

XII. Attachments

ATTACHMENT I

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 with a LEA:

Who may submit a complaint?

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

What must a complaint contain?

All complaints must:

- 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.

What must an appeal from a LEA's response contain?

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.

In New York City or rest of State outside of New York City, a copy of the LEA and the Department of Education's response to the original complaint or a statement that the Department of Education failed to respond within 30 business days; and a statement identifying those parts of the LEA's response which the party wishes to appeal.

Where should a complain/appeal to the LEA be sent?

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 be sent first to the School Superintendent of the LEA against whom the complaint is made. The LEA has a 30 business day period in which to resolve a complaint.

In New York City, Title I complaints should be sent first to the District and Regional Superintendents. If the local community school district fails to resolve the complaint within 30 business days, or fails to resolve the issue to the satisfaction of the complainant, the complaint should be sent to the New York City Department of Education, Office of School Improvement, Division of Teaching and Learning, 52 Chambers Street, Room 213, New York, NY 10007. The New York City Department of Education has a 30 business day period in which to resolve the complaint.

For rest of State outside of New York City, Title I complaints should be first sent to the Superintendent of the LEA. If the local LEA fails to resolve the complaint within 30 business days, or fails to resolve the issue to the satisfaction of the complainant, the complaint should be sent to the Title I School and Community Services Office, Room 365 EBA, New York State Education Department, 89 Washington Avenue, Albany, NY 12234.

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.

What timelines pertain to the State Education Department's review of complaints/appeals from an LEA action?

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.

Where shall complaints or appeals to the State Education Department be sent?

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

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

New York State Education Department
Title I School & Community Services Office
Room 365 EBA
89 Washington Avenue
Albany, NY 12234

How long does a public or nonpublic teacher, parent, or agency have to file an appeal from a decision of a LEA or the New York City Department of Education?

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

Who shall conduct the review of complaints or appeals?

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.

What shall the State Education Department's response to the complaint contain?

The 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.

How will State Education Department staff monitor the timely and appropriate implementation of the corrective actions called for in the complaint/appeal resolution?

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.

Does the State Education Department maintain a record of all complaints/appeals?

Yes. 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).

What shall constitute exceptional circumstances for extending the 60-day limit for State Education Department review of complaints and appeals for relief from an LEA action?

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

May a person/agency dissatisfied with the State Education Department's complaint resolution file an appeal?

Yes, 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

Attachment IV

Informal Complaint:

Any individual or group may bring an informal complaint regarding faculty, staff, and/or administrator, a school procedure, etc. to the attention of the principal. Upon review and investigation of the allegations and/or concerns, the Principal will provide, in writing, to the complainant, the following:

- (a) a final decision and/or subsequent action; and
- (b) the right to appeal to the Director of School Quality.

Formal Complaint

Any individual or group may bring a formal written complaint regarding an alleged violation of the school's charter, the IDEA (Individuals with Disabilities Act), the Charter Schools Act, New York State Law, or any other provision of law or the school's charter relating to the management or operation of the charter school to the principal, as the Brighter Choice Charter Schools Board of Trustees designee. If the complaint is against the principal, the complainant should direct the complaint to the Board of Trustees of Brighter Choice Charter Elementary School.

The contact information for Brighter Choice Charter School for Girls is as follows:

Marcus Puccioni, Interim **Principal**
Brighter Choice Charter School for **Girls**
250 Central Ave Albany, NY 12206
Email address: kmclean@brighterchoice.org

Martha Snyder, **Board Chair**
Brighter Choice Charter Schools
116 North Lake Avenue
Albany NY 12206
Email address: BOT@brighterchoice.org

Within one week, the complainant will be provided with the following in writing:

- (a) findings and any subsequent action resulting from the investigation of the complaint;
and
- (b) your right to appeal any decision or action to the Board of Regents if the complaint involves a violation of law or our charter; and

If, after making your written complaint to the School's board of trustees, you believe that the board of trustees has not adequately addressed your complaint, or if, after a reasonable period of time, the board of trustees or its designee does not respond to your complaint in writing - or does not respond within the time that the School provides in its formal complaint/grievance policy - you then have the right to bring your written complaint to the entity that authorized the charter school (the "Charter Entity" or "Authorizer"). The Brighter Choice Charter School for Boys and the Brighter Choice Charter School for Girls are both authorized by the NYS Board of Regents.

Bringing a Complaint to the Board of Regents

The Board of Regents has delegated the authority to the Commissioner of Education to handle complaints brought to the Regents concerning charter schools. All complaints brought to the Board of Regents/Commissioner concerning charter schools must be submitted in writing to the State Education Department's Charter School Office, either via mail at: Charter School Office, NYS Education Department, 89 Washington Avenue, Albany, NY 12234, or via email to: charterschools@nysed.gov

The subject line of the email should read: Complaint: [Name of School].

The contents of the letter/email should include:

- A detailed statement of the complaint including the provision of the School's charter or law that you allege has been violated.
- What, if any, response you received from the School's board of trustees (and the School's Charter Entity in the case of schools not authorized by the Board of Regents).
- Copies of all relevant correspondence between you and the School and you and the Charter Entity if applicable. (You should maintain copies of all correspondence and materials for your own files.)
- What specific action or relief you are seeking.
- Contact information for you – name, address, email address, telephone number.

Investigation of a Complaint brought to the Board of Regents

The Charter School Office, on behalf of the Commissioner and the Board of Regents, will conduct any investigation that it determines necessary and appropriate regarding complaints that have been appropriately filed concerning charter schools. This investigation may include contacting the School, providing a copy of the complaint to the School, and requesting additional information or materials from you and/or the School. Upon completion of the investigation of a complaint brought to the Board of Regents, a decision will be issued by the Commissioner, which may include a remedial order as appropriate. A copy of the Commissioner's decision will be provided to you and the School.