

APPENDIX B: ADMINISTRATIVE COMPLAINT FORMS

B.1. Sample Form Complaint for LCFF and LCAP Violations

Date: _____

Name of District: _____

District Address: _____

Re: Uniform Complaint for failure to comply with Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP) mandates

Dear Administrator:

The District is out of compliance with state education laws with respect to school finance and Local Control Funding Formula (LCFF) and Local Control and Accountability Plan (LCAP) mandates. This complaint is filed pursuant to California Education Code § 52075.

I. VIOLATIONS

The specific violations are checked off below:

Budget

- Failure to adopt a local control accountability plan prior to adopting a budget. EC § 42127(a)(2).
- Failure to hold a public hearing on the budget to be adopted. EC § 42127(a)(1).
- Failure to comply with auditing requirements. EC Code § 41020.
 - Failure to conduct a timely audit.
 - Failure to make books and accounts available to the County or other arrangements to provide for auditing.

Local Control Accountability Plan (LCAP)

- Failure to develop a local control accountability plan in accordance with Cal. Educ. Code §52060 .
- Failure to comply with the LCAP template adopted by the State Board. EC §52060.
- Failure to include, for all pupils and each numerically significant subgroup of pupils, a description of:
 - Annual goals to be achieved for each of the eight state priorities and any additional local priorities.
 - Specific actions the school district will take to achieve the annual goals for each of the eight state priorities and any local priorities.
- This violation is with respect to the following state and/or local priority(ies):
 - State Priority #1: Appropriate teacher assignments, access to standards-aligned instructional materials, and school facilities maintained good repair.
 - State Priority #2: Implementation of academic content and performance standards adopted by the State Board of Education.
 - Failure to describe annual goals for how programs and services will enable English Learners to:
 - Access common core academic content standards.
 - Access English Language Development standards.
 - State Priority #3: Parental Involvement
 - Failure to describe annual goals for how the school district will seek parent input in making decisions for the school district and each individual school site.
 - Failure to describe annual goals for how the school district will promote parental participation in programs for low-income students, English Learners, foster youth, and students with exceptional needs.
 - State Priority #4: Pupil Achievement
 - Failure to describe annual goals for pupil achievement as measured by:
 - Statewide assessments.
 - Academic Performance Index.
 - Percentage of students who successfully complete courses that satisfy requirements for University of California and the California State University or courses that align with state-board approved career technical education standards.

- Percentage of English Learners who make progress toward English proficiency.
- English Learner reclassification rate.
- Percentage of students who pass an advanced placement examination with a score of 3 or higher. Percentage of students who demonstrate college preparedness after participation in the Early Assessment Program or subsequent to any assessment of college preparedness.

State Priority #5: Pupil Engagement

- Failure to describe annual goals for pupil engagement as measured by:
 - School attendance rates.
 - Chronic absenteeism rates.
 - Middle school drop-out rates.
 - High school drop-out rates.
 - High school graduation rates.

State Priority #6: School Climate

- Failure to describe annual goals for school climate as measured by:
 - Suspension rates.
 - Expulsion rates.
 - Other Local Measure(s): _____.

State Priority #7: Pupil access to, and enrollment in, a Broad Course of Study

- Failure to describe programs and services developed and provided to:
 - Low-income students
 - English Learners.
 - Foster Youth Students.
 - Students with Exceptional Needs.

State Priority #8: Pupil Outcomes

Local Priority(ies):

- Failure to describe annual goals for the following:

Failure to include annual goals for the following groups as required by EC § 52060(c)(1):

All students

Numerically significant student subgroups including:

Racial/ethnic subgroups: _____

English Learners

Low-income students

Foster youth

Homeless youth

Students with disabilities

Failure to explain how supplemental and concentration grand funds will be “principally directed towards” and “effective in” meeting the District’s goals for its unduplicated students. 5 C.C.R 15496.

Failure to consult all necessary parties in developing the LCAP. EC § 52060(g). The following parties were not consulted:

___ Parents

___ Students

___ Teachers

___ Principals

___ Administrators

___ Other School Personnel

Failure to adopt the LCAP in compliance with EC § 52062. The violations are with respect to the following:

Parent Advisory Committee

Failure to present the LCAP or annual update to the LCAP to the parent advisory committee for review and comment before the LCAP is considered by the governing board for adoption.

