

# VALLEY STREAM UNION FREE SCHOOL DISTRICT TWENTY FOUR

## DISTRICT COMPLAINT PROCEDURES FOR FEDERAL PROGRAMS Policy 0130

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The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB), and Section 100.2 of the regulations of the New York State Commissioner of Education govern the District's administration of federal programs.

Section 8304(a)(3)(c) of the Every Student Succeeds Act ("ESSA") require the Board to adopt written procedures for the receipt and resolution of complaints alleging violations of ESSA. The Board of Education, therefore, directs that the procedures set forth below be followed to resolve complaints alleging violations of the ESSA.

The School District shall receive, review, and resolve complaints under the ESSA for which no other procedures or remedies are available. These complaints must involve an allegation that the School District as a Local Educational Agency (LEA) or a sub-grantee has violated a federal statute, regulation, or interpretive rule. The interpretive rule must affect those federal education programs listed in CFR Title 34 of the Code of Federal Regulations.

### Complaint Procedure

- A. Any person(s) who believes that grounds exist for filing a complaint may file a written complaint with the Superintendent of Schools or his/her designee. The complaint must:
  1. be signed by the person(s) making it;
  2. show who has violated a specific federal requirement;
  3. explain how the requirement has been violated;
  4. state the facts upon which the complaint is based; and
  5. state what relief the person is seeking.
- B. If the Superintendent of Schools or his/her designee receives a complaint, he/she shall contact the person making it and explain the requirements for a valid complaint.
- C. The Superintendent of Schools or his/her designee shall send the complaint to the appropriate staff for review and response. If the complaint involves a sub-grantee, the Superintendent of Schools or his/her designee shall send the complaint to that sub-grantee.
- D. The Superintendent of Schools or his/her designee may, in his/her discretion, permit the person, to appear and present evidence.
- E. The Superintendent of Schools or his/her designee shall issue a final written resolution of each valid complaint to each party involved within sixty (60) working days of receipt, unless he/she finds good cause for an extension.
- F. The resolution shall include:
  1. a summary of the facts involved;
  2. a statement of the federal requirement involved;

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3. the Superintendent of Schools or his/her designee's findings of fact and a summary of the evidence it considered;
4. the Superintendent of Schools or his/her designee's conclusions regarding each allegation and a summary of his/her reasons for them; and
5. the Superintendent of Schools or his/her designee's order for any negotiation or corrective action that must occur and when those actions must be taken.

#### Procedures for Filing Complaints/Appeals with the New York State Education Department

A. The New York State Education Department will review complaints when the complaint pertains to:

1. The State's administration of Consolidated Grants, if applicable, as follows:

- a. Title I, Part A: Grants to Local Educational Agencies
- b. Title I, Part C: Education of Migratory Children
- c. Title I, Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
- d. Title II, Part A: Supporting Effective Instruction
- e. Title III, Part A: Language Instruction for English Learners and Immigrant Students
- f. Title IV, Part A: Student Support and Academic Enhancement Grants, or
- g. Title IV, Part B: 21<sup>st</sup> Century Community Learning Centers

2. An appeal from the decision of the School District regarding an action by the School District.

B. Complaints that do not meet any of the above criteria, including complaints concerning the School District's administration of its Consolidated Grant program, will be referred for possible resolution to the School District. Appropriate New York State Education Department staff will complete an on-site review (if necessary) and/or records examination and will notify all parties of its findings within sixty (60) working days of the receipt of the complaint/appeal.

Complaints/appeals should be sent to:

New York State Education Department  
Office of ESSA Funded Programs  
89 Washington Avenue, Room 320 EB  
Albany, New York 12234

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- C. The sixty (60) working day limit for the New York State Education Department's review of complaints and appeals may be extended under exceptional circumstances, which need not be limited to such occurrences as:
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 any other mutual agreement to changes in review scope or activity.
- D. When exceptional circumstances are identified, the revised date for the completion of the complaint review will be provided in writing to all parties involved in the complaint or appeal. Each party to the complaint has the right to initiate a request for an extension beyond the sixty (60) working day complaint resolution period based on exceptional circumstances. All such requests must be presented to the New York State Education Department. An appeal must be requested and postmarked within twenty (20) business days of receipt of the School District's response to the original complaint.
- E. The Consolidated Grant representative in the New York State Education Department office who is assigned as the program manager for the School District against which the complaint is made and other New York State Education Department staff, as may be appropriate, shall conduct the review of complaints or appeals.
- F. The Department's response to the complaint shall contain:
1. names of persons interviewed;
  2. records or other evidence examined;
  3. relevant dates/times/locations/events;
  4. summary of findings; and
  5. nature of corrective action to be taken including applicable timelines.
- G. Failure of the School District to take corrective action within the time period stipulated in the complaint resolution shall be cause to withhold all, or a portion of, the Consolidated Grant allocation to the School District.
- H. Copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint/appeal resolution will be maintained by the New York State Education Department for five years.
- I. Records will be made available to interested parties in accordance with the provisions of the New York State Freedom of Information Law.

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- J. Parties dissatisfied with the New York State Education Department's complaint resolution may file an appeal directly with the United States Department of Education (USDOE) at:

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

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