

WISCONSIN ADMINISTRATIVE PROCEDURE FOR COMPLAINTS OR APPEALS UNDER THE EVERY STUDENT SUCCEEDS ACT OF 2015 (ESSA)

The Wisconsin Department of Public Instruction (DPI), in accordance with the Every Student Succeeds Act (ESSA) and the applicable federal regulations, has established these complaint procedures. They are created for the use of individuals or organizations who wish to register a complaint that the State Education Agency (SEA) or Local Education Agency (LEA) has violated laws and/or regulations governing state-administered programs funded under ESSA. The Wisconsin DPI's complaint and appeal process, established under Wis. Admin. Code PI § 1, is integrated into this complaint procedure. The following procedures will be adhered to by the Department's personnel when receiving and resolving any complaints filed with the state agency alleging that the SEA or LEA is in violation of any federal statute or regulation that applies to a listed, state administered ESSA-funded program.

I. Applicability

This complaint and appeal procedure is applicable to the programs identified in the State Consolidated Plan as described § 8304 of the ESSA (20 U.S.C. § 6301) and Private School Equitable Participation as described in § 8501 of the ESSA (20 U.S.C. § 6301).

II. Filing an Appeal or Complaint

In accordance with 34 C.F.R. § 299.12 and Wis. Admin. Code PI § 1.03, the following procedures for filing a complaint or appeal alleging a violation of federal law or regulation by the SEA or LEA in the administration or implementation of the programs listed in the ESSA State Consolidated Plan shall be followed.

- A. The SEA will respond to all written signed complaints filed with the Department; it will respond to all requests to review a problem referred by the United States Department of Education (USDE).
- B. The written complaint or appeal must include:
 - 1. A statement that the state or LEA has violated a requirement of a federal statute or regulation that applies to any applicable program listed above.
 - 2. The facts on which the statement is based, i.e., sufficient information as to when, where and the nature of activity that is perceived to be in violation of law and/or regulation.
 - 3. A description of any relief sought.
- C. If the complainant or appellant is a minor, the complaint or appeal shall also be signed by his or her guardian, unless the statute or rule under which the complaint or appeal is filed prohibits this requirement. Complaints shall be directed to:

Federal Policy Advisor
Wisconsin Department of Public Instruction
P. O. Box 7841
125 S. Webster Street
Madison, WI 53707-7841

III. Timelines of Appeal and Complaint Procedure

In accordance with 34 C.F.R. § 299.11, the following timelines to resolve an appeal or complaint filed under this procedure are established.

- A. The time limit for resolving the complaint in writing, including a provision for carrying out an independent on-site investigation, if necessary, after the SEA receives a complaint shall not exceed 60 state agency work days.
- B. An extension of the time limit under paragraph (A) of this section applies only if exceptional circumstances exist with respect to a particular complaint.
 - 1. Should exceptional circumstances exist with respect to the nature of the particular complaint filed, an extension of time may be necessary and will be granted or denied as determined by the SEA. Complainant and other involved parties will be advised accordingly.
 - 2. When the complaint is related to a short-term program such as Title I Basic Grants Summer or Title I Summer or Regular term migrant programs, the SEA will employ an emergency status timeline and make every effort to resolve the complaint within a period of 10 days from receipt.

IV. Review of SEA's Final Decision

- A. Complainants shall be notified and have the right to request the Secretary to review the final decision of the SEA, at the Secretary's discretion.
- B. The SEA reserves the right to request the Secretary of Education to review the final decision of the state.