

No Child Left Behind Act of 2001 (NCLB) Complaint Procedures

A complaint is an allegation that a local education agency (LEA) or the Missouri Department of Elementary and Secondary Education (the Department) has violated a federal statute or regulation that applies to a program under NCLB. Any individual or organization may file a complaint with the LEA or with the Department. Complaints filed with the LEA are to be investigated and attempted to be resolved according to locally developed and adopted procedures.

A complaint not resolved at the local level may be appealed to the Department. A complaint filed with the Department must be a written, signed statement that includes (1) a statement that a requirement that applies to an NCLB program has been violated by the LEA or the Department, and (2) the facts on which the statement is based and the specific requirement allegedly violated.

The investigation and complaint resolution proceedings with the Department will be completed within a time limit of 40 calendar days. That time limit can be extended by the agreement of all parties. The following activities will occur in the investigation: (1) a written record will be kept; (2) the LEA will be notified of the complaint within 10 days of it being filed; (3) the LEA will initiate its local complaint procedures in an effort to first resolve the complaint at the local level; (4) within 30 days of the complaint being filed, the LEA will submit a written summary of the LEA investigation and complaint resolution. This report is considered public record. (5) Within 10 days of receiving the written summary of a complaint resolution, the Department will verify the resolution through an on-site visit, letter, and/or telephone call. (6) The complainant or the LEA may appeal the decision of the Department to the U.S. Department of Education.

If the complaint is an LEA is not providing equitable services for private school children, in addition to the procedures listed in number 6 above, the complaint will also be filed with the U.S. Department of Education, and they will receive all information related to the investigation and resolution of the complaint. Also, appeals to the United States Department of Education must be filed no longer than 30 days following the Departments' resolution of the complaint (or its failure to resolve the complaint).

The Department will initiate an investigation within 10 days, which will be concluded within 30 days from the day of the appeal. An independent on-site investigation may be conducted if the Department determines that is necessary. The investigation may be continued beyond the thirty day limit at the discretion of the Department. At the conclusion of the investigation, the Department will communicate the decision and reasons for the decision to the complainant and the LEA. Recommendations and details of the decision are to be implemented within 15 days of the decision being delivered to the LEA.