

# **Missouri Department of Elementary and Secondary Education Every Student Succeeds Act of 2015 (ESSA) COMPLAINT PROCEDURES**

Local education agencies are required to disseminate, free of charge, this information regarding ESSA complaint procedures to parents of students and appropriate private school officials or representatives. This guide explains how to file a complaint about any of the programs that are administered by the Missouri Department of Elementary and Secondary Education under the Every Student Succeeds Act of 2015 (ESSA) .

## **1. What is a complaint?**

For these purposes, a complaint is a written allegation that a local education agency or the Missouri Department of Elementary and Secondary Education has violated a federal statute or regulation that applies to a program under ESSA.

## **2. Who may file a complaint?**

Any individual or organization may file a complaint.

## **3. How can a complaint be filed?**

Complaints can be filed with the LEA or with the Department.

## **4. How will a complaint filed with the LEA be investigated?**

Complaints filed with the LEA are to be investigated and attempted to be resolved according to the locally developed and adopted procedures.

## **5. What happens if a complaint is not resolved at the local level (LEA)?**

A complaint not resolved at the local level may be appealed to the Department.

## **6. How can a complaint be filed with the Department?**

A complaint filed with the Department must be a written, signed statement that includes: 1. A statement that a requirement that applies to an ESSA program has been violated by the LEA or the Department, and 2. The facts on which the statement is based and the specific requirement allegedly violated.

## **7. How will a complaint filed with the Department be investigated?**

The investigation and complaint resolution proceedings will be completed within a time limit of forty-five calendar days. That time limit can be extended by the agreement of all parties.

The following activities will occur in the investigation: 1. *Record*. A written record of the investigation will be kept. 2. *Notification of LEA*. The LEA will be notified of the complaint within five days of the complaint being filed. 3. *Resolution at LEA*. The LEA will then initiate its local complaint procedures in an effort to first resolve the complaint at the local level. 4. *Report by LEA*. Within thirty-five days of the complaint being filed, the LEA will submit a written summary of the LEA investigation and complaint resolution. This report is considered public record and may be made available to parents, teachers, and other members of the general public. 5. *Verification*. Within five days of receiving the written summary of a complaint resolution, the Department will verify the resolution of the complaint through an on-site visit, letter, or telephone call(s). 6. *Appeal*. The complainant or the LEA may appeal the decision of the Department to the U.S. Department of Education.

## **8. How are complaints related to equitable services to nonpublic school children handled differently?**

In addition to the procedures listed in number 7 above, complaints related to equitable services will also be filed with the U.S. Department of Education, and they will receive all information related to the investigation and resolution of the complaint. Also, appeals to the United States Department of Education must be filed no longer than thirty days following the Department's resolution of the complaint (or its failure to resolve the complaint).

**9. How will appeals to the Department be investigated?** The Department will initiate an investigation within ten days, which will be concluded within thirty days from the day of the appeal. This investigation may be continued beyond the thirty day limit at the discretion of the Department. At the conclusion of the investigation, the Department will communicate the decision and reasons for the decision to the complainant and the LEA. Recommendations and details of the decision are to be implemented within fifteen days of the decision being delivered to the LEA.

---

**10. What happens if a complaint is not resolved at the state level?**

The complainant or the LEA may appeal the decision of the Department to the United States Department of Education.

## **SECTION 504 PUBLIC NOTICE**

The East Prairie R-2 School District, as a recipient of federal financial assistance from the United States Department of Education and operates a public elementary or secondary education program and/or activity, is required to under- take to identify and locate every qualified person residing in the District who is not receiving a public education; and take appropriate steps to notify disabled persons and their parents or guardians of the District's duty.

The East Prairie R-2 School District assures that it will provide a free appropriate public education (FAPE) to each qualified disabled person in the District's jurisdiction regardless of the nature or severity of the person's disability. For purposes of Section 504 of the Rehabilitation Act of 1973, the provision of an appropriate education is the provision of regular or special and related aids and services that (i) are designed to meet individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met and (ii) are based on adherence to procedures that satisfy the requirements of the 504 federal regulations.

The East Prairie R-2 School District has developed a 504 Procedures Manual for the implementation of federal regulations for Section 504 of the Rehabilitation Act, Subpart D. This Procedures Manual may be reviewed in the Superintendent's Office, 304 E. Walnut, East Prairie, Missouri, from 8 am to 4 pm Monday through Friday.

This notice will be provided in native languages as appropriate.

## **SPECIAL EDUCATION PUBLIC NOTICE**

*All responsible public agencies are required to locate, evaluate, and identify children with disabilities who are under the jurisdiction of the agency, regardless of the severity of the disability, including children attending private schools, highly mobile children, such as migrant and homeless children, and children who are suspected of having a disability and in need of special education even though they are advancing from grade to grade. The East Prairie R-2 School District assures that it will provide a free, appropriate public education (FAPE) to all eligible children with disabilities between the ages of 3 and 21 under its jurisdiction. Disabilities include autism, deaf/blindness, emotional disorders, hearing impairment and deafness, mental retardation, multiple disabilities, orthopedic impairment, other health impairments, specific learning disabilities, speech or language impairment, traumatic brain injury, visual impairment/blindness and young child with a developmental delay.*

The East Prairie R-2 School District assures that it will provide information and referral services necessary to assist the State in the implementation of early intervention services for infants and toddlers eligible for the Missouri First Steps program.

The East Prairie R-2 School District assures that personally identifiable information collected, used, or maintained by the agency for the purposes of identification, evaluation, placement or provision of FAPE of children with disabilities may be inspected and/or reviewed by their parents/guardians. Parents/guardians may request amendment to the educational record if the parent/guardian believes the record is inaccurate, misleading, or violates the privacy or other rights of their child. Parents have the right to file complaints with the U.S. Department of Education or the Missouri Department of