

## **2415.20 EVERY STUDENT SUCCEEDS ACT COMPLAINTS**

The Every Student Act (ESSA) reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). A Board of Education shall adopt a policy and written procedures for resolving a written complaint presented by an individual or organization that alleges violations in the administration of the ESSA programs as identified by the New Jersey Department of Education (NJDOE).

Policy and Regulation 2415.20 set forth the requirements for resolving complaints presented by any individual or organization that:

1. A school, school district, other agency authorized by the school district, or by the NJDOE violated the administration of education programs authorized by the ESEA as amended by the ESSA ; and/or
2. The NJDOE violated the administration of education programs required by the ESEA as amended by ESSA.

Complaints regarding nonpublic school officials alleging school district noncompliance must pertain to at least one of the following three specific reasons:

1. The school district did not engage in consultation that was meaningful and timely;
2. The school district did not give due consideration to the views of the nonpublic school officials; or
3. The school district did not make a decision that treats the nonpublic school or its pupils equitable and in accordance with ESEA Section 1117 or Section 8501.

A Complaint shall be written and must identify, at a minimum, the alleged ESEA violation; a description of previous steps taken to resolve the matter; the facts supporting the alleged violation as understood by the complainant at the time of submission; and any supporting documentation.

A complaint alleging a school in the district, school district, or other agency authorized by the school district, or the NJDOE violated the administration of a program must be submitted to the Superintendent or designee. The Superintendent or designee shall be responsible to coordinate the investigation of the complaint. The Superintendent or designee shall submit a written report regarding the outcome of the investigation to the complainant.

**PROGRAM**  
**2415.20**  
**Every Student Succeeds Act Complaints**  
***Regulations Follow***

**M**

**Page 2 of 2**

If the complainant is not satisfied with the outcome of the investigation by the school district, the complainant must submit a written complaint to the Executive County Superintendent for the county where the school district is located. This process does not apply to alleged violations concerning participation of nonpublic school children.

The Executive County Superintendent will coordinate the investigation of a complaint. When the investigation is complete, the Executive County Superintendent will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the Executive county Superintendent will identify and impose the appropriate consequences or corrective action in accordance with statute and/or regulation to resolve the complaint. . If the complainant is not satisfied with the determination that is made by the Executive County Superintendent, the complainant may submit a written request for review of that determination to the Assistant Commissioner.

A complaint alleging the NJDOE violated the administration of a program must be submitted to the designated New Jersey Department of Education Assistant Commissioner. The appropriate NJDOE Office assigned by the Assistant Commissioner will coordinate the investigation of a complaint. When the investigation is complete, the Assistant Commissioner will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the Assistant Commissioner will identify and impose the consequences or corrective actions as required by statute and/or regulation to resolve the complaint.

If a complainant does not agree with the NJDOE's decision, the complainant may appeal to the Secretary of the United States Department of Education.

To initiate a complaint regarding participation of nonpublic school children, a complainant must submit a written complaint to the NJDEO Nonpublic Ombudsman in accordance with NJDOE procedures.

New Jersey Department of Education | Elementary and Secondary Education Act (ESEA) Complaint Policy and Procedure

Approved: November 6, 2007  
Reviewed: March 13, 2014  
Revised: May 4, 2021

## **R 2415.20 EVERY STUDENT SUCCEEDS ACT COMPLAINTS**

The Every Student Succeeds Act (ESSA) required that the Board of Education to adopt a policy and written procedures that offer parent(s), public agencies, other individuals, or organizations a method for receipt and resolution of complaints alleging violations in the administration of the ESSA programs.

- A. Complaint Procedure alleging a Violation by a School, School District, or Other Agency Authorized by the School District
  1. A complaint is a written allegation submitted in writing (mail or email) by an individual or organization that a school, school district, or other agency authorized by the school district has violated the law in the administration of education programs required by the ESSA Act.
  2. A complaint must identify at a minimum the following:
    - a. The alleged ESSA violation;
    - b. a description of previous steps taken to resolve the matter;
    - c. The facts supporting the alleged violation as understood by the complainant at the time of submission; and
    - d. Any supporting documentation (e.g. letters, emails, logs, agenda, meeting minutes).
  3. A complaint must be submitted to the Executive County Superintendent for the county where the school, school district, or other authorized agency is located.
  4. When a written complaint is received by the Executive County Superintendent, the Executive County Superintendent will issue a Letter of Acknowledgement to the complainant within ten calendar days of receipt of the complaint. This letter shall contain the following information:
    - a. The date the complaint was received;
    - b. A brief statement of the manner in which the Executive County Superintendent will investigate the complaint;
    - c. If necessary, a request for additional information regarding the complaint;

