Kansas state department of Education

Title Programs and Services
785-296-3069
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120 SE 10th Avenue • Topeka, KS 66612-1182 • 785-296-6338 (TTY) • www.ksde.org

FEDERAL PROGRAMS

COMPLAINT RESOLUTION PROCEDURES

1. Any organization or individual may file a written, signed complaint with the Commissioner of Education, Kansas State Department of Education, 120 East 10th Avenue, Topeka, KS, 66612-1182, alleging that the state or a school district or consortium of school districts is violating a federal statute or regulation that applies to any of the following programs:

   - Title I, Part A—Improving Basic Programs Operated by Local Educational Agencies
   - Title I, Part B, Subpart 3—William F. Goodling Even Start Family Literacy Programs
   - Title I, Part C—Education of Migrant Children
   - Title I, Part D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk
   - Title II, Part A—Teacher and Principal Training and Recruiting Fund
   - Title II, Part D—Enhancing Education Through Technology
   - Title III, Part A—English Language Acquisition, Language Enhancement, and Academic Achievement Act
   - Title IV, Part A—Safe and Drug-Free Schools and Communities
   - Title IV, Part B—21St Century Community Learning Centers
   - Title V, Part A—Innovative Programs
   - Title VI, Part B, Subpart 1, Sec. 6211—Small, Rural School Achievement Program
   - Title VI, Part B, Subpart 2—Rural and Low-Income School Program
   - McKinney-Vento Homeless Assistance Improvement Act of 2001

2. Any organization or individual also may appeal a decision by a local school district or consortium of school districts regarding an alleged violation of federal statute or regulation that applies to the above listed programs. The appeal must be written and signed by the appellant and contain the information described in paragraph 3. The appeal shall be filed with the Commissioner of Education within 30 days of the date of the local decision.

3. To initiate a complaint or an appeal with the Kansas State Department of Education, a complainant must submit a written, signed complaint that includes:
   - A statement that the state or a school district has violated a requirement of a federal statute or regulation that concerns one of the above programs;
   - The pertinent facts on which the statement is based;
   - The specific requirement allegedly violated; and
   - A recommendation on how the Kansas State Department of Education should resolve the complaint or appeal.

   NOTE: Before submitting a complaint, the Kansas State Department of Education requires that all complainants first contact the appropriate personnel at the school building and school district in which the alleged complaint occurred and attempt to resolve all issues

at the local level first. Appropriate personnel could include the teacher, building principal, pupil personnel director, the superintendent and/or local board of education.

4. Complaints must be mailed to the Kansas Department of Education at the following address:

   Commissioner of Education
   Kansas State Department of Education
   120 SE 10th Avenue
   Topeka, KS 66612-1182

5. Upon receiving a complaint or appeal meeting the above requirements, the State and Federal Programs Team will review the complaint and begin an investigation to determine the merits of the complaint or appeal. This may include the conduct of an on-site investigation if it is determined that it is necessary.

6. Each complaint or appeal shall be investigated and resolved within 60 calendar days after it is received by the Kansas State Department of Education. If the Commissioner determines that exceptional circumstances exist with respect to a particular complaint or appeal, an extension of the time may be granted.

7. Any person who is dissatisfied with a final decision of the Commissioner regarding a complaint or an appeal shall have the right to request the Secretary of the U.S. Department of Education to review the decision.

SUGGESTED PROCEDURES FOR COMPLAINT RESOLUTION AT THE DISTRICT LEVEL

Complaints may be filed at the district level following a similar process as described previously in steps 1 - 7. The written complaint should be filed with the superintendent of the local school district rather than the Commissioner of Education.

KANSAS STATE DEPARTMENT OF EDUCATION

STATE PROCEDURES FOR REVIEWING COMPLAINTS

When a signed written complaint or a complaint made in person by recorded deposition or statement is received by the Kansas State Department of Education (KSDE) directly, or indirectly via other State or Federal agencies, which alleges improper administration of Federal program funds or programs, KSDE shall make a timely investigation and disseminate findings and corrective actions taken by KSDE to the complainants and other interested parties.

Referral and Dispatch

All complaints shall be referred to the Director of State and Federal Programs of the Kansas State Department of Education for investigation and resolution. The Director shall acknowledge receipt of complaint with a statement that he or she is requesting review and comment from the district. He or she shall send a letter with the attached copy of the complaint letter to the Superintendent of the affected district with request for review and comment within **fifteen (15) days**. Response shall be to the Director of State and Federal Programs.

Upon receipt of the district response, a meeting shall be arranged with the Director of the State and Federal Programs and other appropriate staff to determine any further actions on the resolution of the complaint. If an on-site investigation is determined appropriate, a person or team shall be appointed by the Director of State and Federal Programs to conduct the investigation. The individual or team shall be charged with making a full investigation of the complaint and writing a report of the findings.

On-Site Investigation

An on-site investigation, if appropriate, shall begin within **twenty (20) days** from receipt of the district's response to the complaint. Unless the investigating team leader can cite unusual circumstances which require additional time, the investigation shall be completed, a report written, and a decision rendered within **sixty (60) days** following receipt of the complaint.

During the course of the investigation, sufficient notes should be made or mechanically recorded of all information provided to enable the individual or team to write a full report. In addition to information received from the complainant, the individual or team shall investigate the allegations further by the interviewing and questioning of the local program administrator and staff, the school administrator and faculty, school board members, or any other person who may be able to give information to expedite the investigation and the resolution of the complaint.

Reports

At the close of the investigation, a final report shall be prepared by the individual or team and submitted to the Director of State and Federal Programs. The report shall include:

1. A summarization of the substance of the allegations in the complaint and the name of the individual citizen, group, or agency making the complaint.
2. A summary of the activities engaged in by the investigating team and a summary of the findings.

3. A statement of recommended actions by Kansas State Department of Education to resolve the
issue involved in the complaint.

Letter of Findings

Once a determination is made, the Kansas State Department of Education will develop a Letter of Findings which indicates whether or not the district is in compliance. The Letter of Findings will be sent to the school district with a copy to the complainant. The letter will include any appropriate corrective actions and expected timeline or a statement indicating that KSDE does not sustain the complaint.

Resolution of Complaints

A complaint is resolved when a school district has provided the Kansas State Department of Education with acceptable documentation that it has implemented the necessary corrective actions as identified in the Letter of Findings or when the KSDE does not sustain the complaint.

Appeal Process

An appeal regarding the decision of the state agency with respect to the complaint may be made by either party to the U.S. Department of Education.