



Complaint Process

ESEA Sections 1117(b)(6)(A) and 8501(c)(6)(A)

Private school officials have the right to file a complaint with the South Carolina Department of Education (SCDE) if they feel the district did not:

- ✓ Engaged in timely and meaningful consultation.
- ✓ Consider the views of the private school.
- ✓ Make a decision that treats the private school students equitably.

Process:

1. Both the district and private school: Discuss the matter at the local level. Involving other district and/or private school officials in the discussion may be helpful as they can share helpful perspectives and unique expertise to come to a resolution.
2. Either the district or private school: Informally ask the [Private School Ombuds](#) for help in settling the dispute.
3. The district: If they disagree with the views of the private school, provide the private school with their decision in writing, including an explanation of their reasons.
4. The private school: File a formal written complaint with the SCDE. The SCDE must resolve a formal written complaint within 45 days. Every formal complaint must include the following:
 - a. A statement that the district has violated a requirement of Title statute or regulations regarding equitable participation.
 - b. The facts on which the statement is based, including any evidence such as meeting minutes, forms, communications, etc.
 - c. The specific statutory or regulatory requirement(s) allegedly violated, which could be:
 - i. The consultation was not meaningful or timely.
 - ii. The private school's views were not given due consideration and/or
 - iii. Private school students were not treated equitably to public school students.
 - d. The signature of the complainant
5. The SCDE will conduct a review of the complaint. An on-site review may be conducted, and additional documentation may be requested. Within 45 days of receiving the complaint, the SCDE will respond to the complaint in writing. The response will include:
 - a. A description of applicable statutory and regulatory requirements.
 - b. A description of the procedural history of the complaint.
 - c. Findings of fact supported by citation, including page numbers, to supporting documents.
 - d. Legal analysis and conclusions.
 - e. Corrective actions, if applicable.
 - f. A statement of applicable appeal rights.

- g. A statement regarding the SCDE's determination about whether it will directly provide services in lieu of the district.
 - h. All documents reviewed by the SCDE to reach its decision are paginated consecutively.
6. Any interested party to the complaint: File a formal written complaint with the US Department of Education. A complaint may be filed if:
- a. The SCDE does not resolve the complaint within the required 45 days or
 - b. Within 30 days of the SCDE's resolution, if they disagree with the SCDE.

The appeal must include:

- a. A copy of the SCDE's resolution or a statement that no resolution was published after 45 days; and
- b. A statement of the reason(s) for supporting the appeal.

Appeals should be sent:

US Department of Education
Assistant Secretary for Elementary and Secondary Education
400 Maryland Avenue SW, Washington DC 20202.

Electronically to OESE@ed.gov or ONPE@ed.gov