

# Westbury Union Free School District



**No Child Left Behind**

## **Written Complaint and Appeal Procedures**

**For Title I, Parts A, C, and D  
Or Section 100.2(ee) of Commissioner's Regulations  
Regarding Academic Intervention Services**

As required by Title IX, General Provisions of the Elementary and Secondary Education Act (ESEA), the New York State Education Department (NYSED) has adopted the following procedures for receiving and resolving complaints and for reviewing appeals from decisions of local educational agencies (LEAs). Complaints concerning violations of ESEA Title I, Parts A, C, and D, or of the General Education Provisions Act; or of Section 100.2(ee) Academic Intervention Services of the Regulations of the Commissioner are covered by these procedures.

LEAs must disseminate free of charge, adequate information about the State Complaint and Appeal Procedures to parents of students, and appropriate private school officials or representatives. [General Provisions Regulations, 34 CFR Sections 299.10-299.12]

### **Procedures for Filing Complaints/Appeals with a LEA:**

Who may submit a complaint?

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

What must a complaint contain?

All complaints must:

- be written;
- be signed by the person or agency representative filing the complaint;
- specify the requirement of law or regulation being violated and the related issue, problem, and/or the concern;
- contain information/evidence supporting the complaint; and
- state the nature of the corrective action desired.

What must an appeal from a LEA's response contain?

An appeal must contain:

- a copy of the original signed complaint (see I-B);
- a copy of the LEA's response to the original complaint or a statement that the LEA failed to respond in 30 business days.

In New York City or rest of State outside of New York City, a copy of the LEA and the Department of Education's response to the original complaint or a statement that the Department of Education failed to respond within 30 business days; and a statement identifying those parts of the LEA's response which the party wishes to appeal.

Where should a complain/appeal to the LEA be sent?

Complaints/appeals regarding the LEA's administration and implementation of its ESEA Title I Grant or Academic Intervention Services for students identified under Commissioner's Regulations Part 100 should be sent first to the School Superintendent of the LEA against whom the complaint is made. The LEA has a 30 business day period in which to resolve a complaint.

In New York City, Title I complaints should be sent first to the District Superintendent. If the local community school district fails to resolve the complaint within 30 business days, or fails to resolve the issue to the satisfaction of the complainant, the complaint should be sent to the New York City Department of Education, Office of School Improvement, Division of Teaching and Learning, 52 Chambers Street, Room 213, New York, NY 10007. The New York City Department of Education has a 30 business day period in which to resolve the complaint.

For rest of State outside of New York City, Title I complaints should be first sent to the Superintendent of the LEA. If the local LEA fails to resolve the complaint within 30 business days, or fails to resolve the issue to the satisfaction of the complainant, the complaint should be sent to the Title I School and Community Services Office, Room 365 EBA, New York State Education Department, 89 Washington Avenue, Albany, NY 12234.

Where should a complaint /appeal regarding a nonpublic school be sent?

Complaints/appeals from nonpublic school officials regarding the LEAs administration and implementation of ESEA Title I Grant should be sent to the New York State Education Department (NYSED). The NYSED has a 60-business day period in which to resolve a nonpublic school complaint.

No later than 30 days following the written response by the NYSED, or in the event the NYSED fails to resolve the complaint within a reasonable period of time, the nonpublic school official may appeal NYSED's decision to the secretary of the U.S. Department of Education. A copy of the NYSED's written response, if available, and a complete statement of the reasons supporting the appeal must accompany such appeal.

## **Procedures for Filing Complaints/Appeals with the New York State Education Department**

The State Education Department will review complaints when the complaint pertains to:

- the State's administration of the ESEA Title I Basic Grant, Migrant Education, or Neglected or Delinquent Program;
- an appeal from the decision of an LEA regarding an action by the LEA.

Complaints that do not meet any of the above criteria, including complaints concerning the LEA's administration of its Title I Program, will be referred for possible resolution to the LEA against whom the complaint is made.

What timelines pertain to the State Education Department's review of complaints/appeals from an LEA action?

Within 60 business days of the receipt of the complaint/appeal, Department staff will complete an on-site review (if necessary) and/or records examination and will notify all parties of its findings. An extension of the 60-day complaint resolution period is permitted under CFR Part 299.11 (b), for exceptional circumstances.

Where shall complaints or appeals to the State Education Department be sent?

