



219 North Main Street, Suite 402
Barre, VT 05641 (p) 802-479-1030 | (f) 802-479-1835

Elementary and Secondary Education Act (ESEA) Complaint Procedures

Purpose

This procedure sets forth the process for resolving a complaint presented by any individual or organization that: (1) a school, school district, supervisory union, other agency authorized by the Local Educational Agency (LEA) or the State Education Agency (SEA), and/or (2) the State Education Agency violated the administration of education programs required by the Elementary and Secondary Education Act (ESEA) and re-authorized by the No Child Left Behind Act of 2001.

Statutory Requirement

Pursuant to [20 USC 7844, Sec 9304 \(a\)\(3\)\(C\)](#), of the *ESEA* () a State Educational Agency (SEA) shall adopt written procedures that offer parents, public agencies, other individuals or organizations a method for receipt and resolution of complaints alleging violations in the administration of the programs.

What is a complaint?

A complaint is a written allegation that a school, school district, supervisory union, other agency authorized by a LEA or the SEA, or the SEA has violated the law in the administration of education programs required by the ESEA. A formal allegation must be submitted in writing.

Complainants are encouraged to resolve the issue by speaking to the party in question directly or to speak to the applicable school, district, or supervisory union staff. If the complainant either does not feel comfortable doing so or does not receive a satisfactory resolution, they may file a formal complaint.

Submission of a Formal Complaint

What information should a formal complaint include?

A complaint must identify:

1. The complainant's name and contact information;
2. The alleged ESEA violation(s) and date(s) on which it occurred;
3. The facts supporting the alleged violation; and
4. Any supporting documentation.

How and where should a complaint be sent?

To initiate a complaint that a school, school district, supervisory union, other agency authorized by a LEA or the SEA, or the SEA has violated the administration of an education program, a complainant must submit a written complaint to:

Jennifer Gresham, Director
Federal & Education Support Programs
Vermont Agency of Education
219 North Main Street, Suite 402
Barre, VT 05641

Investigation and Resolution of a Complaint

What happens after a written complaint is submitted to the SEA?

1. *Record.* Upon receipt of a written complaint, a record of the source and nature of the complaint, including the applicable program involved in the complaint, statute violated, and facts on which the complaint is based, will be initiated.
2. *Written Receipt.* When a formal complaint is received, the SEA will provide a written receipt to the complainant within 10 business days, which will include the following information:
 - a. The date that the complaint was received;
 - b. A tentative resolution date;
 - c. The name and phone number of a contact person for status updates;
 - d. The investigation plan; and
 - e. A copy of the SEA ESEA complaint procedure.
3. *Investigation and Resolution.*
 - a. If the complaint is concerning actions of the LEA or schools within an LEA's service area, the SEA will notify the superintendent of the LEA involved within 10 business days of receipt of the complaint. Upon receipt of the complaint, the SEA will look into the situation and request documentation needed from the LEA to clarify the facts. The SEA General Supervision & Monitoring Director, or designee, will coordinate the investigation and resolution of the complaint. This may include interviews with the complainant and LEA and/or school staff; review of policies and procedures; and/or review of other pertinent documentation.
 - b. If the complaint is concerning actions of the SEA, the SEA General Supervision and Monitoring Division Director, or designee, will coordinate the investigation and resolution of the complaint.
4. *Report.* Within 30 business days of receipt of the complaint, the SEA will produce a written summary of the investigation and complaint resolution.

5. *File.* The SEA will retain a record of all complaints, findings and final resolutions. These documents are considered public record and may be made available to parents, teachers, and other members of the general public in a format that meets privacy law requirements.

What information is sent to the complainant about the investigation regarding an alleged violation?

When the investigation is complete, the SEA General Supervision and Monitoring Division Director will notify the complainant in writing regarding the outcome of the investigation.

Can any complainant alleging a violation submit the complaint directly to the United States Department of Education?

Yes. To report fraud, waste, abuse, misuse or mismanagement of U.S. Department of Education (ED) program funds a complainant can use the Office of Inspector General (OIG) online [Hotline Complaint Form](#) found on the ED website

If preferable, the complainant may contact the Inspector General's Hotline by:

- Calling the OIG Hotline's toll free number 1-800-MIS-USED. Hotline Operators take calls during the hours of Monday and Wednesday 9:00 AM until 11:00 AM, Eastern Time; Tuesday and Thursday, 1:00 PM until 3:00 PM, Eastern Time except for holidays; or
- Downloading a hardcopy of the Hotline Complaint Form, and completing, mailing or faxing to:

Inspector General's Hotline
Office of Inspector General
U.S. Department of Education
400 Maryland Avenue, S.W
Washington, D.C. 20202-1500
Fax: (202) 245-7047