

Maryland State Department of Education
Appeal and Complaint Resolution Procedures
34 CFR 299.10 to 299.12

I. Authority to Resolve Appeals and Complaints About How Certain Federal Programs Are Operated

The Maryland State Department of Education (MSDE), pursuant to 34 CFR sections 299.10 to 299.12, has the authority to hear appeals and complaints concerning how certain covered federal programs are operated.

II. Covered Federal Programs

The covered Federal Programs are:

1. Title I, Part A (Improving Basic Programs Operated by Local Education Agencies)
2. Title I, Part C (Migrant Education)
3. Title I, Part D (Children and Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out)
4. Title IIA: Improving Teacher Quality State Grants
5. Title IIB: Mathematics and Science Partnerships
6. Title III: Language Instruction for Limited English Proficient and Immigrant Students

III. Appeals to MSDE about Final Decisions Issued By local education agency (LEA) or Consortium of Agencies

1. An organization, including a private school, or an individual, may file a written complaint with an LEA or a consortium of agencies asserting violation(s) of federal laws or regulations that apply to the covered programs.
2. The LEA or consortium will issue a final written decision according to its local procedures.
3. Within thirty days of receiving the decision of an LEA or consortium, the organization or individual may file an appeal with MSDE.
4. MSDE will resolve the appeal following the procedures set forth in Section V below.

IV. Complaints Filed Directly With MSDE

1. Organizations or individuals may file a written complaint directly with MSDE alleging that MSDE, a local education agency (LEA), or a consortium of agencies is violating a Federal statute or regulation that applies to any of the covered programs listed in Section II.
2. If the complaint is about violations of law or regulation by an LEA or consortium, the complainant should make every effort to resolve the complaint through the local written complaint procedures before filing a complaint with MSDE.

3. Complaints must be in writing and contain the following information:
 - a. A statement that MSDE, the LEA, or a consortium of agencies has violated a requirement of a federal statute or regulation that concerns a covered program;
 - b. The specific requirement of law or regulation allegedly violated; and
 - c. The facts on which the statement is based.
4. The complaint must be signed and dated by the complainant.
5. Complaints must be filed with the Maryland State Superintendent of Schools, Maryland State Department of Education, 200 W. Baltimore Street, Baltimore, MD 21201.

V. How MSDE Will Resolve Appeals and Complaints

1. MSDE will send a written confirmation that it has received the appeal or complaint to the complainant within 10 business days of receipt of the appeal or complaint. This notification may also include a request for additional information from the complainant and a response to the appeal or complaint from the Covered Program.
2. MSDE may conduct an investigation to determine the merits of the complaint. That investigation may be conducted on-site, if MSDE determines that to be necessary.
3. MSDE will determine whether it can decide the matter on the record before it or whether it will convene a meeting of the necessary parties to hear argument.
4. MSDE will make a final decision regarding the complaint or appeal within 60 days of the date it receives the appeal or complaint, except under exceptional circumstances that warrant an extension. In such case, MSDE will notify the complainant and the Covered Program that an extension of time is necessary and explain the reason why. The final decision will include a summary of findings and the nature of corrective action, if any, to be taken including applicable timelines.
5. A complainant may appeal MSDE's final decision to the Secretary of the U.S. Department of Education within 30 days of receipt of the final decision. The appeal shall include a copy of MSDE's final decision and a complete statement of the reasons for the appeal.