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| State of South Dakota |
| ESSA Complaint Procedures |
| Programs include: Title I. A, B, C, D, Title II, Title III, Title IV.A, Title V, Title VIII |

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| Division of Educational Services and Support  09/10/2018  01.29.2020 updated  2-28-2022 updated |

# What are the assurances and intent for the ESSA concerning programs administration?

The Every Student Succeeds Act of 2015 (ESSA), and in compliance with ESSA Title VIII- Part C. Sec. 8304(a)(3)(C), requires the South Dakota Department of Education (SDDOE) to adopt procedures for resolving complaints regarding operations of programs authorized under the Act, including Title I. A, B, C, D, Title II, Title III, Title IV.A, Title V and Title VIII.

[20 U.S.C. 7844](https://www.gpo.gov/fdsys/pkg/USCODE-2010-title20/pdf/USCODE-2010-title20-chap70-subchapIX-partC-sec7844.pdf)(a)(3)(C) (General Applicability of State Educational Agency Assurances)

[20 U.S.C. 7883](https://www.gpo.gov/fdsys/pkg/USCODE-2007-title20/pdf/USCODE-2007-title20-chap70-subchapIX-partE-subpart1-sec7883.pdf) (Complaint Process for Participation of Private School Children - the Office of the U.S. Secretary of Education)

# Who may file a Complaint

Any individual or organization may file a complaint.

# What is a Complaint

For these purposes, a complaint is a written allegation that a local education agency (LEA) or the South Dakota Department of Education (SDDOE) has violated a federal statute or regulation that applies to a program under ESSA. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing.

**Local Level Resolution for ESSA Complaints**

Every effort should be made to resolve the complaint at the district or school level before filing a complaint with the South Dakota Department of Education (SDDOE). As part of a local education agency’s (LEA) assurances within ESSA program grant applications, an LEA accepting federal funds must have local written procedures for the receipt and resolution of complaints alleging violations of law in the administration of covered programs. Typically, the school board policy will describe the parent grievance procedures. The local policy may require a meeting with the principal, central office administrators, and the school board. Once the local complaint process has been completed, if no resolution has been reached, the complaint may be submitted to the SDDOE.

# Complaint Procedures for ESSA

# Individuals filing complaints must include the following written information:

# The name of the school, district, or school employee alleged to have violated a specific federal requirement.

# The specific requirement you believe has been violated.

# The actions, facts, and documentation on which you base your complaint.

# Documentation of the efforts to resolve the complaint through the local parent complaint process.

# The resolution you expect.

# Written complaints are accepted by mail, fax, e-mail, or in person. The SDDOE must be able to verify the complainant’s name, phone number, and address in order to acknowledge receipt of the complaint. SDDOE will not be able to appropriately respond to the complaint without contact information. SDDOE requests a signature of the person filing the complaint. Send complaints to:

# South Dakota Department of Education

# Division of Learning and Instruction

# Federal Programs Complaint Coordinator

# 800 Governors Drive, MacKay Building

# Pierre, SD 57501-2235

# [Jordan.Varilek@state.sd.us](mailto:Jordan.Varilek@state.sd.us)

# To ensure that you have properly accounted for the required components necessary for filing an official complaint, you can use the [online ESSA complaint form](https://doe.sd.gov/title/documents/ESSA-Complaint-Forms.docx?web=1) . Fill out the required fields, print out the letter that is generated, and mail the signed form to the address above.

# Complaint Resolution for ESSA

SDDOE will respond to complaints about the requirements of ESSA within 30 business days of receipt, unless an extension is needed because of extenuating circumstances. Complainants will be notified in writing, if an extension will be needed and the reasons for the extension. The written report with a resolution will include:

* A statement of the federal program requirements involved.
* A summary of the information, records, or data reviewed and considered.
* The findings of fact.
* The conclusions for each allegation, including the reasons for the conclusion.
* A resolution that may include any technical assistance, negotiations, or corrective action that must occur and when the action must occur.

The written resolution will be mailed to the complainant and the superintendent of the school district against whom the allegations were made through certified mail.

# How are ESSA complaints with the McKinney-Vento Act handled?

There is a process for the McKinney-Vento Act in a separate section provided for under the Every Student Succeeds Act (ESSA). See separate process with information on the SDDOE [website](https://doe.sd.gov/title/McKinneyVento.aspx)**.**

# How does a non-public school official file a complaint regarding equitable services?

# ESSA requires LEAs or other public or private organizations receiving federal financial assistance to provide equitable participation to eligible private school children, teachers, and other educational personnel in programs under sections 1117(b)(1)(Title I) and 8501(c)(1) . The services, materials or other benefits shall be secular, neutral, and nonideological.

# The information and process can be found on the SDDOE website under <https://doe.sd.gov/title/privateschools.aspx>