



**SOUTH BEND COMMUNITY SCHOOL CORPORATION
TITLE I COMPLAINT RESOLUTION PROCEDURES
2021-2022**

Introduction

On December 10, 2015, President Obama signed a new Federal education law. This law, the Every Student Succeeds Act (ESSA), requires schools that receive federal Title I, Part A funding adopt written procedures for resolving complaints filed.

Definition - A "complaint" is a written, signed statement filed by an individual or an organization.

- Any public or non-public school parent, teacher, or other interested person or agency may file a complaint.

All complaints must begin at the school level:

- o Be in written form;
- o Be signed by the person or agency representative filing the complaint;
- o Specify the requirement of law or regulation being violated and the related issue, problem, and/or concern;
- o Contain information/ evidence supporting the complaint;
- o State the nature of the corrective action desired.

Complainants not satisfied with the findings/remedy at the school level may elect to appeal to the District level to the Department of Federal & Community Programs.

Appeals should be sent to:

South Bend Community School Corporation
Department of Federal & Community Programs
215 S. Martin Luther King Jr. Blvd.
South Bend, IN 46601

Contact:

Deb Martin

Director of Title I and School Learning
Curriculum & Instruction

Phone: 574-393-6053

Email: dmartin@sbcsc.k12.in.us

Web: www.sb.school

Upon receipt of the complaint:

- The District will issue a letter of acknowledgement to the complainant that contains the following information:
 - The date the District received the complaint;
 - How the complainant may provide additional information;
 - A statement of the ways in which the District may investigate the complaint;
 - The District's commitment to issue a resolution to the complaint.

The Director of Federal & Community Programs will investigate or designate a building administrator to investigate the complaint. The complaint investigator will:

- Carry out an independent onsite investigation of the complaint;
- Review all relevant information and make an independent determination as to whether the District has complied with the federal program's law or regulation in question;
- Issue a complaint investigation report, entitled *Letter of Findings*, to the complainant that addresses each allegation in the complaint and contains Findings of Fact, Conclusions and Corrective Actions as well as the reasons for the District's final decision.

If the investigator determines that a violation has occurred:

- There will be corrective action to return to compliance.

If the investigator concludes that no violation of law or regulation has occurred:

- Attempts will be made to resolve or negotiate the programmatic concern;
- A complaint investigation report, entitled *Letter of Findings*, will be issued to the complainant that addresses each allegation in the complaint and contains Findings of Fact, Conclusions and Corrective Actions as well as the reasons for the District's final decision.

The period between the Director of Federal & Community Programs receiving the complaint and resolution of the complaint shall not exceed thirty (30) calendar days. All complaints and responses will be kept on file in the office of the Director of Federal & Community Programs.

Complainants not satisfied with the findings/remedy made by the District may elect to appeal to the Indiana Department of Education.

Appeals should be sent to:

Indiana Department of Education
South Tower, Suite 600,
115 W. Washington Street
Indianapolis, IN 46204

Contact:

Cole Dietrich
Director of Title Grants and Support
(317) 232-0786
adietrich@doe.in.gov

The IDOE Office of Title Grants and Support oversees federal and state grants and provides technical assistance and professional development to local education agencies as they implement grant programs in their local contexts. The Office of Title Grants and Support aims to strengthen education programs statewide by ensuring compliance with all state and federal grant requirements and supporting schools as they strive to meet the needs of all students in the state.

When a complaint is filed, the SEA has 45 days to resolve the complaint.

Public schools dissatisfied with IDOE Office of Title Grants and Support's complaint resolution may file an appeal to the United States Department of Education:

Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

The State's resolution may be appealed to the U.S. Department of Education's Secretary not later than 30 days after the SEA resolves the complaint or fails to do so within the 45 day time limit. The appeal shall be accompanied by a copy of the SEA's resolution, and if there is one, a complete statement of the reasons supporting the appeal. The Secretary has delegated authority to administer ESEA programs to the assistant secretary for elementary and secondary education appeal complaint resolution. The assistant secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

Complaint Procedures

Pursuant to programs administered under the No Child Left Behind Act of 2001 (NCLB)

This section addresses the requirements of 20 USC§ 7844 and 20 USC§ 7883 for resolving complaints applicable to covered federal programs. A complaint may be submitted by any individual or organization, in-state or out-of-state, and is defined as a written, signed allegation that a federal or state law, rule, or regulation has been violated by a Local Educational Agency (LEA) or the Indiana Department of Education (IDOE). A complaint must include a statement that an LEA or the IDOE has violated a statute, rule, or regulation applicable to a covered program and the facts on which the statement is based. The complaint must allege a violation that occurred not more than one (1) year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

PART 1: A complaint may be filed by parents, teachers, administrators, or other concerned individuals or organizations. NCLB also provides that nonpublic school officials have the right to formally complain to the IDOE if they believe an LEA did *not* engage in consultation that was meaningful and timely, *or* if the LEA did not give due consideration to the views of the nonpublic school officials. Any complaint involving the poverty data on nonpublic students may also be addressed to the IDOE.

