

COMPLAINT PROCEDURE FOR STATE OR FEDERAL PROGRAMS

When individual parents, a community group, or members of the general public suspect that a school district or individual school may be violating a State administered program authorized under the Elementary and Secondary Education Act (ESEA), they have a right to file a complaint with the State Education Agency (SEA). Since a complaint implies a lack of cooperation between the Local Education

Agency (LEA) and the person or group with a grievance, it is advisable to first consult with the local school administration about the alleged violation. Only when this course of action fails to produce results should a formal complaint be filed with the SEA.

A formal complaint is a signed written statement by parents, teachers, or other concerned individual or organization. The statement must include an allegation that a requirement applicable to an ESEA program has been violated and a statement of facts that support the allegation. Following the filing of a complaint the following procedure applies:

- A. Record Initiated** - A written record containing information pertinent to both the source and nature of the complaint should be initiated.
- B. Complaint Hearing** - Within fifteen (15) days following receipt of complaint, a hearing concerning the complaint shall be held by a hearing committee. Recommendations of the committee shall address answering the complaint. The committee shall be appointed by the Superintendent. No less than two persons shall be assigned to the committee, preferably the local coordinator and a parent.
- C. Hearing Minutes** - Minutes of a complaint hearing shall be taken and maintained at the local education agency. A copy of such minutes along with committee recommendations and administrative action shall be filed with the SEA.
- D. State Follow-Up** - The SEA shall maintain a record of all complaint hearings. The designated State Coordinator shall review the records of the complaint hearing and make contacts with the local educational agency regarding a follow-up and possible remedial action. If the complaint is not resolved to mutual consent of both parties, then either party can appeal through the state level procedures. (See the South Dakota Department of Education website for the state level procedures or call the Department at 605-773-3134.)

Official complaint form located within District Policy manual appendix.