

MAINE DEPARTMENT OF EDUCATION

Elementary and Secondary Education Act, as amended, **The Complaint Process for Private School Officials**

In order to meet requirements in Sec. 8503 of the Every Student Succeeds Act (ESSA) concerning private school complaint procedures, the SEA has developed the following procedures for complaint resolution.

State Involvement in Local Complaint Procedures Regarding Equitable Private School Services for Children, Teachers or Families.

- 1) All complaints seeking investigation and intervention by the Maine Department of Education State Ombudsman, shall be signed by the individual or private school concerned, and shall clearly state which ESEA requirements under Section 1117 and 8501 are alleged to have been violated.
- 2) The State Ombudsman may convene an informal meeting of the complainant and recipient agency officials to seek resolution of the issues arising from the complaint.
- 3) Where the complaint does not allege or demonstrate violations of applicable law and regulations, the Ombudsman may act as a mediator between the complainant and the recipient agency.
- 4) Should the informal meeting fail to resolve the issues contained in the complaint, the State Ombudsman shall undertake an investigation of the allegations. This investigation may include a formal meeting between the parties to further gain clarity of the complaint in order to formulate a resolution.
- 5) Investigation shall be completed within 45 days of receipt of the complaint.
- 6) At the close of the investigation, the Ombudsman's proposed resolution of the complaint shall be mailed to the complainant and the recipient agency, with a statement of findings and proposed corrective actions, if any.
- 7) If corrective action is requested, the recipient agency shall be requested to respond in writing within 30 days, describing the steps it will take to bring the ESEA program into compliance with applicable law and regulations.
- 8) Should the corrective action not be undertaken or not achieve compliance, the Department shall take appropriate steps to achieve compliance. Where this may result in the withholding of funds, termination of the program, or other similar action.
- 9) The Department shall retain a record of all complaints, findings, and final resolutions.

Appeal Process

In the event that the decision made by the Department is not acceptable or resolved within the 45 days, the complainant or private school may appeal to the Secretary of the U.S. Department of Education within 30 days after a decision has been made by the Department. The appeal shall be accompanied by a copy of the Department's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.