

Federal Programs Complaint Procedures for Private Schools

The Elementary and Secondary Education Act (ESEA), as reauthorized by the No Child Left Behind Act of 2001 (NCLB), requires school districts to provide equitable services to eligible private school students, teachers, educational personnel, and parents (in some programs). Under *Title IX, Part E – Uniform Provisions, Subpart 1 – Private Schools*, public school district staff are required to conduct timely and meaningful consultation with private school staff to determine the educational needs of the private school students. The information gathered provides direction for the services that are then provided to the private school students and the teaching staff. Through the consultation process, school districts build positive relationships with their private schools, which increases communication and minimizes any problems that may arise. <http://www.ed.gov/policy/elsec/guid/equitableseguidance.doc>

The Federal Programs office at the Office of Superintendent of Public Instruction (OSPI) always encourages private school officials and school districts to work together to try to resolve disagreements that affect the services provided. When private school officials and districts are not able to resolve differences through direct communication, there is a formal process available. (*NCLB, Section 9501*)

WAC 392-168, Special Service Programs – Citizen Complaint Procedure for Certain Categorical Federal Programs, 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 local school 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. <http://apps.leg.wa.gov/WAC/default.aspx?cite=392-168>

If private school officials believe that timely and meaningful consultation has not occurred or that the district did not give due consideration to their views, they should first contact the Federal Programs representative or superintendent at the school district to discuss their concerns. If the concern is not satisfactorily resolved, the private school has the right to contact the Federal Programs office at OSPI for resolution. In the event the concern is not resolved, the private school has the right to file a formal written complaint with OSPI.

The formal written complaint should include:

- A statement that the district, other educational agency, 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 name and address of the complainant;
- The expected resolution of the alleged violation; and
- The signature of the complainant.

A complaint should be sent directly to:

Office of Superintendent of Public Instruction
Attn: Federal Programs Office
P O Box 47200
Olympia, WA 98504-7200

Receipt of a complaint activates a time limit not to exceed sixty (60) calendar days. After a complaint is received by OSPI, a copy of the complaint, along with any accompanying documentation, is sent to the school district, and the district is asked to respond to the allegations. A copy of the district's response is sent to the complainant and he or she is given an opportunity to reply to the district's response. After review of all information, OSPI will make an independent determination as to whether the district is in violation of any federal program requirement as authorized under NCLB or WAC 392-182.

OSPI will issue a written decision to the complainant 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 thirty (30) calendar days following the date of the decision. The written decision by OSPI is the final decision in the matter. A complaint is considered resolved when the superintendent 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.

Federal Programs staff members are available to answer questions from districts and private schools regarding private school consultation and services. Other information regarding equitable participation for private schools is available on the Consolidated Federal Programs website at: <http://www.k12.wa.us/ESEA/PrivateSchools.aspx>, through e-mail: gayle.pauley@k12.wa.us, or by calling (360) 725-6100, or TTY (360) 664-3631.