

CRANFORD PUBLIC SCHOOLS
Cranford, New Jersey 07016

**POLICY: NEW JERSEY DEPARTMENT OF EDUCATION
NO CHILD LEFT BEHIND (NCLB)
COMPLAINT RESOLUTION PROCEDURES**

Statutory Requirement

Title IX, Part C, Sec. 9304. General Applicability of State Educational Agency Assurances of the No Child Left Behind Act of 2001 (20 UC 6301) states that

“... A State educational agency, in consultation with the Governor of the State, submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 9302, shall have on file with the Secretary a single set of assurances, applicable to each program which the plan or application is submitted, that provides that – (C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs...”

Purpose

This procedure sets forth the process for resolving complaints presented by any individual or organization that (1) a school, local education agency (LEA), other agency authorized by the New Jersey Department of Education (NJDOE) and/or (2) the NJDOE violated the law in the administration of education programs authorized by the Elementary and Secondary Act (ESEA) as amended by the No Child Left Behind Act (NCLB). This procedure for resolving written complaints satisfies the requirements set forth in 20 USC 7844, and offers parents, public agencies, other individuals or organizations a method for consideration and resolution of complaints related to NCLB.

COMPLAINT RESOLUTION PROCEDURE

I. Process for Receiving Complaint

A. Initial Contact and intake of written complaints

1. Complaints against NJDOE

A complainant can allege a violation of law by NJDOE in the administration of education programs required by NCLB. Such an allegation must be made in writing and mailed or submitted electronically to the NJDOE, Office of the Chief of Staff. A complainant may also submit a complaint against NJDOE to the United States Department of Education, Office of Hearings & Appeals, 400 Maryland Ave, SW, Washington, DC 20202-4611, in accordance with their complaint procedures which can be found at <http://www.ed-oha.org/index.html>. In these instances, complainants are to be encouraged to notify the Chief of Staff when submitting complaints directly to the United States Department of Education.

When the Chief of Staff receives a complaint alleging a violation by the NJDOE program office of the administration of educational programs and/or services required by NCLB, he/she shall review the scope of the complaint and when appropriate, forward it to the Office of Strategic Initiatives and Accountability for further investigation and resolution. The assigned administrative personnel in the Office of Strategic Initiatives and Accountability shall document the date on which the complaint was received by using a date stamp, maintain the original complaint in their files for auditing purposes and forward a copy to the office director for appropriate action.

2. Complaints against a School, LEA, or Agency Authorized by a LEA or NJDOE

A complaint is a written allegation that a school, LEA, or other agency authorized by the LEA or NJDOE to administer education programs and services has violated the law in the administration of education programs authorized by the NCLB. Complaints must be mailed or submitted electronically to the County Office of Education to the attention of the County Superintendent in which the school or LEA is located.

The assigned administrative personnel at the County Office of Education shall document the date on which the complaint was received by using a date stamp, maintain the original complaint in their files for auditing purposes and forward a copy to the appropriate County Superintendent. The County Superintendent will review the complaint and, where appropriate, will resolve the complaint in accordance with the procedures below.

B. Assignment of Complaint for Resolution

1. Complaints against NJDOE

The Director of the Office of Strategic Initiatives and Accountability shall review the complaint immediately upon receipt and determine if the complaint can be resolved without assistance from the County Office of Education, another NJDOE program office or the Office of Grants Management (OGM). In these instances, the Director of the Office of Strategic Initiative sand Accountability shall resolve the complaint in accordance with the procedures below and provide the Chief of Staff with a summary of all actions taken.

If the Director of the Office of Strategic Initiatives and Accountability determines that further assistance is needed, the appropriate NJDOE personnel shall be contacted as indicated below:

- a. The appropriate County Superintendent;
- b. The Office of Grants Management, for issues concerning federal grants selection, approval or funding; and/or
- c. The appropriate Division Assistant Commissioner.

In all of these instances, the Director of the Office of the Strategic Initiatives and Accountability shall retain lead responsibility for investigating the complaint and providing appropriate notification.

2. Complaints against a School, LEA or Agency Authorized by a LEA or NJDOE

The County Superintendent shall review the complaint immediately upon receipt and determine if the complaint can be resolved without assistance from any NJDOE program office or the Office of Grants Management (OGM). In these instances, the County Superintendent shall resolve the complaint in accordance with the procedures below and provide the appropriate Assistant Commissioner with a summary of all actions taken.

If the County Superintendent determines that assistance is needed, the County Superintendent shall contact:

- a. The Office of Grants Management, for issues concerning federal grants selection, approval or funding; and/or
- b. The appropriate Assistant Commissioner or Chief of Staff for issues related to the administration of specific NCLB programs or services.

