

R 2415.20 No Child Left Behind Complaints

Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the No Child Left Behind Act of 2001 (NCLB), a Board of Education shall adopt a policy and written procedures that offer parent(s) or legal guardian(s), public agencies, other individuals, or organizations a method for receipt and resolution of complaints alleging violations in the administration of the NCLB programs.

- A. Complaint Procedure Alleging A Violation By A School, School District, Or Other Agency Authorized By The School District Or The New Jersey Department Of Education (NJDOE)
1. A Complaint is a written allegation that a school, school district, other agency authorized by the school district, or the NJDOE has violated the law in the administration of education programs required by the NCLB Act.
  2. A Complaint shall identify:
    - a. The alleged NCLB violation;
    - b. The facts supporting the alleged violation; and
    - c. Any supporting documentation.
  3. A Complaint may be submitted in writing or electronically. If a Complaint is submitted electronically, a hard copy should also be sent to the NJDOE via regular mail at the address indicated below.
  4. A Complaint shall be submitted to the Superintendent. The Complaint shall be in writing and shall be mailed, hand-delivered, or electronically submitted to the Superintendent.
  5. The Superintendent shall be responsible to coordinate the investigation of the allegations in the Complaint.
    - a. The Superintendent shall acknowledge receipt of the Complaint to the complainant within ten business days of receipt of the Complaint.

- b. The Superintendent may meet with building and district administrative staff, teaching staff, support staff, pupils, and/or the complainant(s) to determine if a violation of the administration of a NCLB program has occurred.
  - c. The Superintendent may request additional information from the complainant regarding the Complaint.
  - d. The Superintendent shall submit a written report regarding the outcome of the investigation to the complainant.
  - e. If the outcome of the investigation concludes a violation has occurred, the Superintendent shall identify and impose the appropriate consequences or corrective action to resolve the Complaint. A report of the incident will be shared with the Board of Education.
  - f. The outcome of the investigation may conclude the Complaint alleges a violation in the administration of a program by the NJDOE and the complainant shall be informed of the NJDOE Complaint Policy and Procedures as outlined in B. below.
6. If the complainant is not satisfied with the outcome of the investigation, the complainant may initiate a Complaint by submitting a written Complaint to the NJDOE to the attention of the Executive County Superintendent. A list of the County Offices of Education and Executive County Superintendents can be found at <http://www.state.nj.us/njded/regions/> or by calling (609) 292-4469.
  7. When a written Complaint is received by the Executive County Superintendent, the appropriate NJDOE personnel will issue a Letter of Acknowledgement to the complainant within ten business days of receipt of the Complaint. This letter shall contain the following information:
    - a. The date the Complaint was received;
    - b. A brief statement of the manner in which the NJDOE will investigate the Complaint;
    - c. If necessary, request for additional information regarding the Complaint;

- d. The name and phone number of a contact person for status updates; and
- e. A tentative resolution date that is sixty days from the date the written Complaint was received by the County Office.
  - (1) Based on the facts of the alleged violation, an extension of time may be required to resolve the Complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.
- 8. 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.
- 9. If a violation has occurred, the Assistant Commissioner assigned to oversee the matter shall identify and impose appropriate consequences or corrective actions as required by regulation to resolve the Complaint.
- 10. If the complainant does not agree with the NJDOE's decision, the complainant may appeal to the United States Department of Education Secretary at:

Office of Hearings & Appeals  
400 Maryland Avenue, SW  
Washington, DC 20202-4611  
(202) 619-9700

or at their website at:

<http://www.ed-oha.org/index.html>

- B. Complaint Procedure Alleging A Violation By The New Jersey Department Of Education (NJDOE)
  - 1. A Complaint is a written allegation the NJDOE has violated the law in the administration of education programs required by the NCLB.
  - 2. A Complaint shall identify:
    - a. The alleged NCLB violation;

- b. The facts supporting the alleged violation; and
  - c. Any supporting documentation.
3. To initiate a Complaint alleging the NJDOE has violated the administration of a NCLB program, a complainant must submit a written Complaint to the New Jersey Department of Education Chief of Staff or the United States Department of Education Secretary at the address indicated below. The NJDOE requests the complainant first contact the New Jersey Department of Education Chief of Staff to resolve the issue.

New Jersey Department of Education  
Office of the Chief of Staff  
P.O. Box 500  
Trenton, New Jersey 08625-0500  
(609) 292-4442

U.S. Department of Education  
Office of Hearings & Appeals  
400 Maryland Avenue, SW  
Washington, DC 20202-4611  
(202) 619-9700  
<http://www.ed-oha.org/index.html>

4. When a written Complaint is received by the NJDOE, the Chief of Staff will assign the investigation of this Complaint to the Office of Strategic Initiatives and Accountability or other designated office. This Office will issue a Letter of Acknowledgement to the complainant within ten business days of receipt of the Complaint. This letter shall contain the following information:
- a. The date the Complaint was received;
  - b. A brief statement of the manner in which the Department of Education will investigate the Complaint;
  - c. If necessary, request for additional information regarding the Complaint;
  - d. The name and phone number of a contact person for status updates; and
  - e. A tentative resolution date that is sixty days from the date that the written Complaint was received.

- (1) Based on the facts of the alleged violation, an extension of time may be required to resolve the Complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.
5. The NJDOE Office of Strategic Initiatives and Accountability will coordinate the investigation of a Complaint concerning an alleged violation by the NJDOE. When the investigation is complete, the Chief of Staff will notify the complainant in writing regarding the outcome of the investigation.
6. If it is determined a violation by the NJDOE has occurred, the Chief of Staff shall identify and impose appropriate consequences or corrective actions as required by regulation to resolve the Complaint.
7. If a complainant does not agree with the NJDOE's decision, the complainant may appeal to the United States Department of Education Secretary at the address above.

New Jersey Department of Education 1/26/07 Memorandum – No Child Left Behind Complaint Policy and Procedure