



UNIFORM COMPLAINT PROCEDURE
Trinity County Office of Education
201 Memorial Dr., PO Box 1256
Weaverville, CA 96093

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
 - Career/Technical Education
 - Child Development
 - Consolidated Categorical Aid
 - Migrant and Indian Education
 - Nutrition Services
 - Special Education
 - Discrimination
 - Harassment
 - Civil Rights Guarantees
- ✓ Williams Settlement complaints regarding instructional materials, restrooms not maintained and open as required, 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. A complaint form can be obtained at the address above or at: www.cde.ca.gov/re/cp/vc.
- ✓ 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 procedure from the Local Educational Agency (LEA).
- ✓ Files a written complaint by following the steps described by the LEA complaint procedures (available free of charge).
- ✓ 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: County Superintendent of Schools or designee.
- ✓ Annually notifies parents, employees, committees, students and other interested parties of the LEA complaint procedures, including the opportunity to appeal the LEA's Decision.
- ✓ 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 (6) 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 an 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 Decision.

- ✓ Advises complainants of civil law remedies that may include injunctions and restraining orders.

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 compliant UCP policies.
- ✓ Refers each complaint to the LEA for resolutions when appropriate.
- ✓ Considers a variety of alternatives to resolve allegations in the appeal when:
 1. LEA fails to act in 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 of 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.