

Change	Reason
Title: Revises title. (P. 1, Lines 5-6).	Changes title to “Complaint procedures for programs under the Elementary and Secondary Education Act of 1965” to align with current legal terminology and to broaden the applicability of the regulation to include all complaints arising under ESEA, which is required under the federal law in Sections 1117, 8304, and 8503.
RELATES TO: Corrects statutory references. (P. 1, Lines 7-8).	The inclusion of 20 U.S.C. 6320, 7844, and 7883 is necessary to include the correct citation to ESEA, as amended by the Every Student Succeeds Act. Deletion of outdated citations has also occurred.
STATUTORY AUTHORITY: Corrects statutory references. (P. 1, Lines 9-10).	The inclusion of 20 U.S.C. 6320, 7844, and 7883 is necessary to include the correct citation to ESEA.
NECESSITY, FUNCTION AND CONFORMITY: Significant revisions to update the language of the regulation. (P. 1, Lines 11-23 and P. 2, Lines 1-5).	This section has been significantly revised to reflect current legal terminology, broaden the applicability of the regulation to include all complaints arising under ESEA, and properly cite to ESEA.
Section 1: Significant revisions to update the language of the regulation. (P. 2, Lines 6-22; P. 3, Lines 1-21; P. 4, and Lines 1-22).	<p>This section has been significantly revised to reflect current legal terminology, broaden the applicability of the regulation to include all complaints arising under ESEA, and properly cite to ESEA. This section also required technical changes to provide an updated address for KDE.</p> <p>Substantive changes made, include:</p> <ul style="list-style-type: none"> <li>• Introduction of a two part review process by KDE, which begins with program staff reviewing the complaint and, if unresolved thereafter, permits a second review by the Commissioner, or designee; and</li> <li>• Increasing the timeline for review for KDE as well as the Commissioner, or designee, in exchange for a more robust review process.</li> </ul>

<p>Section 2: Significant revisions to include language distinguishing complaints being made against KDE. (P. 5, Lines 1-23 and P. 6 Lines 1-4).</p>	<p>As currently written, 704 KAR 3:365 does not clearly distinguish between complaints against a local education agency and those against the state education agency. This section has been significantly revised to specifically address complaints made against KDE.</p> <p>This section provides a process for addressing complaints against KDE arising under ESEA that is parallel to the process established for complaints against a local education agency arising under ESEA.</p>
<p>Section 3: Significant revisions to specifically address complaints related to equitable services to nonpublic school children. (P. 6, Lines 5-22 and P. 7, Lines 1-17).</p>	<p>Sections 1117 and 8503 of ESEA require the department to resolve complaints related to equitable services to nonpublic school children. This Section addresses that specific requirement and contains a complaint review process by KDE that aligns with ESEA.</p> <p>Complaints under this Section do not receive the two part review process available to other complaints arising under ESEA. The reason for this differentiation is due to a stringent review timeline that ESEA mandates for these types of complaints. Specifically, in order to comply with federal law, KDE must issue a final decision in complaints related to equitable services to nonpublic school children in 45 days. This timeframe does not allow for a two-tiered review process.</p>
<p>Section 4: Significant revisions to specifically address an involved party's right to appeal a decision by KDE. (P. 7, Lines 18-22 and P. 8, Lines 1-2).</p>	<p>This Section has been revised to reference a party's right to appeal a decision by KDE under Sections 1, 2, or 3 of 704 KAR 3:365 to the United States Secretary of Education.</p>

<p>Section 5, 6, and 7: Deletes these Sections as language is either included elsewhere or is unnecessary. (P. 8, Lines 3-17).</p>	<p>Language from these Sections has been included in other Sections of the revised regulation or is no longer necessary or relevant under ESEA. Accordingly, these Sections have been deleted.</p>
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