

# POLICY GUIDE

BAYONNE BOARD OF EDUCATION

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## **2415.20 EVERY STUDENT SUCCEEDS ACT COMPLAINTS**

**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 violations in the administration of the ESSA 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** by the **ESEA** as amended by **the ESSA** ; and/or
2. The NJDOE violated the administration of education programs required by the **ESEA** as amended by the **ESSA** .

**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**

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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.**



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A complaint shall be written **and must identify, at a minimum, the alleged ESEA violation; a description of previous steps taken to resolve the matter; the facts supporting the alleged violation as understood by the complainant at the time of submission; 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 **ESSA Project Director**. The **ESSA Project Director** shall be responsible to coordinate the investigation of the complaint. The **ESSA Project Director** 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** to 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 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**. If the complainant is not satisfied with the determination that is made by the **Executive County Superintendent** ,

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the complainant may **submit a written request for review of that determination to the Assistant Commissioner** .



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A complaint alleging the NJDOE violated the administration of a program must be submitted to the **designated** New Jersey Department of Education **Assistant Commissioner** . The **appropriate** NJDOE Office **assigned by the Assistant Commissioner** will coordinate the investigation of a complaint. When the investigation is complete, the **Assistant Commissioner** will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the **Assistant Commissioner will identify and impose the** 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 .

**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 **Elementary and Secondary Education Act (ESEA) Complaint Policy and Procedure**

Adopted: 31 October 2007

**REVISED: April 27<sup>th</sup>, 2021**

