

South Carolina Department of Education

Complaint Resolution Procedures

34 CFR §§ 299.10 to 299.12

I. Initiation of Complaint

- A. Authority:** The South Carolina Department of Education (SDE), pursuant to 34 CFR §§.299.10 to 299.12, has the authority to hear complaints and appeals regarding certain federal programs.
- B. Direct Complaints:** Organizations or individuals may file a complaint alleging the state or school district or consortium of districts is violating a federal statute or regulation that applies to any of the following programs:
 - 1. Part A of Title I (Improving Basic Programs Operated by Local Education Agencies)
 - 2. Part B of Title I (Even Start Family Literacy Programs)
 - 3. Part C of the Title I (Migrant Education)
 - 4. Part D of the Title I (Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out)
 - 5. Part E of Title I (Comprehensive School Reform Demonstration Program)
 - 6. Title II (Eisenhower Professional Development Program)
 - 7. Subpart 2 of Part A of Title III (State and Local Programs for School Technology Resources)
 - 8. Part A of Title IV (Safe and Drug-Free Schools and Communities)
 - 9. Title VI (Innovative Education Program Strategies)
 - 10. Part B, Subpart 4 of Title III (Emergency Immigrant Education)
- C. Appeals of Local School District (LEA) or Consortium Decisions:** Organizations or individuals may appeal a decision by a LEA or consortium of districts regarding an alleged violation of a federal statute or regulation that applies to the above listed programs, within thirty days of receiving the decision by the LEA or consortium.
- D. Complaint and Appeal Procedures**
 - 1. Complaints and appeals must be in writing containing the following information.
 - a. A statement that the state or subgrantee has violated a requirement of a federal statute or regulation that concerns a covered program;
 - b. The facts on which the statement is based; and
 - c. The specific requirement of law or regulation allegedly violated.
 - 2. Complaints and appeals must be filed with the State Superintendent of Education at the S.C. Department of Education, 1429 Senate Street, Columbia, South Carolina 29201.

II. Resolution of Complaint or Appeal

- A. Investigation of Complaint**

Upon receiving the complaint, the SDE will conduct an investigation to determine the merits of the complaint. That investigation may include an on-site investigation, as determined by the SDE.
- B. Timeline**
 - 1. **Notification of Receipt of Complaint**

The SDE will send a letter confirming receipt of the complaint within ten business days of receiving the complaint. This notification may also include a request for additional information from the complainant.
 - 2. **Final Determination**

The SDE will make a final decision regarding the complaint within 60 days, except under exceptional circumstances that warrant an extension. In such case, the SDE will notify the complainant that an extension of time has been issued. The State Superintendent of Education will make this determination.
- C. Final Decision**

The Deputy Superintendent, of the division as appropriate for the federal program in question, will issue a final decision on the matter, within the timeframe set forth above. The final decision will include a summary of findings and the nature of corrective action, if any, to be taken including applicable timelines.

III. Appeals of SDE Decision

Organizations and individuals may appeal the final decision of the SDE to the Secretary of the U.S. Department of Education.

IV. Notification of Rights

LEAS are required to disseminate, free of charge, adequate information about this complaint procedure to parents of students, and appropriate private school officials or representatives.