



## Complaint Procedure

The Missouri Department of Elementary and Secondary Education (the Department) has developed a complaint procedure providing for prompt and equitable resolution of complaints alleging compliance by the Department with Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments of 2008 (ADAAA), the Genetic Information Non-Discrimination Act (GINA) or USDA VI.

The Department is committed to maintaining an environment that is free from illegal discrimination in its programs, activities and facilities. Any person who believes s/he has been subjected to discrimination on the basis of race, color, religion, gender, sexual orientation, national origin, age, veteran status, mental or physical disability, or any other basis prohibited by statute, in a program, activity or facility administered or operated by the Department, may file a complaint under this procedure. Retaliation against a person who files a complaint of discrimination pursuant to the complaint procedure is prohibited.

A complaint pertaining to a Department program, facility or activity, with the exception of complaints related to the operation of the School Foods Services Program, must be submitted to the Department's Civil Rights Compliance and MOA Coordinator (Title VI/Title IX/504/ADA/Age Act), Department of Elementary and Secondary Education, Jefferson State Office Building, 5<sup>th</sup> floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, Missouri 65102-0480; telephone number 573-526-4757 or TTY 800-735-2966; email [civilrights@dese.mo.gov](mailto:civilrights@dese.mo.gov).

Complaints alleging discrimination by the Food and Nutrition Services Section, should be forwarded to the United States Department of Agriculture (USDA). To file a program complaint, complete the [USDA Program Discrimination Complaint Form](#) or write a letter addressed to USDA and provide the information requested in the form. To request a copy of the form, call (866) 632-9992. Submit your completed form or letter to USDS by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov). All USDA complaints should also be sent to the Department's Office of Chief Counsel at [counsel@dese.mo.gov](mailto:counsel@dese.mo.gov) or Office of the Chief Counsel, 6<sup>th</sup> Floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, MO 65102-0480.

### Procedure:

1. A complaint must be submitted in writing, or other accessible format suitable to the person, to the Department's Civil Rights Compliance Coordinator (Coordinator) within 45 calendar days of the date the person filing the complaint becomes aware of the alleged discrimination.

The complaint must contain the name and address of the person filing it. Complaints must state the problem or action, including any allegation of misconduct, discrimination, harassment and/or retaliation in sufficient detail to include but not be limited to dates, witnesses, locations, etc.; the requested outcome; and the protected class to which the individual belongs.

The person or person's legal representative must sign the complaint.

2. The Coordinator shall conduct a prompt and thorough investigation of each complaint received. This investigation shall afford all interested persons an opportunity to submit evidence relevant to the complaint. The Coordinator shall maintain files and records relating to the complaint. Further, to the extent allowed by law, the Coordinator shall maintain the confidentiality of the person filing the complaint. This shall not prohibit the Coordinator from consulting with Department legal counsel regarding the investigation and the drafting of a decision.
3. The Coordinator will issue a report in writing to the appropriate Department Division/Office Administrator outlining what action, if any, will be taken in regard to the complaint no later than 30 working days after its filing. If the Coordinator, for good reason, is unable to reach a decision within the 30 working day time period, s/he shall notify the person as to the reason for the delay and the additional time needed to reach a decision. Should the Division/Office Administrator find misconduct, discrimination harassment, and/or retaliation within a Department program or activity, the Department will take immediate steps to make the correction and to prevent its recurrence.
4. The person filing the complaint may appeal the decision within 10 working days of the receipt of the decision by writing to the Commissioner of Education, Missouri Department of Elementary and Secondary Education, Jefferson State Office Building, 6<sup>th</sup> Floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, Missouri 65102-0480; telephone number 573-751-4446.

The filing of the appeal authorizes the Commissioner of Education (Commissioner), or his/her designee, to review all information. The Commissioner or his/her designee will review the person's statement of appeal and the factual findings of the Division/Office Administrator's decision to arrive at an independent conclusion.

The Commissioner, or his/her designee, will issue a decision in writing or other accessible format suitable to the person within 10 working days after receiving the appeal. If the Commissioner or his/her designee, for good reason, is unable to reach a decision within the 10 working day period, s/he shall notify the person as to the reason for the delay and the additional time needed to reach a decision. Should the Commissioner or his/her designee find discriminator within a Department program or activity, the Department will take immediate steps to make the correction and to prevent its recurrence.

The availability and use of this complaint procedure does not prevent a person from filing a complaint with appropriate state or federal agencies, including the U.S. Department of Education, Office of Civil Rights, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, Missouri, 64106; telephone number 816-268-0550; FAX 816-823-1404; TDD 877-521-2172; email [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov).

Department employees with questions about the Department Non-Discrimination Policy and Internal Investigations Policy should consult Personnel Policies 000-010 and 000-015.