

The Complaint Process for PNP School Officials

For federal programs covered under the Title VIII, Part F - Uniform Provisions of the *Every Student Succeeds Act (ESSA)*, a local educational agency (LEA) is required to provide the respective equitable services to eligible PNP schools. Under these provisions, Title III-funded LEAs must provide equitable services to a PNP's eligible English language learners (ELLs), their teachers, and other educational personnel.

A timely and meaningful consultation process provides an opportunity for LEA and PNP school officials to discuss and determine an eligible PNP's Title III equitable services. However, if PNP school officials believe that a timely and meaningful consultation has not occurred or that the equitable services determined during the consultation were not provided, PNP school officials should contact and discuss the matter with the LEA official(s) responsible for the consultation.

If the matter cannot be resolved, PNP school officials have the right to file a formal written complaint with their state educational agency (SEA). The formal written complaint must include:

- A statement that the LEA has violated a requirement of a federal statute or regulation that applies to the Title III, Part A program requiring equitable participation;
- The facts on which the statement is based and the specific statutory requirement the LEA allegedly violated; and
- The signature of the complainant.

Aspects of the complaint process that the PNP school officials should know:

- The SEA is required to have complaint procedures in place. Included in these procedures is a 45-day time limit by which the SEA must respond in writing to the complaint.
- No later than 30 days following the written response by the SEA, or in the event the SEA fails to resolve the complaint within 45-day time limit, the PNP school official may appeal the decision of the SEA to the Secretary of the U.S. Department of Education. Such appeal must be accompanied by a copy of the SEA's written response, if available, and a complete statement of the reasons supporting the appeal.
- The Secretary of the U.S. Department of Education must complete an investigation of the complaint and resolve the appeal within 90 days after receipt of the appeal.