

# FLORIDA DEPARTMENT OF EDUCATION



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Commissioner of  
Education



## Technical Assistance Paper

### No Child Left Behind Complaint Process

**Summary:**

This technical assistance paper describes the process the public and the Florida Department of Education will follow to handle complaints regarding the implementation of the No Child Left Behind Act of 2001.

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## Technical Assistance Paper on No Child Left Behind Complaint Process

### Table of Contents

#### General Information

A-1.	What is the statutory authority for filing a complaint about a violation of the No Child Left Behind Act of 2001?.....	2
A-2.	What constitutes a “complaint”?.....	2
A-3.	Who may file a complaint?.....	2
A-4.	How may complaints be filed?.....	2
A-5.	What are the requirements for a complaint?.....	2
A-6.	How does the Florida Department of Education handle NCLB complaints?.....	2

#### District or School Complaints

B-1.	What opportunity does a school or district have to respond to a complaint?.....	3
B-2.	What is the resolution process?.....	3
B-3.	Who conducts on-site visits?.....	3
B-4.	Who may be present during on-site visits, including interviews?.....	3
B-5.	What is produced after an on-site visit?.....	3
B-6.	How is the report finalized?.....	3
B-7.	How is the complaint resolved?.....	3
B-8.	What follow-up activities does FDOE conduct to ensure the actions are taken?.....	3
B-9.	What if a district cannot or does not comply?.....	3

#### State-Level Complaints

C-1.	What is the resolution process?.....	4
C-2.	What is produced after the review?.....	4
C-4.	How is the complaint resolved?.....	4

## **GENERAL INFORMATION**

### **A-1. What is the statutory authority for filing a complaint about a violation of the No Child Left Behind Act of 2001?**

Section 9304(a)(3)(C) of the No Child Left Behind Act of 2001 (NCLB) requires every state educational agency to adopt written procedures for the receipt and resolution of complaints alleging violations of NCLB by districts, schools, or the State educational agency.

### **A-2. What constitutes a “complaint”?**

A complaint is an accusation that a school, district, or the state educational agency has violated the requirements of the NCLB. It is not a statement of disagreement with the Federal law, regulations, or guidance.

### **A-3. Who may file a complaint?**

Anyone may file a complaint.

### **A-4. How may complaints be filed?**

Complaints may be filed with the No Child Left Behind Office at the following address:

NCLB Office  
Florida Department of Education  
352 Turlington Building  
325 West Gaines Street  
Tallahassee, FL 32399-0400

Complaints also may be sent to [nclb@fldoe.org](mailto:nclb@fldoe.org).

### **A-5. What are the requirements for a complaint?**

The complaint must be received in writing, and the person or group making the complaint must be identified.

### **A-6. How does the Florida Department of Education handle NCLB complaints?**

Complaints are logged in by the NCLB Office. Staff members in the NCLB Office then contact staff in the appropriate FDOE office for resolution. Depending on the nature of the complaint, copies may also be forwarded to the Office of the General Counsel and/or the Office of the Inspector General.

## **DISTRICT OR SCHOOL COMPLAINTS**

### **B-1. What opportunity does a school or district have to respond to a complaint?**

If a complaint relates to a specific school district or school, FDOE sends a copy of the complaint to the district within 15 days, with a request to respond to it, and any additional questions requested by FDOE. The district then has 15 days to respond, including providing relevant supporting documents. Documents should be provided to the relevant FDOE program office, with a copy to the NCLB Office.

### **B-2 What is the resolution process?**

FDOE staff review the information provided by the district, and determine (1) if there is a potential violation of NCLB; (2) whether an on-site visit is needed; and (3) whether a meeting should be arranged between the district and the complainant. This review is completed within 15 days of receipt of the district's response.

### **B-3. Who conducts on-site visits?**

When an on-site visit is required, FDOE staff members arrange and conduct the visit, including interviewing relevant staff.

### **B-4. Who may be present during on-site visits, including interviews?**

FDOE will coordinate visits with, and include as appropriate, the complainant, legal representatives of the FDOE, district, and/or complainant, and district and school personnel.

### **B-5. What is produced after an on-site visit?**

FDOE will produce a draft report of findings, which is sent to both the district and the complainant. Each has five business days to review and respond to FDOE.

### **B-6. How is the report finalized?**

The final report from FDOE will include the responses from both the district and the complainant. The report will be mailed to both the district and the complainant within 10 days of receiving any responses.

### **B-7. How is the complaint resolved?**

If FDOE determines that there has been a violation of NCLB, it will require corrective actions by the district and/or school. FDOE will specify a timeline for the completion of these corrective actions.

### **B-8. What follow-up activities does FDOE conduct to ensure the actions are taken?**

FDOE will request follow-up documentation after the end of the time that corrective actions are due.

**B-9. What if a district cannot or does not comply?**

If a district cannot or does not comply, FDOE will take action necessary to ensure compliance with statute, rule and federal regulation, including withholding funds, establishing conditions for future funding, and any other measures that may be appropriate.

**STATE-LEVEL COMPLAINTS**

If a complaint relates to FDOE, the NCLB office sends a copy of the complaint to the relevant program office within 15 days, with a request to respond to it, and any additional questions requested by the NCLB Office. The program office then has 15 days to respond, including providing relevant supporting documents.

**C-1. What is the resolution process?**

A team of FDOE staff including, at a minimum, a representative of the NCLB Office, Cabinet-level personnel designated by the Commissioner, and either representatives of the Office of the General Counsel or the Office of the Inspector General, as appropriate, review the information. This team determines (1) if there is a potential violation of NCLB; and (2) whether a meeting should be arranged between the program office and the complainant. This review is completed within 15 days of receipt of the program office's response.

**C-2. What is produced after the review?**

FDOE will produce a draft report of findings, which is sent to both the program office and the complainant. Each has five business days to review and respond to FDOE.

**C-3. How is the report finalized?**

The final report from FDOE will include the responses from both the program office and the complainant. The report will be mailed to the complainant within 10 days of receiving any responses.

**C-4 How is the complaint resolved?**

If FDOE determines that there has been a violation of NCLB, it will require corrective actions. FDOE will specify a timeline for the completion of these corrective actions. A finding under these processes constitutes final agency action.