

**EVERY STUDENT SUCCEEDS ACT** ~~NO CHILD LEFT BEHIND COMPLAINTS~~

2415.20 **EVERY STUDENT SUCCEEDS ACT** ~~NO CHILD LEFT BEHIND COMPLAINTS~~

Pursuant to ~~20 USC 7844, Sec 9304 (a)(3)(C), of the No Child Left Behind Act of 2001 (NCLB),~~ **The Every Student Succeeds Act (ESSA) reauthorized the Elementary and Secondary Education Act of 1965 (ESEA).** A Board of Education shall adopt a policy and written procedures **for resolving a written complaint presented by an individual or organization that alleges** ~~that offer parent(s) or legal guardian(s), public agencies, other individuals, or organizations a method for receipt and resolution of complaints alleging~~ violations in the administration of the **ESSA** ~~NCLB~~ programs as identified by the New Jersey Department of Education (NJDOE).

Policy and Regulation 2415.20 set forth the requirements for resolving complaints presented by any individual or organization that:

1. A school, school district, other agency authorized by the school district, or by the NJDOE violated the administration of education programs **authorized** ~~required~~ by the ~~Elementary and Secondary Education Act ESEA~~ as amended by **the ESSA** ~~NCLB~~; and/or
2. The NJDOE violated the administration of education programs required by the **ESEA** ~~Elementary and Secondary Education Act~~ as amended by the **ESSA** ~~NCLB~~.

**Complaints regarding nonpublic school officials alleging school district noncompliance must pertain to at least one of the following three specific reasons:**

1. **The school district did not engage in consultation that was meaningful and timely;**
2. **The school district did not give due consideration to the views of the nonpublic school officials; or**
3. **The school district did not make a decision that treats the nonpublic school or its students equitable and in accordance with ESEA Section 1117 or Section 8501.**

A ~~C~~complaint shall be a written **and must identify, at a minimum, the alleged ESEA violation; a description of previous steps taken to resolve the matter;** ~~allegation that shall identify the alleged NCLB violation,~~ the facts supporting the alleged violation **as**



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**understood by the complainant at the time of submission;** and any supporting documentation.

A Complaint shall be a written allegation that shall identify the alleged ESSA violation, the facts supporting the alleged violation, and any supporting documentation.

A Complaint alleging a school in the district, school district, or other agency authorized by the school district, or the NJDOE violated the administration of a program must be submitted to the district administrator responsible for ESSA compliance. The district administrator responsible for ESSA compliance shall be responsible to coordinate the investigation of the Complaint. The district administrator responsible for ESSA compliance shall submit a written report regarding the outcome of the investigation to the complainant. If the complainant is not satisfied with the outcome of the investigation, the complainant may initiate a Complaint by submitting a written Complaint to the NJDOE to the attention of the County Superintendent. The County Superintendent will coordinate the investigation of a Complaint. When the investigation is complete, the County Superintendent will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the Assistant Commissioner assigned to oversee the matter shall identify and impose appropriate consequences or corrective actions as required by regulation to resolve the Complaint. If the complainant does not agree with the NJDOE's decision, the complainant may appeal to the United States Department of Education Secretary.

A ~~€~~complaint alleging a school in the district, school district, or other agency authorized by the school district, or the NJDOE violated the administration of a program must be submitted to the Director of Curriculum and Instruction (**district administrator responsible for ESSA ~~NCLB~~ compliance**). The Director of Curriculum and Instruction (**district administrator responsible for ESSA ~~NCLB~~ compliance**) shall be responsible to coordinate the investigation of the ~~€~~complaint. The Director of Curriculum and Instruction (**district administrator responsible for ESSA ~~NCLB~~ compliance**) shall submit a written report regarding the outcome of the investigation to the complainant.

If the complainant is not satisfied with the outcome of the investigation **by the school district**, the complainant **must submit a written complaint** ~~may initiate a Complaint by submitting a written Complaint to the NJDOE to the attention of the~~ **Executive** County Superintendent **for the county where the school district is located. This process does not apply to alleged violations concerning participation of nonpublic school children.**

The **Executive** County Superintendent will coordinate the investigation of a ~~€~~complaint. When the investigation is complete, the **Executive** County Superintendent will notify the



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complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the **Executive County Superintendent will identify and impose the appropriate consequences or corrective action in accordance with statute and/or regulation to resolve the complaint.** ~~Assistant Commissioner assigned to oversee the matter shall identify and impose appropriate consequences or corrective actions as required by regulation to resolve the Complaint.~~ If the complainant **is not satisfied with the determination that is made by the Executive County Superintendent** ~~does not agree with the NJDOE's decision,~~

the complainant may **submit a written request for review of that determination to the Assistant Commissioner** ~~appeal to the United States Department of Education Secretary.~~

A ~~€~~complaint alleging the NJDOE violated the administration of a program must be submitted to the **designated** New Jersey Department of Education **Assistant Commissioner** ~~Chief of Staff or the United States Department of Education Secretary.~~ The NJDOE requests the complainant first contact the New Jersey Department of Education Chief of Staff to resolve the issue. The **appropriate** NJDOE Office **assigned by the Assistant Commissioner** ~~of Strategic Initiatives and Accountability~~ will coordinate the investigation of a ~~€~~complaint. When the investigation is complete, the **Assistant Commissioner** ~~Chief of Staff~~ will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the **Assistant Commissioner** ~~Chief of Staff~~ shall **will identify and impose the** ~~identify and impose~~ appropriate consequences or corrective actions as required by **statute and/or** regulation to resolve the ~~€~~complaint.

If a complainant does not agree with the NJDOE's decision, the complainant may appeal to the **Secretary of the** United States Department of Education Secretary.

**To initiate a complaint regarding participation of nonpublic school children, a complainant must submit a written complaint to the NJDOE Nonpublic Ombudsman in accordance with NJDOE procedures.**

New Jersey Department of Education 1/26/07 Memorandum ~~No Child Left Behind~~  
**Elementary and Secondary Education Act (ESEA)** Complaint Policy and Procedure

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