Complaints/appeals regarding Title I for New York City local school districts/schools should be sent to:

New York State Education Department  
Office of Accountability  
55 Hanson Place, Room 584  
Brooklyn, NY 11217

Complaints/appeals regarding Title I for LEAs outside of New York City local school districts/schools should be sent to:

New York State Education Department  
Title I School & Community Services Office  
Room 365 EBA  
89 Washington Avenue  
Albany, NY 12234

How long does a public or nonpublic teacher, parent, or agency have to file an appeal from a decision of a LEA or the New York City Department of Education?

An appeal must be requested and postmarked within 20 business days of receipt of the LEA's response to the original complaint.

Who shall conduct the review of complaints or appeals?

The Title I representative in the State Education Department office who is assigned as the program manager for the LEA against which the complaint is made and other Department staff as may be appropriate shall conduct the review of complaints or appeals.

What shall the State Education Department's response to the complaint contain?

The Department's response shall contain:

- the names of persons interviewed;
- the records or other evidence examined;
- relevant dates/times/locations/events;
- summary of findings; and
- nature of corrective action to be taken including applicable timelines.

How will State Education Department staff monitor the timely and appropriate implementation of the corrective actions called for in the complaint/appeal resolution?

Failure of the LEA to take corrective action within the time period stipulated in the complaint resolution shall be cause to withhold all, or a portion of, the ESEA Title I allocation to the LEA.

Does the State Education Department maintain a record of all complaints/appeals?

Yes. Copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint/appeal resolution will be maintained by the State Education Department for five years. Records will be made available to interested parties in accordance with the provisions of the New York State Freedom of Information Law (Public Officers Law Sections 84-89).

What shall constitute exceptional circumstances for extending the 60-day limit for State Education Department review of complaints and appeals for relief from an LEA action?

The State Education Department has determined that exceptional circumstances may include, but need not be limited to, such occurrences as:

- illness of involved parties;
- cancellation of scheduled on-site reviews due to unscheduled school closings;
- the need for extended review activities beyond those specified in the written notification; and/or
- any other mutual agreement to changes in review scope or activity.

When exceptional circumstances are identified, the revised date for the completion of the complaint review will be provided in writing to all parties involved in the complaint or appeal. All parties to the complaint have the right to initiate a request for an extension beyond the 60-business day complaint resolution period based on exceptional circumstances. All such requests must be presented to the State Education Department.

## **Procedures for Adjudicating Appeals from the Decision of the State Education Department**

May a person/agency dissatisfied with the State Education Department's complaint resolution file an appeal?

Yes, parties dissatisfied with the State Education Department's complaint resolution may file an appeal directly with the United States Department of Education at:

United States Department of Education  
 Compensatory Education Programs  
 400 Maryland Avenue, S.W.  
 Room 3W230, FOB #6  
 Washington, D.C. 20202-6132

## Westbury Inyon Distri Lekòl



**Pa Gen Okenn Timoun yo Kite Dèyè**

**Ekri Plent ak Pwosedè Apèl**

**Pou Tit I, Pati A, C, ak D  
Oswa Seksyon 100.2(ee) de Règleman Komisyonè a  
Konsènan Sèvis Entèvansyon Akademik**

Jan sa nesesè pa Tit IX, Dispozisyon Jeneral nan Edikasyon Primè ak Segondè Lwa sou Repa (ESEA), Depatman Eta New York Edikasyon (NYSED) te adopte pwosedè sa yo pou resevwa ak rezoud plent ak pou revize apèl soti nan desizyon nan ajans edikasyon lokal yo (LEA yo). Plent konsènan vyolasyon ESEA Tit I, Pati A, C, ak D, oswa nan Lwa sou Dispozisyon Edikasyon Jeneral; oswa Seksyon 100.2 (ee) Sèvis entèvansyon akademik nan Règleman yo nan Komisyonè a ki kouvri pa pwosedè sa yo.

LEAs dwe distribye gratis, enfòmasyon ki akseptab sou Eta Plent la ak Apèl Pwosedè bay paran elèv yo, ak apwopriye otorite lekòl prive oswa reprezantan. [Pwovizyon Règleman Jeneral, 34 CFR Seksyon 299.10-299.12]

### **Pwosedè pou Plent Depoze/Apèl ak yon LEA:**

Ki moun ki ka soumèt yon plent?

Nenpòt paran oswa pwofesè lekò piblik oswa prive, lòt moun ki enterese, oswa ajans ka depoze yon plent.

Ki sa ki dwe nan yon plent?

Tout plent dwe:

- dwe ekri;
- dwe siyen pa moun oswa ajans reprezantan nan pote plent lan;
- presize kondisyon de lwa oswa règleman yo te vyole ak pwoblèm nan ki gen rapò, pwoblèm, ak / oswa enkyetid la;
- gen enfòmasyon / prèv pou jistifye plent lan; ak
- endike aksyon an korektif ki vle.

