



117 N. FRANKLIN STREET  
HEMPSTEAD, NY 11550  
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**No Child Left Behind  
Written Complaint and Appeal Procedures  
For Title I, Parts A, C, and D  
Or Section 100.2(ee) of Commissioner's Regulations  
Regarding Academic Intervention Services**

As required by Title IX, General Provisions of the Elementary and Secondary Education Act (ESEA), the New York State Education Department (NYSED) has adopted the following procedures for receiving and resolving complaints and for reviewing appeals from decisions of local educational agencies (LEAs). Complaints concerning violations of ESEA Title I, Parts A, C, and D, or of the General Education Provisions Act; or of Section 100.2(ee) Academic Intervention Services of the Regulations of the Commissioner are covered by these procedures.

LEAs must disseminate free of charge, adequate information about the State Complaint and Appeal Procedures to parents of students, and appropriate private school officials or representatives. [General Provisions Regulations, 34 CFR Sections 299.10-299.12]

**Procedures for Filing Complaints/Appeals for the Academy Charter School :**

Any school parent or teacher, other interested person, or agency may file a complaint.

**All complaints must be in the following format:**

- be written;
- be signed by the person or agency representative filing the complaint;
- specify the requirement of law or regulation being violated and the related issue, problem, and/or the concern;
- contain information/evidence supporting the complaint; and
- state the nature of the corrective action desired.

**An appeal must contain:**

- a copy of the original signed complaint (see I-B);

- a copy of the LEA's response to the original complaint or a statement that the LEA failed to respond in 30 business days.

Complaints/appeals regarding the LEA's administration and implementation of its ESEA Title I Grant or Academic Intervention Services for students identified under Commissioner's Regulations Part 100 should follow the following complaint procedure:

- ◇ Title I teacher at *The Academy Charter School 159 N. Franklin St. Hempstead, NY 11550*
- ◇ Program Manager at *The Academy Charter School 159 N. Franklin St. Hempstead, NY 11510*
- ◇ Attorney at *Victory Education Partners*, 18 W. 18<sup>th</sup> Street, 9<sup>th</sup> Floor, New York, NY 10011
- ◇ Chairperson, *The Academy Charter School*, Office of the Board of Trustees, c/o Victory School, 111 West 5<sup>7th</sup> Street, NY, NY 10019

### **Procedures for Filing Complaints/Appeals with the New York State Education Department**

The State Education Department will review complaints when the complaint pertains to:

- the State's administration of the ESEA Title I Basic Grant, Migrant Education, or Neglected or Delinquent Program;
- an appeal from the decision of an LEA regarding an action by the LEA.

Complaints that do not meet any of the above criteria, including complaints concerning the LEA's administration of its Title I Program, will be referred for possible resolution to the LEA against whom the complaint is made.

Within 60 business days of the receipt of the complaint/appeal, Department staff will complete an on-site review (if necessary) and/or records examination and will notify all parties of its findings. An extension of the 60-day complaint resolution period is permitted under CFR Part 299.11 (b), for exceptional circumstances.

Complaints/appeals regarding Title I for New York City local school districts/schools should be sent to:

New York State Education Department  
Office of School Improvement and Community Services (NYC)  
55 Hanson Place, Room 584  
Brooklyn, NY 11217

An appeal must be requested and postmarked within 20 business days of receipt of the LEA's response to the original complaint.

The Title I representative in the State Education Department office who is assigned as the program manager for the LEA against which the complaint is made and other Department staff as may be appropriate shall conduct the review of complaints or appeals.

The State Education Department's response shall contain:

- the names of persons interviewed;
- the records or other evidence examined;
- relevant dates/times/locations/events;
- summary of findings; and
- nature of corrective action to be taken including applicable timelines.

Failure of the LEA to take corrective action within the time period stipulated in the complaint resolution shall be cause to withhold all, or a portion of, the ESEA Title I allocation to the LEA.

Copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint/appeal resolution will be maintained by the State Education Department for five years. Records will be made available to interested parties in accordance with the provisions of the New York State Freedom of Information Law (Public Officers Law Sections 84-89).

The State Education Department has determined that exceptional circumstances may include, but need not be limited to, such occurrences as:

- illness of involved parties;
- cancellation of scheduled on-site reviews due to unscheduled school closings;
- the need for extended review activities beyond those specified in the written notification; and/or
- any other mutual agreement to changes in review scope or activity.

When exceptional circumstances are identified, the revised date for the completion of the complaint review will be provided in writing to all parties involved in the complaint or appeal. All parties to the complaint have the right to initiate a request for an extension beyond the 60 business day complaint resolution period based on exceptional circumstances. All such requests must be presented to the State Education Department.

## **Procedures for Adjudicating Appeals from the Decision of the State Education Department**

Parties dissatisfied with the State Education Department's complaint resolution may file an appeal directly with the United States Department of Education at:

United States Department of Education  
Compensatory Education Programs  
400 Maryland Avenue, S.W.  
Room 3W230, FOB #6  
Washington, D.C. 20202-6132