

PROCEDURES FOR RESOLVING COMPLAINTS AND APPEALS

- I. ***Applicability.*** These procedures apply to complaints and appeals filed with the Illinois State Board of Education by an organization or individual with respect to the State-administered portions of the following federal programs, as required under 34 C.F.R. Sections 299.10, 299.11 and 299.12.
 - a) Part A of Title I (Improving Basic Programs Operated by Local Educational Agencies)
 - b) Part B of Title I (Even Start Family Literacy Programs), other than the federally-administered direct grants for Indian tribes and tribal organizations, children of migratory workers, Statewide family literacy initiatives and prisons that house women and children
 - c) Part C of Title I (Migrant Education)
 - d) Part D of Title I (Children and Youth Who Are Neglected, Delinquent or At Risk of Dropping Out)
 - e) Title II (Teacher Quality Act) other than section 2103 and Part C of Title 34
 - f) Part D of Title II (State and Local Programs for School Technology Resources)
 - g) Title III (Emergency Immigrant Education)
 - h) Part A of Title IV (Safe and Drug-Free Schools and Communities) other than Section 4114 and
 - i) Title V (Innovative Education Program Strategies).
- II. ***Procedures.*** An individual or organization may file a written complaint alleging that the State Board of Education, a local school district, cooperative or joint agreement, charter school, special charter district, regional office of education, educational service agency, other local or State agency responsible for administering public elementary or secondary schools, or a combination or consortium of agencies (hereafter, each of the foregoing entities is referred to as an “Educational Agency”) has violated a federal statute or regulation that applies to an applicable program listed above in Section I.
- III. An individual or organization may file a written appeal with the State Board of Education from a decision of an Educational Agency with respect to a complaint alleging violation of a federal statute or regulation that applies to an applicable program listed above in Section I.
- IV. An individual or organization that files a complaint or appeal under Sections II or III must:
 - a) identify one or more Educational Agency(ies) that has violated a requirement of federal statute or regulation that applies to an applicable program listed above in Section I;
 - b) indicate the specific requirement of federal statute(s) or regulation(s) allegedly violated; and
 - c) specify facts demonstrating the alleged violation(s).
- V. The complaint or appeal must be submitted in writing within thirty (30) days of the final action being appealed to the following address, with a copy sent to the Educational Agency alleged to have committed the violation:

Illinois State Board of Education
Attn: NCLB Liaison
100 North First Street
Springfield, Illinois 62777-0001

- VI. The complaint or appeal must be signed by the individual complainant or appellant or the executive director or chief administrator of the organization or entity filing the complaint or appeal. No electronic or facsimile transmissions will be accepted.
- VII. Within fourteen (14) days after receipt of the written complaint or appeal, staff of the State Board of Education shall review the submission and determine whether an independent on-site investigation is necessary. However, if the complaint or appeal alleges that the State Board of Education violated a federal statute or regulation, the State Board of Education shall promptly refer the matter to the Office of the Executive Inspector General for investigation in accordance with the State Officials and Employees Ethics Act, 5 ILCS 430/1 *et seq.* The State Board of Education shall take no further action on such matter until and unless directed to do so by the Office of the Executive Inspector General. If any such matter is referred back to the State Board of Education by the Office of the Executive Inspector General, an ISBE division other than the division responsible for administering the applicable program shall be designated by the State Superintendent of Education and conduct all necessary investigations and submit all findings and recommendations required by these procedures.
- VIII. Upon request, the party or parties submitting the complaint or appeal shall promptly provide to the State Board of Education such additional information as the State Board determines is necessary to resolve the complaint or appeal.
- IX. Within sixty (60) days after receipt of the written complaint or appeal, the completion of any on-site investigation, receipt of any additional information requested under Section VIII, or receipt of a final report from the Office of the Executive Inspector General, whichever occurs last, the State Board of Education division responsible for administering the applicable program (or another division, if appointed under Section VII) shall submit findings and recommendations to the State Superintendent of Education for a final determination. The State Superintendent of Education shall make a final written determination and shall send a copy of such determination to each party within fourteen (14) days of receipt of the findings and recommendations from the applicable State Board of Education division.
- X. In cases of exceptional circumstances, the time limit established under Section IX may be extended by the State Superintendent of Education with respect to a particular complaint or appeal.
- XI. At the discretion of the Secretary of the United States Department of Education, the individual or organization that filed a complaint or appeal may request that the Secretary review the State Superintendent's final written determination. In matters involving

violations of 20 U.S.C. 7883 (participation of private school children), the Secretary will follow the procedures developed pursuant to such section.

- XII. Each Educational Agency that offers a program listed above in Section I must disseminate, free of charge, information about the complaint and appeal procedures set forth herein in a format supplied by the State Board of Education, to parents of students in the applicable programs and appropriate private school officials or representatives. Such dissemination may be provided through a website describing the program, or through a student handbook.