(A) As part of its *Assurances* within NCLB program grant applications, an LEA accepting federal funds also agrees to adopt local written procedures for the receipt and resolution of complaints alleging violations of law in the administration of covered programs. Therefore, for complaints originating at the local level, a complaint should not be filed with the IDOE until every effort has been made to resolve the issue through local written complaint procedures.

(B) Complaints to the IDOE shall provide, in writing, the facts on which the complaint is based, and must be signed. Complaints may be faxed or mailed. Persons making written complaints shall register such complaints with the director of the affected program division (e.g., IDOE); Indiana Department of Education; 115 W. Washington Street, South Tower, Suite 600; Indianapolis, Indiana 46204.

1 Title I, Part A; Title I, Part B, Subpart 3 (Even Start); Title I, Part C (Migrant); Title I, Part D (N/D); Title I, Part F (CSR); Title III, Part A (English Language Acquisition); Title IX, Part C (Homeless)
2 Local Educational Agency (LEA) shall have the meaning set forth at 20 USC§ 7801(26).

PART 2: Upon receipt of a complaint:

(A) The IDOE will issue a letter of acknowledgement to the complainant that contains the following information:

- The date that the IDOE received the complaint;
- How the complainant may provide additional information;
- A statement of the ways in which the IDOE may investigate the complaint;
- The IDOE's commitment to issue a resolution in the form of a "Letter of Findings."

If the complaint involves an LEA, the IDOE also will send a copy of the acknowledgment letter to the local superintendent or corresponding administrator, along with a copy of the complaint.

(B) The Assistant Superintendent of the relevant IDOE division will assign an IDOE staff person to be the Complaint Investigator.

(C) The Complaint Investigator will:

- a) Carry out an independent on-site investigation, if the IDOE determines that such an investigation is necessary;
- b) Review all relevant information and make an independent determination as to whether the public agency has complied with the federal program(s) in question;
- c) Issue a complaint investigation report, entitled *Letter of Findings*, to the complainant that addresses each allegation in the complaint and contains Findings of Fact, Conclusions, and Corrective Actions (with a specified timeline) where warranted, as well as the reasons for the IDOE's final decision.

(D) Where there are exceptional circumstances present with regard to a particular complaint, an extension of time can be granted to complete the investigation. Time extensions may only be granted after review by the Assistant Superintendent of the Office in which the affected program is located.

PART 3: When investigating complaints concerning the IDOE, the Complaint Investigator will adapt the process used for LEAs. The complainant will be notified of the procedures being followed to investigate the complaint and provide the complainant an appropriate opportunity to review any corrective action the IDOE proposes to take.

PART 4: The IDOE will review and investigate complaints and complete the *Letter of Findings* within 60 calendar days of receipt of a complaint. Complainant(s) will be notified, in writing, if exceptional circumstances exist requiring an extension of the 60-day time period, as described in Part 2(D). A complaint is considered resolved when the IDOE has released the *Letter of Findings* and corrective action has been achieved, where warranted.

PART 5: For complaints filed regarding 20 USC§ .7883, a complainant may appeal the IDOE's complaint resolution to the Secretary of Education (U.S. Department of Education) not later than 30 days from the date on which the complainant receives the *Letter of Findings*. The appeal must be accompanied by a copy of the IDOE's resolutions.

NON-PUBLIC SCHOOL COMPLAINTS

For non-public schools dissatisfied with the findings/remedy made by the District may elect to appeal to the Indiana Department of Education's Ombudsman to mediate a positive resolution.

The Indiana Department of Education's (IDOE) Office of Title Grants and Support team serves as the lead in providing technical assistance to public and non-public school officials regarding equitable services. This ensures issues are resolved in a proactive manner before the non-public school official files a formal complaint.

The Ombudsman works in partnership with the Office of Title Grants and Support, so if issues still exist because an agreement can't be met between the non-public school official and the public school official during technical assistance, a formal complaint can be filed with the Ombudsman to mediate a positive resolution who:

Ill Addresses questions and concerns from non-public school officials and public school administrators regarding the provision of equitable services under Titles I and VIII;

171 Serves as the primary point of contact for responding to and resolving any formal complaints regarding equitable services that the SEA receives under its ESEA complaint procedure.

The template for the *Letter of Complaint to the Ombudsman* is posted on the Indiana Department of Education's website.

When a complaint is filed, the SEA has 45 days to respond to the complaint.

Contact:

Lacey Bohlen
State Ombudsman
(317) 232-9150
ombudsman@doe.in.gov
LBohlen@doe.in.gov

Non-public schools dissatisfied with the IDOE Ombudsman's resolution may file an appeal to the United States Department of Education:

Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202
OESE@ed.gov and ONPE@ed.gov

The State's resolution may be appealed to the U.S. Department of Education's Secretary not later than 30 days after the SEA resolves the complaint or fails to do so within the 45 day time limit. The appeal shall be accompanied by a copy of the SEA's

resolution, and if there is one, a complete statement of the reasons supporting the appeal. The Secretary has delegated authority to administer ESEA programs to the assistant secretary for elementary and secondary education appeal complaint resolution. The assistant secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

Revised: October, 2021