

## Equitable Services Complaint, Resolution, and Appeal Process for Title I and Title VIII

A private school official has the right to file a complaint with the Illinois State Board of Education when the official deems that a Local Education Agency (LEA) has not engaged in consultation that was meaningful and timely, has not given due consideration to the views of the private school official, or has not made a decision that treats the private school students equitably, per ESEA Section 8501(c)(6)(A)).

### Process:

1. Communicate concerns with the district about how it violates Title I and/or Title VIII statute and/or regulations with respect to equitable participation. The private school may use the Letter of Concern to the LEA template that is found under the Concerns & Complaints dropdown on the [ISBE Ombudsman webpage](#) to initiate resolution between the two parties.
2. After discussing the concerns with the LEA's point of contact -- and prior to filing a complaint -- the complainant may request informal mediation by the ombudsman. The ombudsman and appropriate program staff will assess the issue(s) and, if appropriate, will arrange mediation to resolve the issue. In all recent cases, this has resolved concerns from private schools and filing of a formal complaint has not been necessary.
3. If the complainant is unsatisfied with the mediation process, the complainant may file a formal complaint. The complainant must complete and submit an [ISBE Ombudsman Complaint Form](#) to the equitable services ombudsman, Jennifer Lee, at [jlee@isbe.net](mailto:jlee@isbe.net) along with all relevant evidence:
  - a. A statement that an LEA has violated a requirement of the Title I statute or regulations with respect to equitable participation;
  - b. The facts on which the statement is based, and the specific statutory or regulatory requirement(s) allegedly violated; and
  - c. The signature of the complainant (34 CFR 299.12).

The written complaint will be promptly acknowledged and investigated after it has been received by ISBE. The agency will send a copy of the complaint to all parties involved, including the LEA. Those entities will be allowed to respond to the complaint in writing within 15 calendar days of receipt. The appropriate program staff, including the ombudsman, will conduct a review of the complaint. If necessary, an onsite review may be conducted. If appropriate, additional information may be gathered and forwarded to other appropriate departments and/or state agencies. If additional information is needed, the complainant and the LEA will be contacted.

The ombudsman and appropriate program staff will investigate the complaint within 45 calendar days after it is received and send ISBE's final resolution to the complainant and the LEA (ESEA Section 8503(a)).

If the complainant does not feel that the issue has been resolved via the ISBE ombudsman [formal complaint process](#) or ISBE fails to resolve the complaint within the 45-day limit, the complainant can appeal to the U.S. secretary of education.

1. Send appeal to the U.S. secretary of education within 30 calendar days after ISBE's resolution.
2. Send the reasons for the appeal and a copy of the resolution statements.
3. The U.S. secretary of education will investigate and resolve the appeal no later than 90 calendar days after receipt of the appeal (ESEA Section 8503(b)).

A nonpublic/private school may send an appeal an ISBE complaint resolution to the U.S. Department of Education at the following mailing address:

Assistant Secretary for Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

Or it can be emailed to [OESE@ed.gov](mailto:OESE@ed.gov) and [ONPE@ed.gov](mailto:ONPE@ed.gov).