

COMPLAINT RESOLUTION PROCEDURE

I. Filing of Complaint

A. Violation of Law

A written complaint may be filed by an organization or individual with the Connecticut Commissioner of Education alleging that the state educational agency (SEA) or an agency or consortium of agencies is violating a federal statute or regulation that applies to the following applicable programs:

1. Part A of Title I (Improving Basic Programs Operated by Local Educational Agencies).
2. Part B, Subpart 1 of Title I (Reading First).
3. Part B, Subpart 3 of Title I (Even Start Family Literacy Programs).
4. Part D of Title I (Children and Youth Who Are Neglected, Delinquent, or At Risk of Dropping Out).
5. Part A of Title II (Teacher and Principal Training and Recruiting Fund).
6. Part D of Title II (Enhancing Education Through Technology).
7. Part A of Title III (English Language Acquisition, Language Enhancement, and Academic Achievement Act).
8. Part B, Subpart 4 of Title III (Emergency Immigrant Education Program).
9. Part A of Title IV (Safe and Drug-Free Schools and Communities).
10. Part A of Title V (Innovative Programs).

B. Review of an Appeal

A written complaint may be filed by an individual with the Connecticut Commissioner of Education appealing the decision of an agency or consortium of agencies based on prior written complaint presented by an individual to such agency or consortium of agencies.

C. Content of Complaint

The complaint shall be in writing, signed by the complainant and contain the following:

1. A statement that the SEA or an agency or consortium of agencies has violated a requirement of federal statutes or regulation regarding the applicable program, or in the case of an appeal, a statement of aggrievement with the decision rendered by the agency or consortium of agencies based on a prior written complaint.
2. A clear and concise description of the facts on which the statement is based and the specific alleged violation or aggrievement.
3. A description of prior efforts to resolve the complaint, including information demonstrating that the SEA, agency or consortium of agencies has taken action adverse to the complaint or has refused or failed to take action within a reasonable period of time.
4. Complainant's and respondent's name, address and telephone number.
5. Other materials or documents containing information which support or clarify the statement.

II. Review of Complaint

A. Analysis

Within three business days of the receipt of the complaint, the Commissioner shall assign a review official. Within five business days of the assignment, the review official shall determine whether the complaint has been properly filed in accordance with Section I. If necessary, the review official shall interview the complainant.

B. Dismissal of Complaint

The review official may dismiss the complaint in writing stating an explanation for such action. The grounds for dismissal shall include, but not limited to, the following:

1. Failure to file a proper complaint pursuant to Section I.
2. The allegations fail to state a bona fide violation of federal statute or regulations by the SEA or an agency or consortium of agencies.
3. The allegations fail to state a bona fide aggrievement with the decision rendered by an agency or consortium of agencies based on prior written complaint.
4. The allegations were not caused by the actions or failure to act by the SEA, agency or consortium of agencies.

III. Notification of Complaint and Investigation

If a complaint is not dismissed, the review official shall forward the complaint to the respondent immediately along with a copy of the Complaint Resolution Procedures.

IV. Response to Complaint

Within 10 business days of the receipt of the complaint from the review official, the respondent shall file with the Commissioner a written response to the complaint.

A. Content of Response

The response shall address each and every allegation of the complaint and shall list the respondent's name, address and telephone number.

B. Interview

The review official or the respondent may request an interview to discuss the response and to resolve the dispute informally.

V. Complaint Investigation

Upon completion of Section IV or the failure of the respondent to file a response, the review official shall conduct an investigation. All parties may be duly notified that an investigation has begun. At any time during the investigation, the review official shall attempt to resolve the dispute informally.

Within 60 calendar days of the receipt of the complaint, an investigation of the complaint shall be completed and a written report shall be mailed to both parties. Information shall be gathered in a timely manner, while minimizing any inconvenience or disruption to the complainant or respondent.

Concerning a review of an appeal of the decision of an agency or consortium of agencies, the review official may elect to disregard the procedures contained in this section using in lieu thereof the following abbreviated procedure:

1. Review all of the appropriate records and determine whether the decision of the agency or consortium of agencies shall be affirmed, reversed or modified.
2. Draft a letter of review of an appeal addressing, but not limited to, the issue in dispute, the facts found, the affirmation, reversal or modification of the lower decision and recommendation for improved practices, policies or procedures.

A. Data Collection

The complainant and respondent shall provide the review official with copies of all relevant records requested in writing. Telephone interviews of the complainant, respondent and others with knowledge of the allegations may be conducted.

Pursuant to 34 CFR 99-35(a) the review official, acting on behalf of the SEA, is authorized to have access to education records in connection with an evaluation of federal or state-supported education programs or for the enforcement of or compliance with federal legal requirements which relate to those programs.

B. Independent On-Site Investigation

The review official may conduct an on-site visit to investigate the complaint if the official deems it necessary.

Any on-site visit shall be coordinated with the respondent.

C. Complaint Investigation Report

The Complaint Investigation Report shall be completed by the review official and mailed to the parties within 60 calendar days of the receipt of the complaint by the SEA. The Commissioner may grant an extension for the completion of the report upon written request of the review official or respondent if exceptional circumstances exist with respect to the particular complaint. Such extension shall be in writing and shall be mailed to the parties.

The report shall contain the following contents:

1. Summary of all investigation activities including, but not limited to, date of receipt of complaint, allegations, parties interviewed, documents received and dates of on-site visits.
2. Specific allegation of the complaint, the findings of fact, conclusions and final decisions rendered regarding each allegation, including citation to applicable federal statute or regulation.
3. Specific corrective action plan that resolves the complaint or ensures future compliance of the respondent regarding the violation of federal statute or regulation.
4. Recommendations for improved practices, policies or procedures shall be offered when no violation of federal statute or regulation is found.

D. Corrective Action Plan

If the Complaint Investigation Report finds that the respondent is violating federal statute or regulations, the respondent shall be requested to submit a corrective action plan within a specified period of time as determined by the review official.

Respondent may request technical assistance from the SEA in order to prepare a plan to achieve compliance.

VI. Review of Final Decision

The complainant may file a written request with the Secretary of the U.S. Department of Education to review the final decision of the SEA.

All local educational agencies shall disseminate information about the complaint procedures to teachers, staff, parents and appropriate private school officials or representatives.

A private school official shall have the right to complain that a local educational agency did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official.