



Equitable Services (Title I and VIII) Complaint, Resolution and Appeal Process

Statutory Requirement

Pursuant to §§ 1117 and 8501 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), a private school official has the right to file a written complaint with the state education department ombudsman asserting that a school district did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school, or did not make a decision that treats private school students equitably.

The Virginia Department of Education (VDOE) has established the following Complaint, Resolution and Appeal Process for nonprofit private officials, school students, teachers and families (“complainant”).

If the complainant believes that timely and meaningful consultation has not occurred, and the complainant has discussed their concerns with the LEA’s point of contact responsible for coordinating the consultation and provision of services between the two entities, the complainant has the right to file a formal written complaint with VDOE.

Complaint

To file a formal complaint with VDOE, the complainant should complete and submit the complaint form to the State Ombudsman at equitable.services@doe.virginia.gov.

1. Complainants should ensure that the complaint and all supporting documentation are complete before submitting a complaint. No additions or corrections may be made to the written complaint once the complaint has been submitted unless requested or agreed to by VDOE.
2. Upon receipt of a complaint, the written complaint will be promptly acknowledged and investigated. VDOE 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 fifteen (15) calendar days of receipt.
3. Appropriate program staff, including the State Ombudsman, will conduct a review of the complaint. If necessary, an on-site review may be conducted. If appropriate, additional information may be gathered and forwarded to other appropriate offices or organizations. If additional information is needed, the complainant and the LEA will be contacted.

Within forty-five (45) calendar days of receipt of the complaint, the State Ombudsman will investigate and send a written finding of fact to the complainant and the LEA.

Informal Mediation

After discussing the concerns with the LEA point of contact, **and prior to filing a complaint**, the complainant may request informal mediation via the State Ombudsman

at VDOE. The State Ombudsman will assess the issue(s) and, if appropriate, will arrange an informal mediation to attempt to resolve the issue.

Resolutions

Listed below are possible resolutions to the complaint:

1. The VDOE may require the LEA to take actions necessary to bring the LEA in compliance with ESSA's equitable services requirements.
2. The VDOE may identify issues that hinder the delivery of services. The State Ombudsman will meet with the parties to resolve the issues and develop a plan to ensure timely and meaningful delivery of services. All parties will be informed of required actions and timelines.
3. The VDOE may determine the LEA is compliant with the equitable services provisions of ESSA.
4. The State Ombudsman, along with a review team comprised of Title I and VIII State Educational Agency (SEA) program managers/specialists, may determine direct delivery of services should be provided.
 - a) If determined, VDOE will provide equitable services for the fiscal year to the eligible complainant through third-party contracts with public or private agencies, organizations, or institutions [ESSA Section 1117(b)(6)(C)].
 - b) Once direct services have been provided for the fiscal year, VDOE shall invoice the LEA involved for the services provided, including any administrative fees.
 - c) VDOE will provide technical assistance to the LEA involved to ensure that the LEA meets the requirements of the ESSA Sections 1117 and 8501 in subsequent years.

Appeal

If the complainant does not feel that the issue has been resolved through the VDOE complaint process or VDOE fails to resolve the complaint within the forty-five (45) day time limit, the complainant can appeal to the U.S. Secretary of Education.

- a. The complainant can appeal the decision by filing an appeal with the U.S. Secretary of Education within thirty (30) calendar days after the resolution of the complaint. If the forty-five (45) day time limit for response by the State Ombudsman has passed without a decision, the deadline for filing an appeal is thirty (30) calendar days after the forty-five (45) day deadline.
- b. The appeal to the U.S. Secretary of Education must be accompanied by a copy of the resolution by the State Ombudsman and a complete statement of the reasons for an appeal.
- c. The U.S. Secretary of Education shall investigate and resolve the appeal no later than ninety (90) calendar days after receipt of the appeal.