondary Education Act ESEA~~ as amended by **the ESSA NCLB**; and/or
2. The NJDOE violated the administration of education programs required by the ~~ESEA Elementary and Secondary Education Act~~ as amended by the **ESSA NCLB**.

Complaints regarding nonpublic school officials alleging school district noncompliance must pertain to at least one of the following three specific reasons:

1. **The school district did not engage in consultation that was meaningful and timely;**
2. **The school district did not give due consideration to the views of the nonpublic school officials; or**



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- 3. The school district did not make a decision that treats the nonpublic school or its students equitable and in accordance with ESEA Section 1117 or Section 8501.**

A ~~Complaint~~ shall be a written **and must identify, at a minimum, the alleged ESEA violation; a description of previous steps taken to resolve the matter; ~~allegation that shall identify the alleged NCLB violation,~~ the facts supporting the alleged violation as understood by the complainant at the time of submission;** and any supporting documentation.

A ~~Complaint~~ alleging a school in the district, school district, or other agency authorized by the school district, or the NJDOE violated the administration of a program must be submitted to the _____ (**district administrator responsible for ESSA NCLB compliance**). The _____ (**district administrator responsible for ESSA NCLB compliance**) shall be responsible to coordinate the investigation of the ~~Complaint~~. The _____ (**district administrator responsible for ESSA NCLB compliance**) shall submit a written report regarding the outcome of the investigation to the complainant.

If the complainant is not satisfied with the outcome of the investigation **by the school district**, the complainant **must submit a written complaint** ~~may initiate a Complaint by submitting a written Complaint to the NJDOE to the attention of the Executive County Superintendent for the county where the school district is located.~~ **This process does not apply to alleged violations concerning participation of nonpublic school children.**

The **Executive County Superintendent** will coordinate the investigation of a ~~Complaint~~. When the investigation is complete, the **Executive County Superintendent** will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the **Executive County Superintendent will identify and impose the appropriate consequences or corrective action in accordance with statute and/or regulation to resolve the complaint.** ~~Assistant Commissioner assigned to oversee the matter shall identify and impose appropriate consequences or corrective actions as required by regulation to resolve the Complaint.~~ If the complainant **is not satisfied with the determination that is made by the Executive County Superintendent** ~~does not agree with the NJDOE's decision,~~



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the complainant may **submit a written request for review of that determination to the Assistant Commissioner** ~~appeal to the United States Department of Education Secretary.~~

A ~~€~~complaint alleging the NJDOE violated the administration of a program must be submitted to the **designated** New Jersey Department of Education **Assistant Commissioner** ~~Chief of Staff or the United States Department of Education Secretary.~~ The NJDOE requests the complainant first contact the New Jersey Department of Education Chief of Staff to resolve the issue. The **appropriate** NJDOE Office **assigned by the Assistant Commissioner** ~~of Strategic Initiatives and Accountability~~ will coordinate the investigation of a ~~€~~complaint. When the investigation is complete, the **Assistant Commissioner** ~~Chief of Staff~~ will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the **Assistant Commissioner** ~~Chief of Staff~~ **shall will identify and impose the** ~~identify and impose~~ appropriate consequences or corrective actions as required by **statute and/or** regulation to resolve the ~~€~~complaint.

If a complainant does not agree with the NJDOE's decision, the complainant may appeal to the **Secretary of the** United States Department of Education ~~Secretary.~~

To initiate a complaint regarding participation of nonpublic school children, a complainant must submit a written complaint to the NJDOE Nonpublic Ombudsman in accordance with NJDOE procedures.

New Jersey Department of Education ~~1/26/07 Memorandum~~ ~~No Child Left Behind~~ **Elementary and Secondary Education Act (ESEA) Complaint Policy and Procedure**

Adopted:

