

# REGULATION GUIDE

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**Every Student Succeeds Act**

**No Child Left Behind** Complaints

Jan 21

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[See POLICY ALERT Nos. 178 and 222]

## R 2415.20 **EVERY STUDENT SUCCEEDS ACT** **NO CHILD LEFT BEHIND** COMPLAINTS

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) requires the** a Board of Education **to shall** adopt a policy and written procedures 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.

A. Complaint Procedure Alleging **aA** Violation **bBy** **aA** School, School District, **oOr** Other Agency Authorized **bBy** **tThe** School District **oOr** **tThe** New Jersey Department **oOf** Education (NJDOE)

1. A **C**omplaint is an **written** allegation **submitted in writing (mail or email) by an individual or organization** that a school, school district, **or** other agency authorized by the school district, **or the NJDOE** has violated the law in the administration of education programs required by the **ESSA NCLB Act**.

2. A **C**omplaint **shall must** identify **at a minimum the following**:

a. The alleged **ESSA NCLB** violation;

**b. A description of previous steps taken to resolve the matter;**

**cb.** The facts supporting the alleged violation **as understood by the complainant at the time of submission**; and

**de.** Any supporting documentation **(e.g., letters, emails, logs, agenda, meeting minutes)**.

**3. — A Complaint may be submitted in writing or electronically. If a Complaint is submitted electronically, a hard copy should also be sent to the NJDOE via regular mail at the address indicated below.**



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34. A Complaint **must** ~~shall~~ be submitted to the \_\_\_\_\_ (~~district administrator responsible for NCLB compliance~~) **Executive County Superintendent for the county where the school, school district, or other authorized agency is located**. The Complaint shall be in writing and shall be mailed, hand delivered, or electronically submitted to the \_\_\_\_\_ (~~district administrator responsible for NCLB compliance~~).

5. The \_\_\_\_\_ (~~district administrator responsible for NCLB compliance~~) shall be responsible to coordinate the investigation of the allegations in the Complaint.

a. The \_\_\_\_\_ (~~district administrator responsible for NCLB compliance~~) shall acknowledge receipt of the Complaint to the complainant within ten business days of receipt of the Complaint.

b. The \_\_\_\_\_ (~~district administrator responsible for NCLB compliance~~) may meet with building and district administrative staff, teaching staff, support staff, students, and/or the complainant(s) to determine if a violation of the administration of a NCLB program has occurred.

c. The \_\_\_\_\_ (~~district administrator responsible for NCLB compliance~~) may request additional information from the complainant regarding the Complaint.

d. The \_\_\_\_\_ (~~district administrator responsible for NCLB compliance~~) shall submit a written report regarding the outcome of the investigation to the complainant.



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e. ~~If the outcome of the investigation concludes a violation has occurred, the \_\_\_\_\_ (district administrator responsible for NCLB compliance) shall identify and impose the appropriate consequences or corrective action to resolve the Complaint.~~

f. ~~The outcome of the investigation may conclude the Complaint alleges a violation in the administration of a program by the NJDOE and the complainant shall be informed of the NJDOE Complaint Policy and Procedures as outlined in B. below.~~

6. ~~If the complainant is not satisfied with the outcome of the investigation, the complainant may initiate a Complaint by submitting a written Complaint to the NJDOE to the attention of the Executive County Superintendent. A list of the County Offices of Education and Executive County Superintendents can be found at <http://www.state.nj.us/njded/regions/> or by calling (609) 292-4469.~~

47. When a written **C**complaint is received by the Executive County Superintendent, the **Executive County Superintendent** ~~appropriate NJDOE personnel~~ will issue a Letter of Acknowledgement to the complainant within ten **business calendar** days of receipt of the **C**complaint. This letter ~~will~~ **shall** contain the following information:

- a. The date the **C**complaint was received;
- b. A brief statement of the manner in which the **Executive County Superintendent** **NJDOE** will investigate the **C**complaint;
- c. If necessary, **a** request for additional information regarding the **C**complaint;
- d. **A resolution date within forty-five calendar days from the date the written complaint was received by the Executive County Superintendent; and**



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**ed.** The name and **telephone** ~~phone~~ number of a contact person for status updates; ~~and~~

~~e.~~ ~~A tentative resolution date that is sixty days from the date the written Complaint was received by the County Office.~~

~~(1) Based on the facts of the alleged violation, an extension of time may be required to resolve the Complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.~~

**58.** The **Executive** County Superintendent will coordinate the investigation of a ~~C~~complaint.

**68.** When the investigation is complete, the **Executive** County Superintendent will notify the complainant in writing regarding the outcome of the investigation.

**a9.** If **the Executive County Superintendent determines** a violation has occurred, **the Executive County Superintendent will** ~~Assistant Commissioner assigned to oversee the matter shall~~ identify and impose **the** appropriate consequences or corrective actions, **as required in accordance with statute and/or regulation** ~~by regulation~~ to resolve the ~~C~~complaint.

**b10.** 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 Assistant Commissioner, Division of Learning Supports and Specialized Services via email at [essa@doe.nj.gov](mailto:essa@doe.nj.gov) with subject line "ESEA Complaint Decision Review" or via hard copy at the following address** ~~appeal to the United States Department of Education Secretary at:~~



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**New Jersey Department of Education**  
**Assistant Commissioner**  
**Division of Learning Supports and Specialized Services**  
**P.O. Box 500**  
**Trenton, New Jersey 08625-0500**

**Office of Hearings & Appeals**  
**400 Maryland Avenue, SW**  
**Washington, DC 20202-4611**  
**(202) 619-9700**

**or at their website at:**

**<http://www.ed-oha.org/index.html>**

B. Complaint Procedure Alleging **a** Violation **b** By **t** The New Jersey Department **o**f Education (NJDOE)

1. A **c**omplaint is a written allegation the NJDOE has violated the law in the administration of education programs required by the **ESSA NCLB**.
2. A **c**omplaint **shall** **must** identify **at a minimum the following**:
  - a. The alleged **ESSA NCLB** violation;
  - b. A description of previous steps taken to resolve the matter;**
  - c.** The facts supporting the alleged violation **as understood by the complainant at the time of submission**; and
  - d.** Any supporting documentation **(e.g., letters, emails, logs, agenda, meeting minutes)**.



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3. To initiate a **C**complaint alleging the NJDOE has violated the administration of an **ESEA NCLB** program, a complainant must submit a written **C**complaint to the New Jersey Department of Education – **Assistant Commissioner, Division of Learning Supports and Specialized Services via email at [essa@doe.nj.gov](mailto:essa@doe.nj.gov) with subject line “ESEA Complaint or via hard copy sent to the following address:** ~~Chief of Staff or the United States Department of Education Secretary at the address indicated below. The NJDOE requests the complainant first contact the New Jersey Department of Education Chief of Staff to resolve the issue.~~

New Jersey Department of Education

~~Office of the Chief of Staff~~

**Assistant Commissioner**

**Division of Learning Supports and Specialized Services**

P.O. Box 500

Trenton, New Jersey 08625-0500

~~(609) 292-4442~~

~~U.S. Department of Education~~

~~Office of Hearings & Appeals~~

~~400 Maryland Avenue, SW~~

~~Washington, DC 20202-4611~~

~~(202) 619-9700~~

~~<http://www.ed-oha.org/index.html>~~

4. When a written **C**complaint is received by the NJDOE, ~~the~~ **an Assistant Commissioner** ~~Chief of Staff~~ will assign the investigation of this **C**complaint to the **appropriate** ~~Office of Strategic Initiatives and Accountability or other designated~~ office. ~~This Office~~ **The NJDOE** will issue a Letter of Acknowledgement to the complainant within ten **calendar business** days of receipt of the **C**complaint. This letter shall contain the following information:

- a. The date the **C**complaint was received;
- b. A brief statement of the manner in which the ~~Department of Education~~ **NJDOE** will investigate the **C**complaint;



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- c. If necessary, request for additional information regarding the **C**complaint;
- d. **A resolution date within forty-five calendar days from the date the complaint was received; and**
- ee. The name and **tele**phone number of a contact person for status updates; **and**
- e. ~~A tentative resolution date that is sixty days from the date that the written Complaint was received.~~
- ~~(1) Based on the facts of the alleged violation, an extension of time may be required to resolve the Complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.~~
5. The NJDOE Office **assigned by the Assistant Commissioner** ~~of Strategic Initiatives and Accountability will coordinate the investigation of~~ **to investigate a C**complaint concerning an alleged violation by the NJDOE **will coordinate the investigation of the complaint.** When the investigation is complete, the **Assistant Commissioner** ~~Chief of Staff~~ will notify the complainant in writing regarding the outcome of the investigation.
- a6. **If the NJDOE Office assigned by the Assistant Commissioner of Education determines** ~~it is determined~~ a violation by the NJDOE has occurred **after conducting an investigation, the Assistant Commissioner will identify and impose appropriate consequences or corrective action in accordance with the statute and/or regulation,** ~~the Chief of Staff shall identify and impose appropriate consequences or corrective actions as required by regulation~~ to resolve the **C**complaint.



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- b7.** If ~~the a~~ complainant is not satisfied with the NJDOE's decision, the complainant may request a review of the NJDOE's decision to the Secretary of the United States Department of Education (USDOE). The complainant may send the request, reasons supporting the request, and a copy of NJDOE's resolution to the following address: ~~does not agree with the NJDOE's decision, the complainant may appeal to the United States Department of Education Secretary at the address above.~~

**Secretary, United States Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4611**

New Jersey Department of Education – **Every Student Succeeds Act (ESSA) in New Jersey** ~~1/26/07 Memorandum – No Child Left Behind~~ **ESEA** Complaint Policy and Procedures

Adopted: 9 April 2009  
**1<sup>st</sup> Reading: 22 April 2021**

