



Elementary and Secondary Education Act (ESEA) Equitable Services Consultation Complaints Under ESSA Section 1117

This procedure establishes the process by which a non-public school official may file a complaint with the State Educational Agency (SEA) regarding an alleged failure by a Local Educational Agency (LEA) to comply with the consultation and equitable services requirements of Section 1117 of Every Student Succeeds Act (ESSA).

AUTHORITY

Section 1117 of ESSA requires LEAs to engage in timely and meaningful consultation with appropriate non-public school officials regarding the provision of equitable services for eligible non-public school students, teachers, and other educational personnel.

GROUNDINGS FOR COMPLAINT

A non-public school official may file a complaint with the SEA if the official believes that the LEA:

- Did not engage in timely and meaningful consultation as required by ESSA Section 1117;
- Did not give due consideration to the views of the non-public school official;
- Did not make decisions that provide equitable treatment for eligible non-public school students, teachers, or other educational personnel; or
- Otherwise failed to comply with the equitable services requirements of ESSA Section 1117.

COMPLAINT SUBMISSION REQUIREMENT

The complaint must be submitted in writing and include:

- The name, title, and contact information of the non-public school official filing the complaint;
- The name of the non-public school;
- The name of the LEA against which the complaint is filed;
- A detailed description of the alleged noncompliance;
- The specific provision(s) of ESSA Section 1117 believed to have been violated;
- Documentation supporting the complaint, including correspondence, meeting records, consultation forms, or other relevant evidence; and
- A statement describing the efforts made to resolve the issue with the LEA, if applicable.

FILING PROCEDURES

The non-public school official shall submit the written complaint to the SEA. Upon receipt of the complaint, the SEA shall acknowledge receipt in writing within ten (10) business days.

The SEA shall notify the LEA of the complaint and request all relevant documentation related to the consultation process and equitable services determination. The LEA shall forward the requested documentation to the SEA within fifteen (15) business days of receiving the request.

SEA REVIEW PROCESS

The SEA shall:



- Review the complaint and supporting documentation submitted by the non-public school official;
- Review the documentation provided by the LEA;
- Conduct additional fact-finding activities as necessary, including interviews, requests for additional information, or review of records;
- Determine whether the LEA complied with the consultation and equitable services requirements of ESSA Section 1117.

DECISION AND NOTIFICATION

The SEA shall issue a written determination within sixty (60) calendar days of receiving a complete complaint, unless exceptional circumstances require an extension. The written determination shall include:

- Findings of fact;
- Applicable legal requirements;
- Conclusions regarding compliance or noncompliance; and
- Any required corrective actions.

Copies of the determination shall be provided to both the complainant and the LEA.

CORRECTION ACTION

If the SEA determines that the LEA failed to comply with ESSA Section 1117 requirements, the SEA may require the LEA to:

- Conduct additional consultation activities;
- Revise equitable services calculations or plans;
- Provide compensatory services where appropriate;
- Develop and implement corrective action plans; and/or
- Take other actions necessary to ensure compliance.

APPEAL RIGHTS

If permitted under applicable federal or state procedures, a non-public school official who is dissatisfied with the SEA's determination may pursue further review through the complaint and appeal processes established by the U.S. Department of Education or other applicable authorities.

RECORD RETENTION

The SEA and LEA shall maintain records related to complaints, investigations, findings, and corrective actions in accordance with federal and state record retention requirements.

EFFECTIVE DATE

This complaint process shall remain in effect until amended or superseded by applicable federal or state law, regulation, or guidance.