

Utah State Office of Education  
Title I Complaint Procedure

Purpose

The Utah State Office of Education 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 Office of Education (USOE) may have control or jurisdiction. It is the commitment of USOE 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 B of Title I (Even Start Family Literacy Programs) (other than the federally administered direct grants for Indian tribes and tribal organizations, children of migratory workers, statewide family literacy initiatives, and a prison that house women and children).
- (3) Part C of Title I (Migrant Education).
- (4) 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)/Utah State Office of Education (USOE):” has general control and supervision of the public school system in Utah. The USOE is the administrative arm of the State Board of Education.

“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 No Child Left behind Act of 2001, 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 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 USOE 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 for not achieving adequate yearly progress fails to provide parent choice required by law.
- A Title I school identified as in need of improvement for not achieving adequate yearly progress 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 involvement.
- A school district/charter school fails to provide appropriate ELL 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 to 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 Office of Education (USOE) 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, USOE 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 USOE.
4. Complainant contacts the State Title I Director regarding complaints related to Title I Programs. USOE will recommend a mediation process to resolve complaint and refers complainant to mediation form on USOE website. Website and mediation form provide

mediation process and contact information. 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 USOE.

5. The complainant files a formal complaint appeal with the USOE within 15 business days. The State Title I Director receives complaint appeals related to Title I programs. The USOE formal complaint form is available on the USOE website and can be faxed or mailed by USOE.
  - 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 USOE staff person logs in complaint received on secure, USOE website.
  - g. In all cases, USOE will work to meet timelines. USOE staff will be trained and encouraged to resolve complaints as fairly and rapidly as possible.
  - h. The USOE 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 USOE may request additional information.
  - c. State the methods and procedures USOE may use to investigate the complaint.
  - d. State the USOE commitment to resolve complaints in the form of a "letter of findings."
  - e. Further inform complainant that USOE 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 USOE 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 USOE'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 associate 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 USOE 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 of Utah State Office of Education (USOE) 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 USOE 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 USOE within 15 business days of receipt of the LEA written report.
  
- Submit, on notification of an appeal, the following to the USOE:
  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 USOE