Complaint Resolution Process
Pottsville Area School District
1501 West Laurel Blvd.
Pottsville, PA 17901

Introduction

ESEA, as amended by the Every Student Succeeds Act (ESSA) requires State Educational Agencies (SEAs) to adopt written procedures for "receiving and resolving any complaint alleging violations of the law in administration of programs." In accordance with this legislative requirement, the Pottsville Area School District (PASD) has adopted the following procedures after presenting them to the Committee of Practitioners.

Definition

A "complaint" is written, signed statement filed by an individual or an organization. It must include:

a. A statement that PDE or a Local Educational Agency has violated a requirement of federal statue or regulations, which apply to programs under the ESEA, as amended by ESSA.
b. The facts on which the statement is based.
c. Information on any discussions, meetings, or correspondence with PDE or the LEA regarding the complaint.

The timeframe that a State Educational Agency (SEA) has for responding to a complaint from parents, teachers, or other individuals concerning violations of Elementary and Secondary Education Act of 1965 (ESEA) section 8501 regarding the participation by private school children and teachers is 45 days. In addition, the Secretary must investigate and resolve an appeal of an SEA's resolution of a complaint within 90 days.

Complaint Resolution Procedures

1) **Referral —** complaints against PASD or appeals from PASD decisions regarding complaints will be referred to the Regional Coordinator for PASD against which the complaint has been filed.

2) **Notice to LEA —** the Regional Coordinator (RC) will notify PASD's superintendent that a complaint or appeal has been received, will provide a copy, and will direct the PASD to respond. For complaints addressing questions and concerns from private school officials and LEAs regarding the provision of equitable services under Titles I and VIII the RCs will notify the ombudsman as required under ESSA (ESEA sections 1117(b)(1) and 8501(b)(1).).

3) **Investigation —** after receiving the PASD's response, the Regional Coordinator / Ombudsman will determine whether further investigation is necessary. If necessary, the Regional Coordinator / Ombudsman may carry out an independent investigation on-site at PASD.

4) **Opportunity to Present Evidence —** the Regional Coordinator / Ombudsman may, in his or her discretion, provide for the complainant, the complainant's representative, or both, and PASD to present evidence. Such presentation may include the opportunity for each side to question parties to the dispute and any of their witnesses.

5) **Report and Recommended Resolution —** once the Regional Coordinator / Ombudsman has finished any investigation and taking of evidence, he or she will prepare a final report with a recommendation for resolving the complaint or appeal. The final report will give the name of the party bringing the complaint or appeal, the nature of the complaint or appeal, a summary of the investigation, the recommended resolution, and the reasons for the recommendation. The Regional Coordinator will issue the report to all parties to the complaint or appeal. The recommended resolution will become effective upon issuance of the final report.

6) **Follow-up —** the Regional Coordinator will ensure that the resolution of the complaint or appeal is implemented.

7) **Time Limit —** the period between PDE's receipt of a complaint or appeal and its resolution shall not exceed forty-five (45) calendar days.

8) **Extension of Time Limit —** the Chief of the Division of Federal Programs may extend the 45-day time limit if exceptional circumstances exist with respect to a particular complaint or appeal.

9) **Right to Appeal —** either party may appeal the final resolution to the United States Secretary of Education.

Procedures for Resolving Complaints against PDE

1) **Referral —** complaints against PDE will be referred to the Chief of the Division of Federal Programs.

2) **Acknowledgment —** the Division Chief will acknowledge receipt of the complaint in writing.

3) **Investigation —** the Division Chief will investigate the complaint.

4) **Opportunity to Present Evidence** — the Division Chief may, in his or her discretion, provide for the complainant and/or the complainant's representative to present evidence. Such a presentation may include the opportunity for each side to question parties to the dispute and any of their witnesses.

