



# RESCUE UNION SCHOOL DISTRICT

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## Guide to Categorical Programs Complaints

Authorized by *California Code of Regulations, Title 5*, sections 4600 – 4687

### What is a complaint?

- ◆ A complaint is a written statement alleging discrimination, or a violation of a federal or state law within the following programs:
  - \* Adult Education
  - \* Child Development
  - \* Consolidated Categorical Aid
    - No Child Left Behind (NCLB)
    - State Compensatory Education
    - State Program for Students of Limited English Proficiency
    - School Improvement
    - Tenth-Grade Counseling
    - Tobacco-Use Prevention Education
    - Peer Assistance and Review
    - School Safety and Violence Prevention Act
  - \* Migrant and Indian Education
  - \* Nutrition Services
  - \* Special Education
  - \* Discrimination
  - \* Harassment
  - \* Civil Rights Guarantees
- ◆ Williams Settlement complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancy or misassignment may be filed anonymously. Schools shall have a complaint form available for these types of complaints. Schools will not reject a complaint if the form is not used as long as the complaint is submitted in writing.

### What are the responsibilities of the complainant?

The complainant:

- ◆ Receives and reviews the complaint procedures from the Local Educational Agency (LEA).
- ◆ Files a written complaint by following the steps described by the LEA complaint procedures.
- ◆ Provides the LEA investigator with documents and other evidence related to the allegations in the complaint.
- ◆ Files a written appeal within 15 days to the California Department of Education (CDE) for resolution if he or she finds the Decision of the LEA is incorrect.
- ◆ Specifies in the appeal, the reason for the appeal to CDE and why the LEA facts are incorrect and/or the law is misapplied. The appeal packet shall contain a copy of the original complaint to the LEA and a copy of the LEA Decision.
- ◆ Requests a reconsideration within 35 days to the State Superintendent of Public Instruction (SPI) if he or she finds the determination of the CDE's finding of facts are incorrect or the law is misapplied.

### What are the responsibilities of the LEA?

The LEA:

- ◆ Ensures compliance with applicable federal and state laws and regulations.

- ◆ Adopts complaint policies and procedures not inconsistent with the *California Code of Regulations, Title 5*, Sections 4600 – 4687.
- ◆ Designates a staff member to be responsible for receiving, investigating and resolving complaints.
- ◆ Annually notifies parents, employees, committees, students and other interested parties of the LEA complaint procedures, including the opportunity to appeal the LEA's Decision. The notice must also advise recipients of any civil law legal remedies that may be available. The notice must be (a) in English; (b) in the primary language of the students when 15 percent or more of the students speak that language.
- ◆ Protects complainants from retaliation.
- ◆ Implements the following procedures:
  1. Any individual, public agency, or organization alleging a violation of federal or state statutes may file a written complaint regarding specific programs with the LEA.
  2. Discrimination complaints must be filed with the LEA by a person harmed or by a person on behalf of others who have been subjected to discrimination. These complaints must be filed no later than six months from the date of the occurrence, or from the time the complainant first learned of the facts of the discrimination. The LEA must protect the confidentiality of the parties and the facts related to the case.
- ◆ Resolves the complaint and completes a written report within 60 days of receipt of a complaint. The LEA must give the filing party and opportunity to present evidence relevant to the complaint. The LEA must also advise the complainant regarding appeal rights to CDE within 15 days of receipt of the LEA written report.

**What are the responsibilities of the CDE?**

The *California Code of Regulations, Title 5*, Section 4610 authorizes CDE, through the UCP to process only complaints regarding student discrimination and/or categorical programs that are mandated by certain federal and state statutes and regulations as appeals of the LEA Decision or, in certain specified situations, directly.

The CDE:

- ◆ Reviews, monitors and provides technical assistance to all LEAs regarding the adoption of complaint UCP policies.
- ◆ Refers each complaint to the LEA for resolution when appropriate.
- ◆ Considers a variety of alternatives to resolve allegations in the appeal when:
  1. The LEA fails to act within 60 days.
  2. A complainant appeals an LEA Decision if he or she believes as a matter of fact or law the Decision is incorrect.
  3. The Department determines that direct intervention is necessary.
- ◆ Requires corrective action by the LEA if non-compliance issues are identified during the investigation.
- ◆ Provides monitoring and technical assistance to LEAs to ensure resolution on non-compliant findings.
- ◆ Gives either party the right to request reconsideration of the CDE report to the SPI within 35 days of the receipt of the report.
- ◆ Gives either party the right to appeal the CDE report to the United States Secretary of Education for those programs governed by Part 76 of Title 34 of the Code of Federal Regulations.

**Contacts for Programs and Services Covered Under the Uniform Complaint Procedures**

Program	Contact	Telephone Number
Adult Education	Adult Education Office	(916) 322-2175
Career/Technical Education	Regional Occupational Centers and Programs and Workforce Development Centers	(916) 322-5050
Child Development, including: Alternative Payment Campus County Welfare Exceptional Needs General Family Child Care Homes Migrant	Protective Services Resource and Referral School-Age (Latchkey) School-Age Parent Severely Handicapped State Preschool	Child Development Office  (916) 322-6233

Consolidated Categorical Aid, including: Economic Impact Aid/State Compensatory Education (EIA/SCE) Economic Impact Aid/State Program for student so f Limited English Proficiency (EIA/LEP) No Child Left Behind, Titles I-VI (NCLB) School Improvement Tenth-Grade Counseling Tobacco-Use Prevention Education (TUPE) Peer Assistance and Review (PAR) School Safety and Violence Prevention Act	Categorical Programs Complaints Management unit	(916) 319-0929
Migrant and Indian Education	Migrant, Indian, and International Office	(916) 319-0851
Nutrition Services	Nutrition Services Division	(916) 445-5508
Special Education	Procedural Safeguards and Referral Services unit	(800) 926-0648
Service	Contact	Telephone Number
Facilities	School Facility Planning Division	(916) 322-2470
Office of Equal Opportunity, including Discrimination Harassment Civil Rights Guarantees	Office of Equal Opportunity	(916) 445-9174

For additional general information on the Uniform Complaint Procedures, contact the Categorical Programs Complaints Management unit, California Department of Education, School and District Accountability Division, 1430 N Street, Sacramento, CA 95814-5901; telephone (916) 319-0929, or visit our Web site at <http://www.cde.ca.gov/re/cp/uc/>.

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