

**TAMAQUA AREA SCHOOL DISTRICT  
FEDERAL PROGRAMS COORDINATOR  
138 W. BROAD STREET  
TAMAQUA, PA 18252**

**Every Student Succeeds Act**

**NON-PUBLIC  
PROCEDURE FOR  
COMPLAINT RESOLUTION**

# Complaint Resolution Process for ESSA Programs

## Introduction

The Every Student Succeeds Act (ESSA) requires Local Educational Agencies (LEAs) to adopt written procedures for “receiving and resolving any complaint alleging violations of the law in administration of programs.” In accordance with this legislative requirement, the Office of Non-Public Programs has adopted the following procedures.

## Definition

A “complaint” is a written, signed statement filed by an individual or an organization. It must include:

- a. A statement that Office of Non-Public Programs or the LEA has violated a requirement of federal statute or regulations which apply to the participation of non-public school students in programs under the ESSA.
- b. The facts on which the statement is based.
- c. Information on any discussions, meetings or correspondence with the Office of Non-Public Programs or the LEA regarding the complaint.

## Complaint Resolution Procedures

- 1) **Referral** – complaints against the Office of Non-Public Programs should be submitted to the Assistant Superintendent of Tamaqua Area SD.
- 2) **Investigation**- After receiving the Office of Non-Public Programs’ response, the Assistant Superintendent will determine whether further investigation is necessary. If necessary, the Assistant Superintendent may carry out an independent investigation.
- 3) **Opportunity to Present Evidence**—The Assistant Superintendent of may, in his or her discretion, provide for the complainant, the complainant’s representative, or both, and the Office of Non-Public Programs to present evidence. Such presentation may include the opportunity for each side to question parties to the dispute and any of their witnesses.
- 4) **Report and Recommended Resolution**—Once the Assistant Superintendent has finished any investigation and taking of evidence, he or she will prepare a final report with a recommendation for resolving the complaint or appeal. The final report will give the name of the party bringing the complaint or appeal, the nature of the complaint or appeal, a summary of the investigation, the recommended resolution, and the reasons for the recommendation. The Superintendent will issue the report to all parties to the complaint.
- 5) **Follow-up**—The Assistant Superintendent will insure that the resolution of the complaint or appeal is implemented if the complainant is in agreement with the resolution.

- 6) **Time Limit**—The period between the Assistant Superintendent’s receipt of a complaint or appeal and its resolution shall not exceed thirty (30) calendar days.
- 7) **Notice to Non-Public Complainant**—The Assistant Superintendent will notify the non-public complainant that they have a right to appeal the LEA’s decision to the Pennsylvania Department of Education, Office of Federal Programs.
- 8) **Referral to PDE**— Appeals from LEA decisions regarding complaints will be referred to the PDE Regional Coordinator for the LEA against which the complaint has been filed.
- 9) **Investigation**—After receiving the LEA’s response, the Regional Coordinator will determine whether further investigation is necessary. If necessary, the Regional Coordinator may carry out an independent investigation on-site at the LEA.
- 10) **Opportunity to Present Evidence**—The Regional Coordinator may, in his or her discretion, provide for the complainant, the complainant’s representative, or both, and the LEA to present evidence. Such presentation may include the opportunity for each side to question parties to the dispute and any of their witnesses.
- 11) **Report and Recommended Resolution**—Once the Regional Coordinator has finished any investigation and taking of evidence, he or she will prepare a final report with a recommendation for resolving the complaint or appeal. The final report will give the name of the party bringing the complaint or appeal, the nature of the complaint or appeal, a summary of the investigation, the recommended resolution, and the reasons for the recommendation. The regional Coordinator will issue the report to all parties to the complaint or appeal. The recommended resolution will become effective upon issuance of the final report.
- 12) **Follow-up**—The Regional Coordinator will insure that the resolution of the complaint or appeal is implemented.
- 13) **Time Limit**—The period between PDE’s receipt of a complaint or appeal and its resolution shall not exceed forty-five (45) calendar days.
- 14) **Extension of Time Limit**—The Chief of the Division of Federal Programs may extend the 45 day time limit if exceptional circumstances exist with respect to a particular complaint or appeal.
- 15) **Right to Appeal**—Either party may appeal the final resolution to the United States Secretary of Education.