

## **USBE Title I Complaint Procedure**

### Purpose

The Utah State Board of Education (USBE) has developed this Complaint Procedure to meet the Federal requirement that state education agencies (SEA) adopt a written complaint procedure. The purpose of this complaint procedure is to address concerns, complaints, and alleged discrimination or violations of federal regulations concerning the Title I programs experienced by students or parents over which the Utah State Board of Education may have control or jurisdiction. It is the commitment of USBE to resolve complaints with fairness to all parties, quickly, efficiently, and, to the extent possible, at the local level.

### Applicable Programs

- (1) Part A of Title I (Improving Basic Programs Operated by Local Educational Agencies)
- (2) Part C of Title I (Migrant Education)
- (3) Part D of Title I (Children and Youth Who Are Neglected, Delinquent, or At Risk of Dropping Out)

### Definitions

“Utah State Board of Education (USBE):” has general control and supervision of the public school system in Utah.

“affected parties:” may be students enrolled in the public school system, including charter school students and/or parents/guardians of eligible students participating in Title I schools, or students, parents, or representatives of private schools eligible for Title I services who are given specific rights under Title I of the Every Student Succeeds Act of 2015, who are disadvantaged or injured by the application of or failure to apply policies, rules, or statutes. Students who are younger than 16 must have all documents signed or co-signed by parents/guardians.

“complainant:” any person who is an affected party, as defined in this policy, or an advocate or advocacy group acting on behalf of an affected party (e.g., public agency or organization) who makes a written complaint using these procedures.

“homeless child:” a child who meets the definition of “homeless” under the federal McKinney-Vento Homeless Education Act which is also Title VII, Part B of the Every Student Succeeds Act.

Applicability

Only affected parties may file complaints using this procedure. This procedure will be used to receive and resolve complaints concerning the “Applicable Programs” listed above. For complaints not related to Title I programs, the USBE may refer the complainant immediately to appropriate avenues for resolution of complaints involving special education, charter schools, or athletic eligibility. The following are examples of appropriate, actionable complaints:

- A Title I school identified as in need of improvement fails to provide parent choice required by law.
- A Title I school identified as in need of improvement fails to provide timely parent notice of school status.
- A Title I school refuses to disclose teacher qualifications upon parent request.
- A school district refuses to participate in good faith in conversations with private school(s) about Title I services to private school students.
- A Title I school fails to provide meaningful opportunity for parent engagement.
- A school district/charter school fails to provide appropriate EL services to student(s).
- A school fails to provide information about student progress or discipline in parents’ native language.
- A school refuses to enroll a homeless child.

This process is **not** intended to address complaints similar to the following:

- Parent does not like student’s teacher.
- Parent wants the child to attend different school; desired school refuses.
- Parent feels student is harassed by other students.
- Parent seeks transportation to neighboring school (not associated with Title I school choice).
- Parent disagrees with school discipline of student.
- Parent seeks information about employee discipline.
- Parent/student is dissatisfied with student’s grade.

Procedure

1. Utah State Board of Education (USBE) receives inquiry about complaint process.
  - a. The complaint or inquiry is referred to the State Title I Director.
  - b. The State Title I Director refers/encourages complainant to discuss problem with appropriate entity closest to the situation that might resolve the concern (e.g., teacher, school principal, school district administration, USBE program specialist).
  - c. Identified problem/complaint is resolved, OR
2. If the concerned party is unable to resolve the issue through interactions with personnel closest to the situation, a formal complaint may be filed at the local level following the local complaint procedure.
3. The local education agency completes the local complaint procedure within 30 business days and provides its findings to the complainant in writing. If the complainant is not satisfied with the outcome of the local complaint procedure, the complaint may be appealed to the USBE.

