

Harrison County Schools Office of Federal Programs Title I

Procedures for the Investigation and Resolution of Complaints

Applicability

An individual or other eligible entity may submit a complaint to the Harrison County Office of Federal Programs under these procedures with regard to any of the following ESEA programs:

- Title I, Part A: Improving Basic Programs Operated by local educational agencies

Purpose

This document addresses the requirements of 20 USC §7844 and 20 USC §7883 for resolving complaints applicable to the federal programs identified above. A complaint may be submitted by any individual, group of individuals or organization, in-state or out-of-state, who alleges that a federal or state law, rule, or regulation has been violated by a Harrison County Title I school or Harrison County Schools Federal Programs. All complaints will be directed to, and reviewed by the Supervisor of the Harrison County Office of Federal Programs. This office to investigate and resolve any complaint by an individual or organization will use the procedures set forth below.

Definitions

"Complaint" shall be defined as a signed, written statement by an individual, group of individuals, or organization which alleges that a Title I school or Harrison County Office of Federal Programs or the state educational agency has violated a requirement of federal law that applies to *No Child Left Behind Act of 2001* (P.L. 107-110). The statement of complaint must identify the alleged violations of the law and include pertinent facts upon which the allegation is based. The complaint must allege a violation that occurred not more than 90 working days prior to the date that the complaint is received, unless a longer period is reasonable because the violation is considered systemic or ongoing. Written complaint statements must contain original signatures. Complaints that have been received via facsimile or email will not be accepted, as the document does not provide an original signature. If a complaint is filed on behalf of a student by an individual who is not the parent or legal guardian of the student, Harrison County Schools shall provide the complainant an opportunity to obtain parent/guardian release of information. Upon receipt of a signed, parental consent for release of information, the non-parent complainant will be entitled to a copy of the letter of findings upon the conclusion of the complaint investigation.

"Complainant" shall be defined as public agencies, teachers, administrators, parents, or other individuals and organizations. Harrison County Schools Office of Federal Programs will not accept nor investigate allegations or violations from anonymous sources.

Timelines

Harrison County Schools Office of Federal Programs shall investigate and resolve any written complaint within **thirty (30) business days from the date the complaint is received** unless “exceptional circumstances” justify an extension of the time limit. For the purposes of these procedures, the term “exceptional circumstances” means circumstances related to school closings, the volume of information/documentation submitted for review, the complexity of the issues, or the need for legal consultation. The amount of time to be granted for an exceptional circumstance shall be determined on an individual case basis. The district and complainant will be notified in writing of the time of the extension and the basis for the districts decision. Timelines shall not be extended for refusal or failure by the public agency to cooperate with the complaint investigation.

Procedures for Complaints Filed:

A. Registration of Complaints - Persons filing written complaints shall register such complaints with the Supervisor of Harrison County Schools Office of Federal Programs. The written documentation shall be mailed to the following address:

Harrison County Schools
Office of Federal Programs Supervisor
P.O.Box 1370
Clarksburg, WV 26301

B. Receipt of a Complaint - Upon receipt of a complaint, Office of Federal Programs shall issue a letter of acknowledgement within **ten (10) business days** to the complainant that contains the following information:

- The date that Harrison County Schools received the complaint;
- A verification of the complaint to be investigated;
- A request for additional information from the complainant and/or school/program for the purposes of verifying the allegations. – In the event that the information is not submitted as requested, Harrison County Schools Office of Federal Programs will conduct an investigation and issue the “Letter of Findings” based on the information at hand. Any information submitted is subject to disclosure as part of the public record in accordance with WVBE Policy 1230: Freedom of Information Requests.
- A statement of the procedures in which Harrison County Schools Office of Federal Programs may investigate the complaint;
- The Harrison County Schools Office of Federal Program’s commitment to issue a resolution in the form of a “Letter of Findings”.

If the complaint involves a Title I School, a copy of the acknowledgement letter and the written complaint will be issued to the school principal.

C. Investigation - The Harrison County Schools Office of Federal Programs shall investigate and resolve any written complaint within **thirty (30) business days** from the date the complaint is received unless “exceptional circumstances” justify an extension of the time limit. Complainant(s) will be notified, in writing, if exceptional circumstances exist requiring an extension of the thirty (30) day time period. (See Timeline section of this document.) On site investigation may be announced or unannounced visits. The investigator may use, but is not limited to, the following investigative options:

- Review of submitted written documentation to determine compliance with the federal program in question;
- Request copies of existing documents;
- Request written responses to additional questions posed to the complainant in writing;
- Conduct telephone or person to person interviews with school officials, employees, student(s), the complainant or other relevant persons;
- Conduct an on-site investigation to gather additional information;
- Contact the West Virginia Department of Education Office of Federal Programs for Guidance;
- Investigate using only one or a combination of any of the above options.

D. Review of Information and Determination of Compliance or Non-Compliance – Harrison County Office of Federal Programs shall review the information at the conclusion of the final investigative procedures to determine if the public agency and/or individual(s) have violated federal law(s) with regard to any of the following ESEA programs:

- Title I, Part A: Improving Basic Programs Operated by local educational agencies;

E. Issuance of “Letter of Findings” – Once determination is made, consistent with federal and/or state laws and/or procedures and policies, the Harrison County Office of Federal Programs Supervisor shall schedule an appointment with the originators of the complaint, and the superintendent or designee and if appropriate named Title I school principal to discuss the “Letter of Findings”. The “Letter of Findings” and discussion shall include the following information:

- A statement of the allegation(s) investigated;
- A statement of additional allegation(s) determined during the course of investigation;
- Investigative procedures, findings of fact, and applicable federal and state laws;
- Conclusions for each of the investigated issues;
- Statement indicating the corrective action(s) which must be undertaken by the local educational agency or school to correct each identified violation of federal and/or state law and the timelines for implementing the corrective action(s); **or**
- A statement, supported with justification, that the district does not sustain the complaint.

A final copy of the “Letter of Findings” will be provided to all involved.

F. Implementation of Corrective Actions – Harrison County Schools Office of Federal Programs shall require submitted documentation verifying the implementation of the corrective action(s) within **thirty (30) business days** following the date of issuance of the “Letter of Findings”. Timelines for completing corrective actions will only be extended in circumstances related to building/renovating classrooms, physical relocation of classes, reassignment/reorganization of personnel, employment of additional personnel or unforeseen circumstances (e.g. natural disasters). A request for an extension of timelines shall be made within **ten (10) business days** of the issuance of the “Letter of Findings”.

G. Review of Corrective Action Documentation – Within **ten (10) business days of receipt of the documentation**, the complainant will review and accept the documentation as resolution. If resolution cannot be reached, the complainant may file a complaint to West Virginia Department of Education, Office of Federal Programs, Title I.