

NEW YORK CITY DEPARTMENT OF EDUCATION COMPLAINT AND RESOLUTION PROCEDURES

Parents* have the right to file complaints about matters affecting a child's education. Parents, teachers and other interested parties may file complaints alleging violations of the following programs administered under the No Child Left Behind Act: Title I and II Parts A and D and Title III and Title IV Part A. The following describes the Department of Education's (DOE's) procedures for filing such complaints.

How to make an informal complaint about a child's education:

1. If you have a complaint about a child's school, which you would like to resolve informally, we encourage you to speak with the child's teacher, guidance counselor, assistant principal or principal. The Parent Coordinator at the school also may be helpful in resolving your problem. It's best to tell someone at the child's school about your complaint as soon as possible so the appropriate staff members can work to address the issue in a timely manner.

2. If the principal or other members of the school's staff are unable to resolve your complaint, or if you would like to file a formal complaint with the DOE, please follow the steps described below. Please note if the child is a student with a disability and you have an unresolved special education issue you may call 311 and request to speak to the Special Education Call Center. The Special Education Call Center staff will work with you to resolve your issue

How to file a formal complaint:

The Chancellor has established the following regulations which contain specific complaint and appeal procedures that you may use. These regulations can be found online at <http://schools.nyc.gov/RulesPolicies/ChancellorsRegulations/default.htm>. Hard copies of these regulations may be obtained from the child's school or from the Office for Family Engagement and Advocacy (OFEA).

- Chancellor's Regulation A-101 for appealing a transfer to another school based on residency.
- Chancellor's Regulation A-420 for reporting complaints of corporal punishment.
- Chancellor's Regulation A-443 for appealing a principal's or superintendent's suspension.
- Chancellor's Regulation A-450 for appealing an involuntary transfer.

- Chancellor's Regulation A-501 for appealing a promotional decision.
- Chancellor's Regulation A-655 for complaints and appeals regarding elections to School Leadership Teams.
- Chancellor's Regulation A-660 for complaints and appeals regarding Parent Association and Presidents' Councils elections, disputes, actions and inactions.
- Chancellor's Regulation A-663 for complaints regarding the lack of translation and/or interpretation services.
- Chancellor's Regulation A-701 for appealing denial of exemptions from immunizations.
- Chancellor's Regulation A-710 for complaints regarding the referral, evaluation, development and/or implementation of § 504 Plans.
- Chancellor's Regulation A-780 for appeals of placement of homeless students or students in temporary housing.
- Chancellor's Regulation A-801 for appealing decisions regarding eligibility for transportation.
- Chancellor's Regulation A-810 for appealing decisions regarding eligibility for free and reduced price meals.
- Chancellor's Regulation A-820 for appealing an entry in a child's records on the grounds that it is inaccurate, misleading or in violation of the student's privacy rights and for requesting that such records be amended.
- Chancellor's Regulation A-830 for complaints alleging discrimination.
- Chancellor's Regulation D-110 for appealing the denial of access to a public record maintained by the DOE in accordance with the Freedom of Information Law.
- Chancellor's Regulation D-140 for complaints regarding nomination and selection of members of Community Education Councils.
- Chancellor's Regulation D-150 for complaints regarding nomination and selection of members of Citywide Councils on Special Education.
- Chancellor's Regulation D-160 for complaints regarding nomination and selection of members of Citywide Councils on High Schools.

If your issue cannot be addressed through the procedures outlined in any of the Chancellor's Regulations above or if your complaint concerns a violation of federal programs administered under the No Child Left Behind Act you may use the following procedures: *

At the school level:

- A. Ask the school's Parent Coordinator or administrative office for an OFEA Intake Form.
- B. If your complaint is about a child being prohibited from attending school or about a school that is not following the established DOE procedures for excluding a child, you should immediately contact the Chancellor's Office/OFEA at **(212) 374-2323**. You may also ask the Parent Coordinator to contact the central office on your behalf.
- C. If you believe that your complaint is of a particularly sensitive nature, you may submit the OFEA Intake Form directly to the District Family Advocate (DFA) in the appropriate district office. The DFA will let you know if the DFA will handle the complaint directly or whether it will be handled at the school level.
- D. If your complaint does not involve a child being excluded from a school and does not involve sensitive circumstances, the school's Parent Coordinator will schedule a meeting with you to discuss your concerns as soon as he or she has received your complaint.

The Parent Coordinator will then identify the appropriate school staff members to address your issue and will coordinate the appropriate follow-up steps.

- E. If it is determined that your matter cannot be resolved at the school level, the Parent Coordinator will immediately refer your complaint to your DFA. The Parent Coordinator will let you know if your complaint has been referred to the DFA.

At the District or Borough Level:

Once your complaint has been received, the DFA, on behalf of the community or high school superintendent, as appropriate, will contact you to discuss the issue and any steps you and/or school staff have taken to address it. The DFA will then work with you to resolve the matter. This may involve contacting officials at the school, district, or borough level.

If the DFA is unable to resolve your complaint, he or she will refer your case to the Chancellor's Office/OFEA for further review. You will be told if your issue is referred.

At the Central level:

Once your case has been referred to the Chancellor's Office/OFEA, central staff will work with you to resolve your complaint and notify you of the outcome.

Timing:

You must register all complaints to the appropriate school, district, borough, and/or central staff office as soon as possible in order for DOE officials to address your concerns in a timely manner. The time period for addressing and/or resolving your complaint will not exceed 30 calendar days unless the school, district, borough or central staff determine that more time is needed.

If your complaint is about your child being excluded from school (see above), this issue will be handled in a manner that ensures your child is able to attend school immediately.

If at any point in the complaint process staff at the school, district, borough, or central level determine that your child will suffer significant harm before the complaint can be fully investigated or resolved, the Chancellor's Office/OFEA will recommend the appropriate actions to help your child and address your concerns.

Appeals:

The New York State Education Department's written complaint and appeal procedures for resolving complaints or reviewing appeals from decisions of the New York City Department of Education regarding Title I violations may be found, in English only, at <http://www.emsc.nysed.gov/nyc/ComplaintProcedures.shtml>

Record Keeping:

Copies of the completed intake forms will be maintained by OFEA.

* The term "parent," whenever used in this regulation, means the student's parent(s) or guardian(s), or any person(s) in a parental or custodial relationship to the student, or the student, if he/she is an emancipated minor or has reached 18 years of age.

* These procedures apply to complaints by parents alleging violation of the administration of programs under Title I and II Parts A and D and Title III and Title IV Part A. Any teacher, other interested party or agency that wishes to file a complaint alleging a violation of the administration of these programs also may utilize these procedures.