**PROGRAM**  
**R 2415.20**  
**Every Student Succeeds Act Complaints**

**M**

Page 2 of 4

- d. A resolution date within forty-five calendars days from the date the written complaint was received by the Executive County Superintendent; and
  - e. The name and phone number of a contact person for status updates.
5. The Executive County Superintendent will coordinate the investigation of a complaint.
6. When the investigation is complete, the Executive County Superintendent will notify the complainant in writing regarding the outcome of the investigation.
- a. If the Executive County Superintendent determines a violation has occurred, the Executive County Superintendent will identify and impose the appropriate consequences or corrective actions as required in accordance with statute and/or regulation to resolve the complaint.
  - b. If the complainant is not satisfied with the determination that is made by the Executive County Superintendent, the complainant may submit a written request for review of that determination to the Assistant commissioner, Division of Learning Supports and Specialized Services via email at [essa@doe.nj.gov](mailto:essa@doe.nj.gov) with subject line “ESEA Complaint Decision review” or via hard copy at the following address:

New Jersey Department of Education  
Assistant Commissioner Division of Learning Supports and  
Specialized Services  
P.O. Box 500  
Trenton, New Jersey 08625-0500

**B. Complaint Procedure Alleging a Violation by the New Jersey Department of Education (NJDOE)**

- 1. A complaint is a written allegation the NJDOE has violated the law in the administration of education programs required by the ESSA.
- 2. A complaint must identify at a minimum the following:
  - a. The alleged ESSA violation;
  - b. a description of previous steps taken to resolve the matter;

**PROGRAM**  
**R 2415.20**  
**Every Student Succeeds Act Complaints**

**M**

**Page 3 of 4**

- c. The facts supporting the alleged violation as understood by the complainant at the time of submission; and
  - d. Any supporting documentation (e.g. letters, emails, logs, agenda, meeting minutes).
3. To initiate a complaint alleging the NJDOE has violated the administration of an ESEA program, a complainant must submit a written complaint to the New Jersey Department of Education - Assistant Commissioner, division of Learning Supports and Specialized Services via email at [essa@doe.nj.gov](mailto:essa@doe.nj.gov) with the subject line "ESEA Complaint or via hard copy sent to the following address:  

New Jersey Department of Education  
Assistant Commissioner Division of Learning Supports  
and Specialized Services  
P.O. Box 500  
Trenton, New Jersey 08625-0500
4. When a written complaint is received by the NJDOE, an Assistant Commissioner will assign the investigation of this complaint to the appropriate office. The NJDOE will issue a Letter of Acknowledgement to the complainant within ten calendar days of receipt of the complaint. This letter shall contain the following information:
  - a. The date the complaint was received;
  - b. A brief statement of the manner in which the NJDOE will investigate the complaint;
  - c. If necessary, request for additional information regarding the complaint;
  - d. A resolution date within forty-five calendar days from the date the complaint was received; and
  - e. The name and telephone number of a contact person for status updates.
5. The NJDOE office assigned by the Assistant Commissioner to investigate a complaint concerning an alleged violation by the NJDOE will coordinate the investigation of the complaint. When the investigation is complete, the Assistant Commissioner will notify the complainant in writing regarding the outcome of the investigation.
  - a. If the NJDOE office assigned by the Assistant Commissioner of Education determines a violation by the NJDOE has occurred after conducting an investigation, the Assistant Commissioner will identify and impose appropriate consequences or corrective action in accordance with the statute and/or regulation to resolve the complaint.

**PROGRAM**  
**R 2415.20**  
**Every Student Succeeds Act Complaints**

**M**

**Page 4 of 4**

- b. If the complainant is not satisfied with the NJDOE's decision, the complainant may request a review of the NJDOE's decision to the Secretary of the United States Department of Education (USDOE). The complainant may send the request, reasons supporting the request, and a copy of NJDOE's resolution to the following address:

Secretary, United State Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4611

New Jersey Department of Education – Every Student Succeeds Act (ESSA) in New Jersey ESEA  
Complaint Policy and Procedures

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