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## SUPERINTENDENT OF PUBLIC INSTRUCTION

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# Resolving Concerns and Complaint Procedures for Private Schools Participating in Federal Programs

Since the passage of the Elementary and Secondary Education Act (ESEA) in 1965, school districts have been required to provide equitable services to private school students, teachers, and in some cases, other education personnel, and parents under a number of ESEA programs.

### **New Resource—Private Schools Unit for Federal ESEA Programs**

Throughout the year, the Office of Superintendent of Public Instruction (OSPI) receives a number of questions related to the equitable services process. Additionally, under the recent reauthorization of ESEA through the Every Student Succeeds Act (ESSA), the state must have an ombuds, or official, available to monitor and enforce equitable services requirements.

OSPI is establishing a Private Schools Unit to support the work of federal ESEA programs. This unit will include the responsibilities of the Ombuds detailed in ESEA, as amended by ESSA. The Unit will consist of a team of two people: Julie Chace and Mary Jo Johnson. This team approach allows for more consistent coverage and responsiveness to the needs of private schools and school districts.

Contact the Private Schools Unit for Federal ESEA Programs with questions, or to request technical assistance. Both private school officials and district officials can use this resource at any time.

### **Resolving Disagreements—Try Local Discussions First**

Occasionally, disagreements about services arise.

Private school officials and districts are encouraged to work together to resolve disagreements that affect the services provided. Private school officials should first contact the federal programs representative or superintendent at the district to discuss their concerns.

### **Resolving Disagreements—More Formal Options**

In the event that there are concerns needing OSPI involvement, there are a number of options available.

- Private schools may indicate the consultation was not timely or meaningful on the Affirmation of Consultation form. (New under ESSA)
- If district disagrees with the views of private school officials with respect to any topic subject to consultation, the district must provide, in writing, to such private school officials the reasons why the district disagrees. (New under ESSA)
- Submit a formal complaint to OSPI as allowed under Washington Administrative Code (WAC).

## **Timely and Meaningful Consultation and New Opportunity Under ESSA**

Under Title IX, Part E—Uniform Provisions, Subpart 1—Private Schools, districts are required to conduct timely and meaningful consultation with private school officials to determine the educational needs of the private school students. Meaningful consultation provides a genuine opportunity for all parties to express their views, to have their views seriously considered, and to discuss viable options for ensuring equitable participation of private school students, teachers, and other education personnel. The information gathered during the consultation provides direction of the services provided to the private school students and staff.

Further, the most recent reauthorization of ESEA now requires that private schools be given the opportunity, when signing the Affirmation of Consultation, to note if consultation was not timely or meaningful. Each district will be required to submit the Affirmation of Consultation to OSPI's new Private Schools Unit for federal ESEA programs for review. When a private school indicates consultation was not timely or meaningful, the Private Schools Unit will follow-up with both the private school and the district. Depending on the situation, technical assistance and/or a more detailed investigation will occur. *Indicating a concern on the Affirmation of Consultation form is not the same process as filing a formal complaint detailed below.*

## **District's Written Explanation of Disagreements**

ESSA also requires that if a district disagrees with the views of private school officials with respect to any topic subject to consultation, the district must provide, in writing, to such private school officials the reasons why the district disagrees. The district should retain a copy. The final decision rests with the district.

## **Formal Complaint Process**

When private school officials and districts are not able to resolve differences through direct communication, there is a formal complaint process. OSPI is currently updating the WAC to align with ESSA.

WAC 392-168, applies to federal programs authorized under ESEA and administered by OSPI. Any individual or organization may file a signed, written complaint if it believes the state, a district, an educational service district, or other sub-grantee has violated one or more requirements of federal statutes or regulations or state regulations that apply to a federal program. Find more information regarding complaint procedures at <http://www.k12.wa.us/TitleI/CitizenComplaint.aspx>.

The written complaint should include:

- The name and address of the complainant.
- A statement that the district or in some cases, OSPI, has violated a requirement of a federal statute or regulation that applies to a program requiring equitable participation.
- The specific requirement alleged to have been violated.
- The facts on which the complaint is based.
- The expected resolution of the alleged violation.
- The signature of the complainant.

Send complaints to:

Private Schools Unit  
Office of Superintendent of Public Instruction  
PO Box 47200  
Olympia, WA 98504-7200

After a complaint is received by OSPI, it has 45 days to respond. A copy of the complaint along with accompanying documentation is sent to the district and the district is asked to respond to the allegations with 20 days. A copy of the district's response is sent to the complainant and they are given an opportunity to reply to the district's response. After review of all information, the Private Schools Unit will make a determination as to whether the district is in violation of any federal program requirement.

OSPI will issue a written decision to the complainant and respondent that addresses each allegation and may provide technical assistance activities or negotiations, and corrective measures necessary to resolve the complaint. All actions shall be instituted no later than 30 calendar days following the date of the decision. The written decision by OSPI is the final state decision in the matter. A complaint is considered resolved when the Private Schools Unit has issued a written decision and corrective measures, if warranted have been completed. Appeals to OSPI decisions can be made to the United States Department of Education (ED) within 30 days of OSPI's decision. ED has 30 days to resolve a complaint.

### **Contact Information**

The Private Schools Unit for Federal Programs at OSPI is available to answer questions from districts and private schools regarding private school consultation and services.

Contact the Private Schools Unit at 360-725-6100 or through email at:

Mary Jo Johnson: [Maryjo.Johnson@k12.wa.us](mailto:Maryjo.Johnson@k12.wa.us)

Julie Chace: [Julie.Chace@k12.wa.us](mailto:Julie.Chace@k12.wa.us)

Additional information regarding private school participation in federal programs is available at <http://www.k12.wa.us/ESEA/PrivateSchools/basics.aspx>.

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