

PROGRAM

2415.20 EVERY STUDENT SUCCEEDS ACT COMPLAINTS (M)

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The Every Student Succeeds Act (ESSA) reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). A Board of Education shall adopt a policy and written procedures for resolving a written complaint presented by an individual or organization that alleges violations in the administration of the ESSA programs as identified by the New Jersey Department of Education (NJDOE).

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Policy and Regulation 2415.20 set forth the requirements for resolving complaints presented by any individual or organization that:

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1. A school, school district, other agency authorized by the school district, or by the NJDOE violated the administration of education programs authorized by the ESEA as amended by the ESSA; and/or

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2. The NJDOE violated the administration of education programs required by the ESEA as amended by the ESSA.

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Complaints regarding nonpublic school officials alleging school district noncompliance must pertain to at least one of the following three specific reasons:

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1. The school district did not engage in consultation that was meaningful and timely;

2. The school district did not give due consideration to the views of the nonpublic school officials; or

3. The school district did not make a decision that treats the nonpublic school or its students equitable and in accordance with ESEA Section 1117 or Section 8501.

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A complaint shall be written and must identify, at a minimum, the alleged ESEA violation; a description of previous steps taken to resolve the matter; the facts supporting the alleged violation as understood by the complainant at the time of submission; and any supporting documentation.

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A complaint alleging a school in the district, school district, or other agency authorized by the school district, or the NJDOE violated the administration of a program must be submitted to the Assistant Superintendent for Curriculum & Instruction. The Assistant Superintendent for Curriculum & Instruction shall be responsible to coordinate the investigation of the complaint. The Assistant Superintendent for Curriculum & Instruction shall submit a written report regarding the outcome of the investigation to the complainant.

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If the complainant is not satisfied with the outcome of the investigation by the school district, the complainant must submit a written complaint to the Executive County Superintendent for the county where

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the school district is located. This process does not apply to alleged violations concerning participation of nonpublic school children.

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The Executive County Superintendent will coordinate the investigation of a complaint. When the investigation is complete, the Executive County Superintendent will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the Executive County Superintendent will identify and impose the appropriate consequences or corrective action in accordance with statute and/or regulation to resolve the complaint. If the complainant is not satisfied with the determination that is made by the Executive County Superintendent, the complainant may submit a written request for review of that determination to the Assistant Commissioner.

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A complaint alleging the NJDOE violated the administration of a program must be submitted to the designated New Jersey Department of Education Assistant Commissioner. The appropriate NJDOE Office assigned by the Assistant Commissioner will coordinate the investigation of a complaint. When the investigation is complete, the Assistant Commissioner will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the Assistant Commissioner will identify and impose the appropriate consequences or corrective actions as required by statute and/or regulation to resolve the complaint.

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If a complainant does not agree with the NJDOE's decision, the complainant may appeal to the Secretary of the United States Department of Education.

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To initiate a complaint regarding participation of nonpublic school children, a complainant must submit a written complaint to the NJDOE Nonpublic Ombudsman in accordance with NJDOE procedures.

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New Jersey Department of Education Elementary and Secondary Education Act (ESEA) Complaint Policy and Procedure

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First Reading: December 20, 2021

Second Reading: January 24, 2022

Adopted: