

# REGULATION

2016

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Instruction

## **SUBJECT: TITLE I COMPLAINTS OR APPEALS**

### **Filing Complaints or Appeals with the District**

Complaints or appeals regarding the District's administration or implementation of its Elementary and Secondary Education Act (ESEA) Title I Grant or Academic Intervention Services should be sent first to the Superintendent.

#### Complaints

All complaints must:

- 1) Be written;
- 2) Be signed by the person or agency representative filing it;
- 3) Specify the requirement of law or regulation claimed to be violated and the related issue, problem, or the concern;
- 4) Contain information or evidence supporting it; and
- 5) State the nature of the corrective action desired.

The District has 30 business days to resolve a complaint.

#### Appeals

An appeal must contain:

- 1) A copy of the original signed complaint;
- 2) A copy of the District's response to the original complaint or a statement that the District failed to respond in 30 business days;
- 3) A copy of the State Education Department's (SED) response to the original complaint or a statement that it failed to respond within 30 business days; and
- 4) A statement identifying those parts of the District's response which the party is appealing.

### **Filing Complaints or Appeals with SED**

SED will review complaints regarding:

- 1) The State's administration of the ESEA Title I Basic Grant, Migrant Education, or Neglected or Delinquent Program; or

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## **SUBJECT: PROCEDURES FOR FILING TITLE I COMPLAINTS/APPEALS (Cont'd.)**

- 2) An appeal from a District decision regarding a District action.

**Note:** Complaints that do not meet this criteria, including complaints concerning the District's Title I program, will be referred to the District for possible resolution.

A party must postmark and request an appeal within 20 business days of receiving the District's response to the original complaint.

Complaints or appeals should be sent to:

New York State Education Department  
Title I School and Community Services Office  
Room 368 EBA  
89 Washington Avenue  
Albany, NY 12234

SED's Title I representative who is the District's assigned program manager and other appropriate department staff will review the complaints or appeals. The Department's response will contain:

- 1) The names of persons interviewed;
- 2) The records or other evidence examined;
- 3) Relevant dates, times, locations, and events;
- 4) Summary of findings; and
- 5) Nature of corrective action to be taken, including applicable timelines.

If the District fails to take corrective action within the time period stipulated in the SED complaint resolution, its Title I allocation may be withheld.

SED will maintain copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint or appeal resolution for five years. SED will comply with record requests made under the New York State Freedom of Information Law.

### Extension of 60-Day Limit

SED staff will complete an on-site review, if necessary, or records examination, and will notify all parties of its findings within 60 business days of receiving the complaint or appeal. In exceptional circumstances, the 60-day review or examination period may be extended. Exceptional circumstances may include:

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**SUBJECT: PROCEDURES FOR FILING TITLE I COMPLAINTS/APPEALS (Cont'd.)**

- 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; or
- 4) Any other mutual agreement to changes in review scope or activity.

When SED identifies exceptional circumstances, it will provide the revised date for completing the complaint review to all involved parties. All parties have the right to request an extension beyond the 60-business day complaint resolution period based on exceptional circumstances.

**Appealing SED's Decision**

Parties dissatisfied with SED's resolution may file an appeal directly with the United States Department of Education at:

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