

Federal Programs Citizen Complaint Procedures *Chapter 392-168 WAC*

Complaints Against School Districts, Educational Service Districts (ESDs), or Subgrantees

These complaint procedures apply to federal programs authorized under the Elementary and Secondary Education Act (ESEA), including **Title I, Part A: Improving Academic Achievement of the Disadvantaged**.

Anyone Can File a Complaint

A written complaint must be filed with the Office of Superintendent of Public Instruction (OSPI) and must include:

1. A statement that a school district, an ESD, or a subgrantee has violated a federal or state law or regulation that applies to a federal program authorized under the ESEA.
2. A description of what happened and why it violates a federal program requirement in state or federal law or regulation.
3. Name and address of the complainant.
4. Expected resolution.
5. Name and address of the school district, ESD, or subgrantee that is alleged to have violated the law or regulation.

Investigation and Response by the District, ESD, or Subgrantee

After receiving the complaint, OSPI will refer it to the educational entity for investigation. The school district, ESD, or subgrantee must designate an employee to investigate the complaint. The designated employee must respond in writing to OSPI with documentation of the investigation within **20 calendar days** after receipt of the complaint. The response to OSPI should either deny the allegations in the complaint and the basis for the denial, or propose the reasonable corrective actions to correct the violation.

OSPI Investigation and Response

OSPI will provide the complainant a copy of the school district, ESD, or subgrantee's response to the complaint. The complainant will then have an opportunity to submit additional information about the allegations in the complaint. OSPI will review all relevant information, and may conduct an on-site investigation.

OSPI will make an independent determination as to whether the district, ESD, or subgrantee is in violation of any federal program requirement. OSPI will issue a written decision to the complainant, which will include findings of fact, conclusions, and reasonable corrective measures necessary to correct any violation. OSPI will issue this decision within **60 calendar days** after receiving the complaint, unless exceptional circumstances of a particular complaint require additional time. All corrective actions must be instituted within **30 calendar days** after OSPI's decision.

Note: The complainant and the educational entity involved (i.e., district, ESD, subgrantee) may agree, in writing, to waive the timelines provided in these rules. Waiver of the timelines must be communicated to OSPI within **10 calendar days**.

Complaints Against OSPI

Anyone Can File a Complaint

A written complaint must be filed with OSPI and must include:

1. A statement that OSPI has violated a federal or state law or regulation that applies to a federal program.
2. A description of what happened and why it violates a federal program requirement in state or federal law or regulation.
3. Name and address of the complainant.
4. Expected resolution.

OSPI Investigation and Response

After OSPI receives the complaint, OSPI will designate an employee to investigate the complaint. The investigation must start within **10 calendar days** after OSPI receives the complaint. The designated employee will provide the State Superintendent with a written report of the results of the investigation within **60 calendar days** after receiving the complaint.

The State Superintendent must respond in writing to the complainant within **10 calendar days** after receiving this report. The response will state that the allegations are denied and the basis for the denial, OR the reasonable corrective measures deemed necessary to correct any violation. Any corrective measures must be instituted within **30 calendar days** from the date of this response.

Note: The State Superintendent and the complainant may mutually agree to extend the time limits in these rules. If exceptional circumstances exist with respect to a particular complaint, the State Superintendent may unilaterally extend the timelines for cause upon written notice to the parties.

Appeals

If the complainant is not satisfied with OSPI's response to a complaint, the complainant may file an appeal directly with the Secretary of the U.S. Department of Education at www.ed.gov.