4. Complainant contacts the State Title I Director regarding complaints related to Title I Programs. USBE will recommend a mediation process to resolve complaint. A formal mediation agreement will be developed and signed by participating parties when mediation resolves issues of complaint. If the complainant chooses not to participate in mediation or is not satisfied with the mediation process, a formal state complaint may be filed with the USBE.
5. The complainant files a formal complaint appeal with the USBE within 15 business days. The State Title I Director receives complaint appeals related to Title I programs. The USBE formal complaint form is available on the USBE website and can be faxed or mailed by USBE to the complainant.
  - a. Complaint shall be made in writing.
  - b. Complaint shall state facts on which the complaint is based.
  - c. Complaint shall state or cite, if possible, state or federal rule, statute or regulation that is being complained about.
  - d. Complaint shall be signed by complainant and dated.
  - e. Complainant shall include a copy of the local complaint investigation findings report.
  - f. Appropriate USBE staff person logs in complaint received on secure, USBE website.
  - g. In all cases, USBE will work to meet reasonable timelines. USBE staff will be trained and encouraged to resolve complaints as fairly and rapidly as possible.
  - h. The USBE must, consistent with federal law, notify or refer certain complaints to the U.S. Department of Education.
6. Within 10 business days following receipt of written complaint, the State Director of Title I shall:
  - a. Send a letter of acknowledgement to complainant.
  - b. State how complainant may provide additional information and that USBE may request additional information.
  - c. State the methods and procedures USBE may use to investigate the complaint.
  - d. State the USBE commitment to resolve complaints in the form of a "letter of findings."
  - e. Further inform complainant that USBE will send a copy of acknowledgement and letter of findings to local superintendent or other affected education entity, as appropriate.
  - f. Appoint an unbiased and appropriate complaint investigator for the complaint.
7. Within 45 business days of receipt of complaint, the USBE shall:
  - a. Carry out an independent on-site investigation, as needed.
  - b. Review all relevant information and make an independent determination as to whether the alleged violation of federal law or regulation occurred.
  - c. Issue a complaint investigation report (Letter of Findings) to complainant that includes, as appropriate:

- i. Summary of allegations;
  - ii. Findings of fact;
  - iii. Conclusions;
  - iv. Corrective actions (if any, with specified timelines);
  - v. Rationale for USBE's final conclusions.
8. Exceptional circumstances: Where there are exceptional circumstances with regard to a specific complaint or complainant, an extension of time may be granted by the deputy superintendent of the section to which the complaint was referred, or designee, to complete the investigation. The extension shall not exceed 30 business days from the date that the Letter of Findings was originally due. Complainant shall be notified of exceptional circumstances, approximate timeline for resolution, and date before which complaint will be resolved. The USBE may extend the time to complete the investigation if mutually agreed upon by all parties.
9. Either party will have 15 working days to file a written appeal with the State Superintendent appealing the findings of the complaint investigation. The State Superintendent may seek additional information from either or both parties and grant or deny the appeal (and provide written notice and revised Letter of Findings, if necessary, to both parties) within 10 working days of receipt of written appeal.
10. Within 10 working days of receipt of the Letter of Findings or receipt of the grant of appeal and revised Letter of Findings, complainant may accept the recommendations or appeal to the U.S. Department of Education. Appeal to the U.S. Department of Education must be accompanied by a copy of the findings of the independent investigation and signed and dated by the appellant (original complainant).

#### Local Education Agency (LEA) Responsibilities

- Ensure compliance with applicable federal and state laws and regulations.
- Adopt complaint policies and procedures consistent with Title I requirements.
- Designates a staff member to be responsible for complaint resolution.
- Notifies, at least annually, parents, employees, committees, students, and other interested parties of local complaint procedures, including the opportunity to appeal the local education agency's decision. The notice must also advise recipients of 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 in a school speak that language; or (c) in the mode of communication of the recipient of the notice.

- 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 or Utah State Board of Education (USBE) by a person harmed or by a person on behalf of others. These complaints must be filed no later than six months from the occurrence or when first acknowledged. The LEA and the USBE must protect the confidentiality of the parties and the facts related to the case.
- Resolve the complaint through mediation or investigation and completes a written report within 45 business days of receipt of the complaint. The LEA must also advise the complainant regarding rights of appeal to USBE within 15 business days of receipt of the LEA written report.
- Submit, on notification of an appeal, the following to the USBE:
  1. The original complaint
  2. A copy of the LEA decision
  3. A summary of the nature and extent of the mediation or investigation conducted by the LEA if not covered in the LEA decision
  4. A report of any action taken to resolve the complaint
  5. A copy of the LEA complaint procedures
  6. Such other relevant information as the State Superintendent of Public Instruction may require
- May appeal within 15 business days to the State Superintendent of Public Instruction if the LEA or complainant is dissatisfied with the decision of the USBE.