

EVERY STUDENT SUCCEEDS ACT NO CHILD LEFT BEHIND COMPLAINTS (M)

[See POLICY ALERT Nos 178 and 222]

2415.20 **EVERY STUDENT SUCCEEDS ACT NO CHILD LEFT BEHIND**
COMPLAINTS (M)

M

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 **Elementary and Secondary Education Act ESEA** 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**
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.**



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A **C**omplaint 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 **C**omplaint 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 **Supervisor Director of Curriculum and Instruction (district administrator responsible for ESSA compliance)**. The **Supervisor Director of Curriculum and Instruction (district administrator responsible for ESSA compliance)** shall be responsible to coordinate the investigation of the **C**omplaint. The **Supervisor Director of Curriculum and Instruction (district administrator responsible for ESSA 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 **C**omplaint. 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, the complainant may **submit a written request for review of that determination to the Assistance Commissioner** appeal to the United States Department of Education Secretary.

A **C**omplaint 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



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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 **C**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 **C**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 complain to the NJDOE Nonpublic Ombudsman in accordance with NJDOE procedures.

New Jersey Department of Education **1/26/07 Memorandum** – No Child Left Behind Complaint Policy and Procedure

Adopted: 9 April 2009

2nd Reading: 6 May 2021

