



Complaint Procedure

The Missouri Department of Elementary and Secondary Education (the Department) has developed a complaint procedure providing for prompt and equitable resolution of complaints alleging noncompliance by the Department with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, or Title II of the Americans with Disabilities Act of 1990.

The Department is committed to maintaining an environment that is free from illegal discrimination in its programs, activities and facilities. Any person who believes s/he has been subjected to discrimination on the basis of race, color, religion, gender, national origin, age, or disability in a program or activity administered by the Department may file a complaint under this procedure. Retaliation against a person who files a complaint of discrimination on the basis of disability pursuant to the complaint procedure, or persons who participate in related proceedings, is prohibited.

For more information or to file a complaint you may contact: Office of the General Counsel, Coordinator – Civil Rights Compliance, Department of Elementary and Secondary Education, Jefferson State Office Building, 6th floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, Missouri 65102-0480; telephone number 573-526-4757 or TTY 800-735-2966; email civilrights@dese.mo.gov.

Procedure:

A complaint must be submitted in writing, or other accessible format suitable to the person, to the Department's Civil Rights Compliance Coordinator (Coordinator) within 45 calendar days of the date the person filing the complaint becomes aware of the alleged discrimination.

The complaint must contain the name and address of the person filing it. The complaint must also state the problem or action alleged to be discriminatory in sufficient detail, and the action or accommodation desired, and the nature and extent of the person's disability. The person or person's legal representative must sign the complaint.

The Coordinator shall conduct a prompt and thorough investigation of each complaint received. This investigation shall afford all interested persons an opportunity to submit evidence relevant to the complaint. The Coordinator shall maintain the files and records relating to the complaint. Further, to the extent allowed by law, the Coordinator shall maintain the confidentiality of the person filing the complaint. This shall not prohibit the Coordinator from consulting with Department legal counsel regarding the investigation.

The Coordinator will issue a decision in writing, or other accessible format suitable to the person, outlining what action, if any, will be taken in regard to the complaint no later than 30 working days after its filing. If the Coordinator, for good reason, is unable to reach a decision within the 30 working day time period, s/he shall notify the person as to the reason for its delay and the additional time needed to reach a decision. Should the Coordinator find discrimination within a Department program or activity, the Department will take immediate steps to make the correction and to prevent its recurrence.

The person filing the complaint may appeal the Coordinator's decision within 10 working days of the receipt of the decision by writing to the Commissioner of Education, Missouri Department of Elementary and Secondary Education, Jefferson State Office Building, 6th Floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, Missouri 65102-0480; telephone number 573-751-4446.

The filing of the appeal authorizes the Commissioner of Education (Commissioner) or his/her designee, to review all information, including information classified as private or confidential by Commissioner or his/her designee. The Commissioner or his/her designee will review the person's statement of appeal and the factual findings of the Coordinator's decision to arrive at an independent conclusion.

The Commissioner or his/her designee will issue a decision in writing or other accessible format suitable to the person within 10 working days after receiving the appeal. If the Commissioner or his/her designee, for good reason, is unable to reach a decision within the 10 working day period, s/he shall notify the person as to the reason for its delay and the additional time needed to reach a decision. Should the Commissioner or his/her designee find discrimination within a Department program or activity the Department will take immediate steps to make the correction and to prevent its recurrence.

The availability and use of this complaint procedure does not prevent a person from filing a complaint with the U.S. Department of Education, Office for Civil Rights, One Petticoat Lane, 1010 Walnut Street, 3rd floor, Suite 320, Kansas City, Missouri, 64106; telephone number 816-268-0550; FAX: 816-823-1404; TDD: 877-521-2172; email OCR.KansasCity@ed.gov.