



Equitable Services 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 Educational Agency (SEA) 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 South Carolina Department of Education (SCDE) has established the following Complaint, Resolution, and Appeal Process for nonprofit private officials, school students, teachers, and families (“private school”).

If the private school believes that timely and meaningful consultation has not occurred, and the complainant has discussed their concerns with the Local Educational Agency’s (LEA) 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 the SCDE.

Informal Mediation

After discussing the concerns with the LEA’s point of contact, and prior to filing a complaint, the private school may request informal mediation via the SCDE Ombudsman. The SCDE Ombudsman will assess the issue(s) and, if appropriate, will arrange an informal mediation to attempt to resolve the matter.

Complaint

To file a formal complaint with SCDE, the private school should complete and submit the Complaint Form.

1. Private schools 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 the SCDE.
2. Upon receipt of a complaint, the written complaint will be promptly acknowledged and investigated. The SCDE will send a copy of the complaint to all parties involved, including the LEA. The LEA will be allowed to respond to the complaint in writing within fifteen (15) calendar days of receipt.
3. Appropriate program staff will conduct a review of the complaint. If necessary, an onsite 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 private school and the LEA will be contacted.

Within forty-five (45) calendar days of receipt of the complaint, the SCDE will investigate and send a written finding of fact to the private school and the LEA.

Resolutions

Listed below are possible resolutions to the complaint:

1. The SCDE requires the LEA to take actions necessary to bring the LEA in compliance with ESSA's equitable services requirements, or
2. The SCDE identifies issues that hinder the delivery of services. The SCDE 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, or
3. The SCDE may determine the LEA is compliant with the equitable services provisions of ESSA, or
4. The SCDE Ombudsman, after consultation with applicable SCDE staff, determines direct delivery of services should be provided at the specific request of the private school and following a determination that the LEA has not met the requirements to provide equitable services. Meaningful consultation will follow between the private school and the SCDE.

Appeal

If the private school does not feel that the issue has been resolved through the SCDE complaint process or the SCDE fails to resolve the complaint within the forty-five (45) day time limit, the complainant can appeal to the U.S. Department of Education within thirty (30) calendar days after the resolution of the complaint or within thirty (30) calendar days of the SCDE's failure to respond after its forty-five (45) day deadline.