In all of these instances, the County Superintendent shall retain lead responsibility for investigating the complaint and providing appropriate notification.

C. Letter of Acknowledgement

Using the attached template, the Director of the Office of Strategic Initiatives and Accountability or the County Superintendent, as determined by the nature of the complaint, will issue a Letter of Acknowledgement to the complainant within 10 business days of receipt of the complaint that contains the following information:

1. The date that the Office of Strategic Initiatives and Accountability or the County Office of Education received the complaint;
2. A brief statement of the manner in which the department will investigate the complaint;
3. If necessary, request for additional information regarding the complaint;
4. A tentative resolution date, a maximum of 60 days from the receipt of the complaint; and
5. The name and phone number of a contact person for status updates.

The Letter of Acknowledgement, as well as a copy of the complaint will be forwarded to all parties involved, including the district Chief School Administrator or other agency Executive Director. Where appropriate, the Chief of Staff, Assistant Commissioner, County Superintendent, the program office director and/or the Directors of the Office of Grants Management or Strategic Initiatives and Accountability shall also receive a copy of the Letter of Acknowledgement and complaint.

II. Process for Investigating and Resolving Complaints

A. Investigation of Complaint

1. Complaints against NJDOE

The Director of the Office of Strategic Initiatives and Accountability shall make all reasonable efforts to investigate each complaint received in an expedient manner. Contingent upon the complexity of the issue, a complaint shall be resolved with a maximum of sixty (60) days upon receipt. If additional time is required to resolve the complaint, the Director of the Office of Strategic Initiatives and Accountability will issue a follow-up letter stipulating the revised timeframe.

When the Office of Strategic Initiatives and Accountability investigates a complaint, the following shall occur:

- The Office of Strategic Initiatives and Accountability representative shall contact all relevant individuals or groups to clarify the issue.
- If the information is insufficient to resolve the complaint, the Director of the Office of Strategic Initiatives and Accountability will submit a written report of the allegation(s) to the Chief of Staff supported by documentation provided by the appropriate NJDOE program office, school, LEA, or other agency.
- A copy of the written response/report must be provided to the complainant.

When a complaint is received and investigated by the Office of Strategic Initiatives and Accountability, the following shall occur:

- a. Review of all relevant materials to ascertain the events leading to the complaint.
- b. Request assistance from other department personnel, as needed to clarify any aspect of the allegation.
- c. Develop a recommendation for resolution based on all relevant findings.
- d. The Director of the Office of Strategic Initiatives and Accountability shall submit the recommendation to the Chief of Staff for final determination.

2. Complaints against a School, LEA or Agency Authorized by a LEA or NJDOE

The County Superintendent shall make all reasonable efforts to resolve each complaint received in an expedient manner. Contingent upon the complexity of the issue, a complaint shall be resolved within a maximum of 60 days upon receipt of the complaint. If additional time is required to resolve the complaint, the Director of the Office of Strategic Initiatives and Accountability or the County Superintendent, as determined by the nature of the complaint, will issue a follow-up letter to the complainant stipulating the revised timeframe.

When the County Superintendent receives and investigates a complaint, the following shall occur:

- The County Superintendent may contact all relevant individuals or groups to clarify the issue via telephone or written communication.
- If the information is insufficient to resolve the complaint, the County Superintendent will submit a written report of the allegation(s) to the Assistant Commissioner supported by documentation provided by the school, LEA, or other agency.
- A copy of the written response/report must be provided to the complainant.

The County Superintendent should investigate the complaint as follows

- a. The County Superintendent shall request the input from other department personnel as needed (i.e. department program offices, county office, Office of Grants Management and/or Office of Compliance Investigation).
- b. The County Superintendent shall review all relevant materials and contact the appropriate district personnel to ascertain the events leading to the complaint which could include an on site visit.
- c. In case of a complaint filed against an agency other than a LEA or school, the County Superintendent shall contact the appropriate personnel of the agency.

B. Letter of Findings and Recommendation

1. Complaints against NJDOE

Once a recommendation has been made, the Director of the Office of Strategic Initiatives and Accountability will forward a draft Letter of Findings and Recommendations to all parties involved with the investigation for final review. The parties involved may at this time submit any additional documentation for consideration. The Letter of Findings and Recommendations regarding whether the NJDOE is in violation of the law in the administration of education programs authorized by NCLB, and if appropriate, any recommendations for resolution shall be submitted to the Chief of Staff. The Chief of Staff shall review and approve the recommendations for resolution. The Chief of Staff will ensure the Commissioner is informed of all outcomes.