Ki sa ki dwe nan yon apèl ki soti nan repons LEA a?

Yon apèl dwe gen ladan:

- yon kopi plent orijinal la ki siyen (wè I-B);
- yon kopi repons LEA a nan plent orijinal la oswa yon deklarasyon ki di ke LEA a echwe pou reponn nan 30 jou biznis.

Nan New York City oswa rès nan Eta deyò nan New York City, yon kopi LEA a ak Depatman repons Edikasyon nan plent lan orijinal oswa yon deklarasyon ki di ke Depatman Edikasyon echwe pou reponn nan 30 jou biznis; ak yon deklarasyon ki idantifye pati sa yo nan repons LEA a ki moun nan ta vle fè apèl kont.

Ki kote yo ta dwe voye yon plent/apèl nan LEA a?

Plent / apèl konsènan administrasyon LEA a ak aplikasyon nan li yo ESEA Tit I Sibvansyon oswa Sèvis Entèvansyon Akademik pou elèv ki idantifye anba Komisyonè a Règleman Pati 100 ta dwe premye voye l bay Sipèntandan an Lekòl nan LEA a kont moun nan kap fè plent lan. LEA a gen yon peryòd de 30 jou biznis pou rezoud yon plent.

Nan New York City, plent Tit I yo ta dwe voye premye bay Sipèntandan Distri a. Si distri lekòl kominote local la neglije voye yon rezoud plent lan nan 30 jou biznis, oswa neglije rezoud pwoblèm nan nan satisfaksyon a nan moun nan ki fè plent lan, yo ta dwe voye plent lan bay New York City Department of Education, Office of School Improvement, Division of Teaching and Learning, 52 Chambers Street, Room 213, New York, NY 10007. Depatman Edikasyon New York City gen yon peryòd de 30 jou biznis pou rezoud plent lan.

Pou rès nan Eta deyò New York City, plent Tit I yo ta dwe premye voye bay Sipèntandan an nan LEA a. Si lokal LEA a neglije rezoud plent lan nan 30 jou biznis, oswa neglije rezoud pwoblèm nan nan satisfaksyon moun ki pote plent lan, yo ta dwe voye plent lan bay Title I School and Community Services Office, Room 365 EBA, New York State Education Department, 89 Washington Avenue, Albany, NY 12234.

Ki kote yo ta dwe voye yon plent /fè apèl ki konsènan yon lekòl prive (yon lekòl ki pa piblik/lekòl leta)?

Plent/apèl ki soti nan ofisyèl lekòl prive ki konsènan administrasyon an LEA ak aplikasyon nan ESEA Tit I Sibvansyon yo ta dwe voye nan Depatman Edikasyon Eta New York (New York State Education Department: NYSED). NYSED gen yon peryòd 60 jou biznis pou rezoud yon plent lekòl prive.

Pa pi ta pase 30 jou apre repons lan ekri pa NYSED a, oswa nan evènman an NYSED an neglije pou rezoud plent lan ki nan yon peryòd de tan ki rezonab, ofisyèl la lekòl prive kapab fè apèl kont desizyon NYSED a sekretè a nan US Department of Edikasyon an. Yon kopi repons alekri NYSED a, si sa disponib, ak yon deklarasyon konplè sou rezon ki fè yo sipòte apèl la dwe akonpaye apèl sa yo.

## **Pwosedi pou Plent Depoze/Apèl ak Depatman Edikasyon Eta New York**

Depatman Edikasyon Eta pral revize plent lè plent lan konsène:

- administrasyon Eta a ESEA Tit I Bebaz Sibvansyon nan, Edikasyon Migran, oswa Neglije oswa Pwogram Ofiske;
- yon apèl soti nan desizyon an nan yon LEA konsènan yon aksyon pa LEA a.

Plent ki pa satisfè nenpòt nan kritè ki anwo yo, ki gen ladan plent konsènan administrasyon LEA a nan Pwogram Tit I li yo, yo pral refere pou posib rezolisyon nan LEA a kont moun ki fè plent lan yo.

Ki lè enkyetid nan revizyon Depatman Edikasyon Eta a nan plent / apèl soti nan yon aksyon LEA?

Nan 60 jou biznis nan ki plent lan / se apèl resevwa, anplwaye Depatman pral konplete yon revizyon sou-sit (si sa nesèsè) ak / oswa dosye egzamen epi ap fè tout moun konnen de rezilta yo. Yon ekstansyon pou yon peryòd de 60 jou pou plent rezolisyon otorize anba CFR Pati 299.11 (b), pou sikonstans eksepsyonèl.

