



South Carolina Department of Education
Office of Federal and State Accountability Complaint Resolution Procedures
20 USC § 7844 and 20 USC §7883

I. Initiation of Complaint

A. Authority

The South Carolina Department of Education (SCDE), pursuant to 20 USC § 7844 and 20 USC § 7883 of the *No Child Left Behind Act of 2001* has the authority to hear complaints and appeals regarding the federal programs administered by the Office of Federal and State Accountability.

B. Direct Complaints

Organizations or individuals may file a complaint alleging the state or school district or consortium of districts is violating a federal statute or regulation that applies to any of the following covered programs:

1. Part A of Title I (Improving Basic Programs Operated by Local Education Agencies)
2. Part B of Title I (Even Start Family Literacy Programs)
3. Part C of the Title I (Migrant Education)
4. Part D of the Title I (Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out)
5. Part A, Title III (English Language Acquisition, Language Enhancement, and Academic Achievement)
6. Part A of Title V (Innovative Programs)
7. Part B, Subpart 2 of Title VI (Rural and Low Income Schools)

C. Appeals of Local School District (LEA) or Consortium Decisions

Organizations or individuals may appeal a decision by a LEA or consortium of districts regarding an alleged violation of a federal statute or regulation that applies to the above listed programs, within thirty days of receiving the decision by the LEA or consortium.

D. Private School Complaints

Private school officials have the right to formally complain to the SCDE if they believe a district did not engage in consultation that was meaningful and timely, or if the district did not give due consideration to the views of the private school officials. Complaints regarding poverty data on private school students may also be addressed to the SCDE. Any private school complaints from private school officials, parents, teachers or other individuals or organizations will be resolved as other complaints listed herein including the right to appeal any decision by the SCDE to the Secretary of the U.S. Department of Education.

E. Complaint and Appeal Procedures

1. Complaints and appeals must be in writing containing the following information.
 - a. A statement that the state or subgrantee has violated a requirement of a federal statute or regulation that concerns a covered program;
 - b. The facts on which the statement is based;
 - c. the specific requirement of law or regulation allegedly violated; and
 - d. The letter must be signed and dated by the complainant.
2. Complaints and appeals must be filed with the Director of the Office of Federal and State Accountability at the South Carolina Department of Education, Room 512-C, 1429 Senate Street, Columbia, South Carolina 29201.

II. Resolution of Complaint or Appeal

A. Investigation of Complaint

Upon receiving the complaint, the SCDE will conduct an investigation to determine the merits of the complaint. That investigation may include an on-site investigation, as determined by the SCDE.

B. Timeline

1. Notification of Receipt of Complaint

The SCDE will send a letter confirming receipt of the complaint within ten business days of receiving the complaint. This notification may also include a request for additional information from the complainant.

2. Final Determination

The SCDE will make a final decision regarding the complaint within 60 days, except under exceptional circumstances that warrant an extension. In such case, the SCDE will notify the complainant that an extension of time has been issued. The Deputy State Superintendent of Education will make this determination.

C. Final Decision

The Director of the Office of Federal and State Accountability will issue a final decision on the matter, within the timeframe set forth above. The final decision will include a summary of findings and the nature of corrective action, if any, to be taken including applicable timelines.

III. Appeals of SCDE Decision

Organizations and individuals may appeal the final decision of the SCDE to the Secretary of the U.S. Department of Education not later than 30 days after the SCDE resolves the complaint. The appeal shall be accompanied by a copy of the SCDE's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 120 days after receipt of the appeal.