If it is determined based on the findings that the appropriate NJDOE program office has violated the law in the administration of education programs authorized by the NCLB, the NJDOE program office director will develop a corrective action plan for approval by the appropriate Assistant Commissioner and the Chief of Staff. The corrective action plan will describe how the program office will correct the violations outlined in the Letter of Findings and Recommendations and include target dates for resolution and a process for monitoring progress made towards resolution.

2. Complaints against a School, LEA or Agency Authorized by a LEA or NJDOE

Once a determination has been made, the County Superintendent assigned to resolve the complaint will forward a draft Letter of Findings and Recommendations to all program office directors involved with the investigation. When consensus is reached, the final Letter of Findings and Recommendations regarding whether the school, LEA or other agency is in violation of the law in the administration of education programs authorized by NCLB, and if

appropriate, any recommendations for resolution shall be submitted to the appropriate Assistant Commissioner(s) shall review and approve the recommendations for resolution.

If it is determined that the school, LEA, or other agency has violated the law in the administration of education programs authorized by the NCLB, the school, LEA or other agency will be required to develop and implement a corrective action plan. The corrective action plan will describe how the school, LEA, or other agency will correct the violations outlined in the Letter of Findings and Recommendations and will include target dates for resolution in a process for monitoring progress made towards resolution. The County Superintendent shall provide technical assistance necessary for the development and implementation of the corrective action plan with the assistance from other offices, as needed.

C. Decision Regarding the Complaint

The Chief of Staff or the County Superintendent, as appropriate, will notify the complainant and all appropriate parties of the final decision. The final decision shall indicate whether the complaint has been substantiated and, if substantiated; the required course of action and timeline for reporting progress toward resolving the complaint.

Contingent upon the nature of the complaint, the Chief of Staff, with assistance from the Director of the Office of Strategic Initiatives and Accountability or the County Superintendent should make every attempt to resolve all complaints within 60 days of issuing the Letter of Acknowledgement.

D. Complaint Closure

1. Complaints against NJDOE

A substantiated complaint is considered resolved and closed when the Chief of Staff has determined that the NJDOE has implemented the corrective action plan. A complaint is also considered resolved and closed when the department has not substantiated the allegations within the complaint. The Chief of Staff will provide written notification of the findings to the complainant and when substantiated, shall include a summary of the corrective action and the department's justification that the completed corrective actions warrant closure of the complaint. The written notification will also contain the department's final decision on all complaints pursuant to the administration of education programs authorized by NCLB.

2. Complaints against a School, LEA or Agency Authorized by a LEA or NJDOE

A complaint is considered resolved and closed when the appropriate County Superintendent has determined that a school, LEA, or other agency has provided the department with documentation that it has implemented the corrective action plan and provided documentation that the complaint has been resolved. The complaint is also considered resolved and closed when the department has not substantiated the allegation within the complaint. If the department resolves the complaint based on acceptance of a school district's corrective action plan, the County Superintendent will provide written notification to the complainant. Written notification shall include a summary of the corrective action plan and the department's reasons for believing that the corrective actions warrant closure of the complaint. Written notification will contain the department's final decision on all complaints pursuant to the administration of education programs authorized by NCLB.

In cases where the corrective action plan has not been implemented within the established timeframe or the documentation provided by the school, LEA, or other agency is sufficient, the complaint will be referred to the Office of Compliance Investigations for resolution.

Adopted: 3/12/07

ATTACHMENT

SAMPLE LETTER OF ACKNOWLEDGEMENT

Dear _____:

This correspondence is to inform you that your complaint regarding _____ was received by the _____ [County Office of Education or the Office of Strategic Initiatives and Accountability] on _____. Please be advised that your complaint will be reviewed and investigated by contacting all appropriate entities and obtaining documentation relevant to the resolution of the complaint.

We will make every effort to ensure that your complaint is resolved in a timely manner. If you have any questions regarding the investigation of your complaint, please contact the _____ [County Office of Education or the Office of Strategic Initiatives and Accountability] at _____.

Sincerely,

County Superintendent or where appropriate, Office of Strategic Initiatives and Accountability Director

c: If appropriate, Chief of Staff
 If appropriate, Office of Grants Management Director and respective Division Assistant Commissioner
 If appropriate, appropriate Program Office Director and respective Division Assistant Commissioner
 If appropriate, the Office of Compliance Investigations and respective Division Assistant Commissioner
 If appropriate, Chief of Staff
 If appropriate, CSA of respective LEA