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
    - 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.
- Specifies in the appeal, the reason for the reconsideration to CDE and why the LEA facts are incorrect or the law is misapplied.
- Ensures the complaint procedures are described by the LEA complaint procedures.
- Provides the LEA investigator with documents and other evidence related to the allegations in the appeal.
- Files a written appeal within 15 days to the CDE for resolution if he or she finds the Decision of the CDE is incorrect.
- Provides the LEA investigator with documents and other evidence related to the allegations in the appeal. 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 LEA’s Decision is incorrect.
- Specifies in the appeal, the reason for the reconsideration to CDE and why the LEA facts are incorrect or the law is misapplied.
- Provides the LEA investigator with documents and other evidence related to the allegations in the appeal. 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 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

<table>
<thead>
<tr>
<th>Service</th>
<th>Contact</th>
<th>Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilities (for Williams Settlement cases)</td>
<td>School Facility Planning Division</td>
<td>916-322-2470</td>
</tr>
</tbody>
</table>

For additional general information on Uniform Complaint Procedures, contact the Categorical Programs Complaints Management office, California Department of Education, Legal and Audits Branch, 1430 N Street, Ste, 5408, Sacramento, CA 95814; telephone 916-319-0929, or visit our Web site at: http://www.cde.ca.gov/re,cp,uc.

**Uniform Complaint Procedures**

Authorized by:
California code of Regulations, Title 5, Sections 4600-4687