



***Elementary and Secondary Education Act (ESEA), as amended by the
Every Student Succeeds Act (ESSA)***

Written Complaint and Appeal Procedures

***For ESSA-Funded Programs or Section 100.2(ee) of
Commissioner's Regulations Regarding Academic Intervention Services for Complaint
Not Satisfactorily Resolved by the Director of Grants, Contracts & Compliance.***

The Utica City School District has adopted the following procedures for receiving and resolving complaints concerning violations of ESEA programs: Title I, Part A, C & D, Title II, Part A; Title III, Part A; Title IV Part A and B.

Procedures for Filing Complaints/Appeals with the Utica City School District

- Any public or nonpublic school parent or teacher, other interested person, or agency may file a complaint.
- 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.
- Complaints/appeals not satisfactorily resolved by the Director of Grants, Contracts and Compliance should be sent first to the Superintendent of Schools. The District has a 30 business day period in which to resolve a complaint.
 - Failure of the District 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 allocation to the District.
- If the 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 following address:

New York State Education Department
Office of ESSA Funded Programs
Attention: Compliant Coordinator
89 Washington Avenue, Room 320EB
Albany, New York 12234
- An appeal from the Utica City School District's response must contain:
 - A copy of the original signed complaint; and
 - A copy of the District's response to the original complaint or a statement that the District failed to respond in 30 business days.

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

- An appeal must be requested and postmarked within 20 business days of receipt of the Utica City School District Superintendent's response to the original complaint.
- The State Education Department will review complaints when the complaint pertains to:
 - The State's administration of the ESEA-Funded Program.
 - An appeal from the decision of the Utica City School District regarding an action by the District.
- Complaints that do not meet any of the above criteria, including complaints concerning the District's administration of its Title Program, will be referred for possible resolution to the District against whom the complaint is made.
- Within 60 business days of the receipt of the complaint/appeal, the State Education Department Title representative assigned to the Utica City School District, and if necessary, other State Education 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.
 - 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.
- Complaints/appeals regarding Title I for the Utica City School District should be sent to:

New York State Education Department
Office of ESSA-Funded Programs
Attention: Compliant Coordinator
89 Washington Avenue, Room 320EB
Albany, New York 12234

- The New York State Education Department's response to the complaint shall contain:
 - The names of persons interviewed.
 - The records or other evidence examined.
 - Relevant dates/times/locations/events.
 - Summary of findings.
 - Nature of corrective action to be taken including applicable timelines

- Copies of correspondence, related documents, investigative reports, and summary reports involved in the complaint/appeal resolution will be maintained by the New York State Education Department for five (5) years. Records will be made available to interested parties in accordance with the provisions of the New York State Freedom of Information Law (FOIL) (Public Officers Law Sections 84-89).

- Parties dissatisfied with the New York 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, DC 20202-6132