Ki kote plent oswa apèl nan Depatman Edikasyon Eta ta dwe voye?

Plent /apèl konsènan Tit I pou distri lekòl lokal nan Vil New York/ lekòl yo dwe voye l bay:

New York State Education Department  
Office of Accountability  
55 Hanson Place, Room 584  
Brooklyn, NY 11217

Plent /apèl konsènan Tit I pou LEA yo deyò nan distri lekòl lokal nan Vil New York/lekòl yo dwe voye l bay:

New York State Education Department  
Title I School & Community Services Office  
Room 365 EBA  
89 Washington Avenue  
Albany, NY 12234

Konbyen de tan yon pwofesè, paran, oswa ajans piblik oswa prive gen pou ranpli yon apèl ki sòti nan yon desizyon nan yon LEA oswa Depatman Vil New York Edikasyon?

Yon apèl dwe mande ak so lapòs nan 20 jou biznis apre yo resevwa repons LEA a nan plent orijinal lan.

Ki moun ki va fè revizyon an nan plent oswa apèl?

Reprezantan an Tit I nan biwo a Depatman Edikasyon Eta ki asiyen kòm manadjè a pwogram pou LEA a kont plent la te fè ak lòt anplwaye Depatman kòm kapab apwopriye dwe fè revizyon an nan plent oswa apèl.

Ki sa ki pral nan repons Depatman Edikasyon Eta a de plent lan?

Repons Depatman an dwe genyen:

- non moun yo ki fè antrevi;
- dosye yo oswa lòt prèv egzamine;
- dat ki enpòtan / fwa / kote / evènman;
- rezime nan rezilta; ak
- nati nan aksyon korektif ki dwe gen ladan tan ki defini aplikab.

Kouman yo pral anplwaye Depatman Edikasyon Eta kontwole aplikasyon an rezonab, e yo apwopriye a nan aksyon sa yo korektif pou nan plent / rezolisyon an apèl?

Si LEA pa pran aksyon korektif nan yon peryòd de tan make nan rezolisyon an plent menm ki va lakòz yo kenbe tout, oswa yon pòsyon nan, alokasyon an ESEA Tit I pa LEA a.

Èske Depatman Edikasyon Eta kenbe yon dosye sou tout plent / apèl?

Wi. Kopi korespondans, dokiman ki gen rapò, rapò ankèt, ak rapò rezime patisipe nan rezolisyon an plent / apèl yo pral konsève pa Depatman Edikasyon Eta pou senk ane. Dosye yo ap fèt disponib nan moun ki enterese nan akò avèk dispozisyon ki nan Libète Eta New York nan Lwa Enfòmasyon (Seksyon Ofisye Lwa Piblik 84-89).

Kisa pou konstitye sikonstans eksepsyonèl pou pwolonje limit 60-jou la pou Depatman Edikasyon Eta revizyon nan plent ak apèl pou soulajman nan yon aksyon LEA?

Depatman Edikasyon Eta te detèmine ke sikonstans eksepsyonèl ka gen ladan, men se pa bezwen ap limite a, evènman tankou:

- maladi moun ki patisipe;
- anilasyon pwograme sou-sit revize paske gen fèmti lekòl ki pa pwograme;
- bezwen an pou aktivite revizyon pwolonje pi lwen pase sa yo espesifye nan notifikasyon ekri; ak / oswa
- nenpòt lòt yon akò mityèl nan chanjman nan revizyon sijè ki abòde oswa aktivite.

Lè sikonstans eksepsyonèl yo idantifye, dat la revize pou ranpli fòm nan ak revizyon plent an dwe bay alekri bay tout moun ki enplike nan plent lan oswa apèl la. Tout moun ak plent lan gen dwa pou kòmanse yon demann pou yon ekstansyon pi lwen pase 60 jou biznis plent peryòd pou jwenn solisyon an ki baze sou sikonstans eksepsyonèl. Tout demann sa yo dwe prezante bay Depatman Edikasyon Eta.

## **Pwosedi pou Rezoud Apèl soti nan Desizyon an nan Depatman Edikasyon Eta**

Ka yon moun /ajans ki pa satisfè avèk rezolisyon plent Depatman Edikasyon Eta a prezante yon apèl?

Wi, sa yo ki pa satisfè avèk rezolisyon plent Depatman Edikasyon Eta a kapab pote yon apèl dirèkteman ak Depatman an Etazini nan Edikasyon nan:

United States Department of Education  
Compensatory Education Programs  
400 Maryland Avenue, S.W.  
Room 3W230, FOB #6  
Washington, D.C. 20202-6132