5) **Report and Recommended Resolution** — once the Division Chief has finished any investigation and taking of evidence, he or she will prepare a final report with a recommendation for resolving the complaint. The final report will give the name of the party bringing the complaint, the nature of the complaint, a summary of the investigation, the recommended resolution, and the reasons for the recommendation. The Division Chief will issue the report to the complainant and the complainant's representative, if any.

6) **Appeal to Secretary of Education** — in appropriate cases, the complainant may appeal from the recommended resolution to the Secretary of Education of the commonwealth. In all other cases, the recommended resolution will become effective upon issuance of the final report.

7) **Follow-up** — the Division Chief will ensure that the resolution of the complaint is implemented.

8) **Time Limit** — the period between PDE's receipt of a complaint and its resolution shall not exceed forty-five (45) calendar days.

9) **Extension of Time Limit —** the Division Chief may extend the time limit if exceptional circumstances exist with respect to a particular complaint.

10) **Right to Appeal** — if the PDE's resolution is not satisfactory; either party may appeal the final resolution to the United States Secretary of Education.

Local Complaint Procedures

1) **Referral** – Complaints against any building in the Pottsville Area School District will be received in writing by the Building Principal.

2) **Acknowledgement** – the Building Principal will acknowledge receipt of the complaint in writing.

3) **Investigation** – The Building Principal will thoroughly investigate the complaint and attempt to resolve the complaint informally. If an informal resolution satisfactory to the complainant is reached, no further investigation or action by the District is required. If the problem cannot be informally resolved, it will be referred to the Federal Programs Coordinator.

4) **Opportunity to Present Evidence** – The Federal Programs Coordinator may, in his or her discretion, provide for the complainant and/or the complainant's representative to present evidence. Such a presentation may include the opportunity for each side to question parties to the dispute and any of their witnesses.

5) **Report and Recommended Resolution** – Once the Federal Programs Coordinator has finished further investigation and taking of evidence, he or she will prepare a final report with a recommendation for the resolving the complaint. The final report will give the name of the party bringing the complaint, the nature of the complaint, a summary of the investigation, the recommended resolution, and the reasons for the recommendation. The Federal Programs Coordinator will issue the report to the complainant, complainant's representative, Superintendent and Building Principal.

6) **Right to Appeal** – In appropriate cases, the complainant may appeal from the recommended resolution to the Division Chief in the Division of Federal Programs.

7) **Follow-Up** – The Federal Programs Coordinator will ensure that the resolution of the complaint is implemented.

8) **Time Limit** – The period between Pottsville Area School District's receipt of a complaint and its resolution shall not exceed forty-five (45) calendar days.

Filing a Complaint

Complaints should be addressed as follows:

Mrs. Sherry Hushen
Principal
John S. Clarke Elementary Center
601 North 16th Street
Pottsville, PA 17901-1498

Dr. Caitlin Mohl
Principal
D.H.H. Lengel Middle School
1541 West Laurel Blvd.
Pottsville, PA 17901-1498

Mrs. Tiffany Hummel
Principal
Pottsville Area High School
1600 Elk Ave.
Pottsville, PA 17901-1498

Mrs. Maria Larish
Federal Programs Coordinator
Pottsville Area School District
1501 West Laurel Blvd.
Pottsville, PA 17901-1498

Dr. Guy Lowery
Superintendent
Pottsville Area School District
1501 West Laurel Blvd.
Pottsville, PA 17901-1498

Ms. Karen Rolston
Assistant Superintendent
Dioceses of Allentown
1515 Martin Luther King Jr. Dr.
Allentown, PA 18105

Mr. Timothy Cook
Regional Coordinator
Division of Federal Programs
Pennsylvania Dept. of Education
333 Market Street, 7th Floor
Harrisburg, PA 17126-0333

Mrs. Susan McCrone
Division Chief
Division of Federal Programs
Pennsylvania Dept. of Education
333 Market Street, 7th Floor
Harrisburg, PA 17126-0333

Entire Complaint Resolution Process is located on the District Website.