

Equitable Services Complaint, Resolution and Appeal Process for Title I-A, Title I-C, Title II-A, Title III-A, Title IV-A, Title IV-B and CARES Act Grants

Statutory Requirement

According to Sections 1117 and 8501 of the Every Student Succeeds Act (ESSA) and Section 18005 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, a private school official has the right to file a written complaint with the state education department ombudsman asserting that a school district did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official or did not make a decision that treats private school or its students equitably as required by these sections. The North Carolina Department of Public Instruction (NCDPI) has developed the Equitable Services Complaint, Resolution and Appeal Process to allow a private school official (“complainant”) to file such a complaint.

Informal Mediation

A private school official believing that there are grounds for a complaint, as described above, may request informal mediation through NCDPI prior to deciding to file a formal complaint. Request for informal mediation may be made to the North Carolina Equitable Services Ombudsman (talbot.troy@dpi.nc.gov, 984-236-2797). Upon receipt of such a request, the Ombudsman will assess the issue(s) and, if appropriate, will arrange an informal mediation to seek a resolution. If the private school official is not satisfied with the results of the informal mediation or does not wish to pursue informal mediation, they may file a formal complaint.

Formal Complaint

To file a formal complaint with NCDPI, the complainant must submit the North Carolina Equitable Services Complaint Form to the North Carolina Equitable Services Ombudsman (talbot.troy@dpi.nc.gov, 984-236-2797). Complainants should ensure that the complaint and all supporting documentation are complete prior to submission. No additions or corrections may be made to the written complaint once it has been submitted unless requested or agreed to by NCDPI. A formal complaint will be processed as follows:

1. NCDPI will promptly acknowledge the complaint and send a copy of the complaint to all parties involved, including the district.
2. The district will be allowed to respond to the complaint in writing within fifteen (15) days of its receipt of the complaint from NCDPI.
3. Appropriate NCDPI staff, including the Ombudsman, will conduct a review. This review may require NCDPI to gather additional information from the district and the private school, which may be done through on-site visitations, written communications, phone calls or remote conferences. If appropriate, the Ombudsman may forward information to other offices or entities.
4. Within forty-five (45) days of receipt of the complaint, NCDPI will complete its review and send a report that includes a written finding of fact to the complainant and the district.

Resolutions

The report from NCDPI will state the relevant facts and offer one of two resolutions, as follows:

1. The district is not in compliance with the equitable service provisions, and
 - a) NCDPI will require the district to take necessary remedial actions, or
 - b) NCDPI will provide the services directly or through contracts with public and private agencies, organizations and institutions and will subsequently invoice the district for the cost of the services including any allowable and necessary administrative costs.
2. The district is in compliance with the equitable services provisions, and no further action or alteration on the part of the district is required.

Appeal

The resolution may be appealed by either party to the US Secretary of Education no later than 30 days after NCDPI issues its report or if NCDPI fails to issue its report within the 45-day limit. The appeal shall be accompanied by a copy of the original complaint and a copy of NCDPI's resolution. The party submitting the appeal may include a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal no later than 90 days after receipt of the appeal.