

**ARKANSAS DEPARTMENT OF EDUCATION  
DIVISION OF ELEMENTARY & SECONDARY EDUCATION  
FEDERAL PROGRAM UNIT**



**Office of the Federal Programs Ombudsman for Equitable Services  
Equitable Services Under Title I & Title VIII Complaint, Resolution, and Appeal  
Process**

**Statutory Requirement:**

Pursuant to §§ 1117 and 8501 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), 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, or did not make a decision that treats private school students equitably.

The Arkansas Department of Education, Division of Elementary & Secondary Education (DESE) has established the following Complaint, Resolution and Appeal Process for nonprofit private officials, school students, teachers and families ("complainant").

If the complainant believes that timely and meaningful consultation has not occurred, and the complainant has discussed their concerns with the LEA's point of contact responsible for coordinating the consultation and provision of services between the two entities, the complainant has the right to file a formal written complaint with DESE.

**Relevant Statutory, Regulatory, and Guidance References:**

- [Title I Equitable Services Non-Regulatory Guidance](#) Sections E & F
- [Title VIII Equitable Services Non-Regulatory Guidance](#) Sections D & E
- 34 C.F.R. §299.12-13
- ESSA Sections 1117(b)(6); 1117(c)2; and 8501(c)6

**Complaint, Resolution, and Appeal Process:**

**Step 1 Informal Mediation:** After discussing the non-public school concerns with the LEA point of contact, **and prior to filing a complaint**, the complainant may request informal mediation via the Equitable Services Ombudsman at DESE via email at [Alisha.Ross@ade.arkansas.gov](mailto:Alisha.Ross@ade.arkansas.gov). The Equitable Services Ombudsman will assess the issue(s) and, if appropriate, will arrange an informal mediation to attempt to resolve the issue.

If a satisfactory resolution is not reached between the Non-Public School and the Local Education Agency (School District), the Non-Public can file a formal complaint with the Equitable Services Ombudsman at DESE. Please see " Step 2" for more details.

**Step 2 Formal Complaint:** To file a formal complaint with DESE, the complainant should complete, sign, and submit via mail the Complaint Form to the Arkansas Office of the Federal Programs Ombudsman for Equitable Services at 1401 W Capitol Avenue, Suite 430, Little Rock, AR. 72201 and send a copy to the local school district.

In lieu of mailing, you can email the form to: [Alisha.Ross@ade.arkansas.gov](mailto:Alisha.Ross@ade.arkansas.gov), and please copy the local school district in it.

### **Complaint Documentation:**

Complainants should ensure that the complaint and all supporting documentation are complete before submitting a complaint. No additions or corrections may be made to the written complaint once the complaint has been submitted unless requested or agreed to by DESE.

### **DESE Complaint Investigation Process:**

1. Upon receipt of a complaint, the written complaint will be promptly acknowledged and investigated. DESE will send a copy of the complaint to all parties involved, including the LEA. Those entities will be allowed to respond to the complaint in writing within fifteen (15) calendar days of receipt.
2. Appropriate program staff, including the Equitable Services Ombudsman, will conduct a review of the complaint. If necessary, an on-site review may be conducted. If appropriate, additional information may be gathered and forwarded to other appropriate offices or organizations. If additional information is needed, the complainant and the LEA will be contacted.
3. Within forty-five (45) calendar days of receipt of the complaint, the State Ombudsman will investigate and send a written finding of fact to the complainant and the LEA.

### **Formal Mediation:**

After the Non-public files a complaint, and all the facts has been investigated a formal mediation may be requested by the Equitable Services Ombudsman to attempt to resolve the issue.

### **Resolutions:**

Listed below are possible resolutions to the complaint:

1. The DESE may require the LEA to take actions necessary to bring the LEA in compliance with ESSA's equitable services requirements.
2. The DESE may identify issues that hinder the delivery of services. The State Ombudsman will meet with the parties to resolve the issues and develop a plan to ensure timely and meaningful delivery of services. All parties will be informed of required actions and timelines.
3. The DESE may determine the LEA is compliant with the equitable services

provisions of ESSA.

4. The Equitable Services Ombudsman, along with a review team comprised of Title I and VIII State Educational Agency (SEA) program managers/specialists, may determine direct delivery of services should be provided.
  - a) If determined, DESE will provide equitable services for the fiscal year to the eligible complainant through third-party contracts with public or private agencies, organizations, or institutions [ESSA Section 1117(b)(6)(C)].
  - b) Once direct services have been provided for the fiscal year, DESE shall invoice the LEA involved for the services provided, including any administrative fees.
  - c) DESE will provide technical assistance to the LEA involved to ensure that the LEA meets the requirements of the ESSA Sections 1117 and 8501 in subsequent years.

#### **Appeal:**

If the complainant does not feel that the issue has been resolved through the DESE complaint process or DESE fails to resolve the complaint within the forty-five (45) day time limit, the complainant can appeal to the U.S. Secretary of Education.

1. The complainant can appeal the decision by filing an appeal with the U.S. Secretary of Education within thirty (30) calendar days after the resolution of the complaint. If the forty-five (45) day time limit for response by the State Ombudsman has passed without a decision, the deadline for filing an appeal is thirty (30) calendar days after the forty-five (45) day deadline.
2. The appeal to the U.S. Secretary of Education must be
3. Accompanied by a copy of the resolution by the State Ombudsman and a complete statement of the reasons for an appeal.
4. The U.S. Secretary of Education shall investigate and resolve the appeal no later than ninety (90) calendar days after receipt of the appeal.