

## Equitable Services Complaint, Resolution and Appeal Process For Title I and Title VIII

### Statutory Requirement

Pursuant to section 1117 and 8501 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), a non-public school official has the right to file a written complaint with the Equitable Services Ombudsman asserting that a school district did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the non-public school, or did not make a decision that treats non-public school students equitably.

The Indiana Department of Education (IDOE) has established the following *Complaint, Resolution and Appeal Process* for nonprofit non-public schools, school students, teachers and families ("complainant").

If the complainant believes that the school district did not engage in timely and meaningful consultation, or did not give due consideration to the views of the non-public school, or did not make a decision that treats non-public school students equitably, and the complainant has submitted the [Letter of Concern to the LEA](#) to discuss the issue, the complainant has the right to file a formal written complaint with the IDOE.

### Complaint

To file a formal complaint with the IDOE, the complainant should complete and submit the [Letter of Complaint](#) to the Equitable Services Ombudsman at [ombudsman@doe.in.gov](mailto:ombudsman@doe.in.gov).

1. Complainants should ensure that the complaint and all supporting documentation are complete before submitting a complaint. No additions or corrections may be made to the written complaint once the complaint has been submitted unless required or agreed to by the IDOE.
2. Upon receipt of the complaint, the written complaint will be promptly acknowledged and investigated. IDOE will send a copy of the complaint to all parties involved, including the LEA. Those entities will be allowed to respond to the complaint in writing within fifteen (10) calendar days of receipt.
3. The appropriate program staff, including the Equitable Services Ombudsman, will conduct a review of the complaint. If necessary, an on-site review may be conducted. If appropriate, additional information may be gathered and forwarded to other appropriate offices. If additional information is needed, the complainant and the LEA will be contacted.

Within forty-five (45) calendar days of receipt of the complaint, the Equitable Services Ombudsman and appropriate program staff will investigate and send a written finding of fact to the complainant and the LEA. (ESEA section 8503(a))

### Informal Mediation

After discussing the concerns with the LEA's point of contact, and **prior to filing a complaint**, the complainant may request informal mediation by the Equitable Services Ombudsman at the IDOE. The Equitable Services Ombudsman and appropriate program staff will assess the issue(s), and if appropriate, will arrange an informal mediation in an attempt to resolve the issue.

## Resolutions

Listed below are possible resolutions to the complaint:

1. The IDOE may require the LEA to take actions necessary to bring the LEA in compliance with ESSA's equitable services requirements.
2. The IDOE may identify issues that hinder the delivery of services and meet with the parties to resolve the issues and develop a plan to ensure timely and meaningful delivery of services.
3. The IDOE may determine that the LEA is compliant with the equitable services provision of ESSA.
4. If requested by the non-public school official when the complaint is unresolved, the Equitable Services Ombudsman, along with a review team comprised of the Title I and Title VIII State Educational Agency (SEA) Program Directors/Specialists, may determine that IDOE will oversee the delivery of equitable services.
  - a) If determined, IDOE will provide equitable services for the fiscal year to the eligible complainant through third-party contracts with public or private agencies, organizations, or institutions [ESSA Section 1117(b)(6)(C)].
  - b) IDOE will retain funds from the LEA's allocation to provide services through a third party contract. The retention of funds will include funding to directly pay the vendor, including any administrative fees of an additional 5% of the funding reserved for state services.
  - c) IDOE will provide technical assistance to the LEA involved to ensure that the LEA meets the requirements of the ESSA Sections 1117 and 8501 in subsequent years.

## Appeal

If the complainant does not feel that the issue has been resolved through the IDOE complaint process or IDOE fails to resolve the complaint within the forty-five (45) day time limit, the complainant can appeal to the U.S. Secretary of Education.

1. The complainant can appeal the decision by filing an appeal with the U.S. Secretary of Education within thirty (30) calendar days after the SEA's resolution of the complaint.
2. The appeal to the U.S. Secretary of Education must be accompanied by a copy of the resolution by the IDOE and a complete statement of the reasons for an appeal.
3. The U.S. Secretary of Education shall investigate and resolve the appeal no later than ninety (90) calendar days after receipt of the appeal. (ESEA section 8503(b))
4. Appeals of a complaint resolution by an SEA may be sent to the U.S. Department of Education at the following mailing address:  
Assistant Secretary for Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

or sent electronically to [OESE@ed.gov](mailto:OESE@ed.gov) and [ONPE@ed.gov](mailto:ONPE@ed.gov).