Failure of the Superintendent to respond in writing to comments received by the parent advisory committee.

English Learner Parent Advisory Committee

Failure to present the LCAP or annual update to the LCAP the English learner parent advisory committee for review and comment before the LCAP is considered by the governing board for adoption.

Failure of the Superintendent to respond in writing to comments received by the English learner parent advisory committee.

General Public

- Failure to notify members of the public of the opportunity to submit written comments regarding specific actions and expenditures to be included in the LCAP or annual update to the LCAP.

Individual School Plans

- Failure of the Superintendent to review individual school plans and ensure that specific actions included in the LCAP or annual update to the LCAP are consistent with strategies included in the individual school plans.

Public Hearing Requirements

- Failure of the governing board to hold at least one (1) public hearing to solicit recommendations and comments from the public regarding the specific actions and expenditures to be included in the LCAP or annual update to the LCAP.
- Failure to post the agenda for the public hearing at least 72 hours before the hearing.
- Failure to include in the agenda for the public hearing the location where the LCAP will be available for public inspection prior to the hearing.
- Failure to adopt the LCAP or annual update to the LCAP at a public hearing that is held after, not on the same day, as the public hearing to solicit recommendations and comments from the public.

Changes to LCAP

- Failure to follow the same process for adopting an LCAP to make a change
 - Failure to present the proposed changes to, and respond to comments by, the parent advisory committee
 - Failure to present the proposed changes to, and respond to comments by, the English Learner parent advisory committee
 - Failure to notify members of the public of the opportunity to submit written comments regarding the proposed changes
 - Failure to review individual schools plans and ensure that proposed changes to LCAP are consistent with strategies in school plans
 - Failure to hold a public hearing to solicit comments regarding the proposed changes
 - Failure to post the agenda 72 hours in advance and/or include the location where the LCAP will be available with the proposed changes for public inspection
- Failure by the governing board to adopt any changes to the LCAP at a public hearing

- Failure to update the LCAP annually in accordance with EC § 52061(a):
 - The District has failed to complete a timely update of the LCAP (deadline is July 1 of each year)
 - The annual update of the LCAP fails to include:
 - A review of any changes in the applicability of goals
 - A review of the progress toward the goals in the existing LCAP
 - An assessment of the effectiveness of the specific actions described in the existing LCAP toward achieving the goals
 - A description of changes to the specific actions the District will make as a result of the review and assessment
 - A listing and description of the expenditures for implementation of the specific actions in the updated LCAP
 - Explain material differences in estimated budgeted and actual expenditures of supplemental & concentration grand funds
 - A listing and description of the expenditures that will serve:
 - Low-income students
 - English Learners
 - Students Re-designated Fluent English Proficient (RFEP)
 - Foster Youth
- Failure of the Superintendent to ensure the implementation of a local control accountability plan. EC § 35035(d).

Parent Advisory Committee

- Failure to establish a parent advisory committee to provide advice to the governing board regarding the development, review, and implementation of the LCAP. EC § 52063(a)(1).
- Failure to include parents or legal guardians of students who are low-income, English learners, and/or foster youth on the parent advisory committee. EC § 52063(a)(2).
 - The parent advisory committee, if one has been established, fails to include any parents of students who are:
 - Low-Income
 - English Learners
 - Foster Youth

English Learner Parent Advisory Committee

- Failure to establish an English learner parent advisory committee where the District's English learner population exceeds 15% of total student enrollment and there are at least 50 students who are English learners § 52063(b)(1).
- Failure to involve the English Learner Parent Advisory Committee in the development, review, and implementation of the LCAP. EC § 52062.

Posting Requirements & Availability of Public Records

- Failure to post the agenda for public hearing(s) on the budget and/or LCAP at least 72 hours in advance. EC §§ 42127, 52062.
- Failure to make budget and supporting data available for public review. EC § 42127(a)(2).
- Failure to make LCAP, and any revisions or annual updates to LCAP available for public review prior to adoption by governing board. EC § 52062.
- Failure to post on the internet website for the District any LCAP approved by the governing board and any approved updates or revisions to the LCAP. EC § 52065.

Complaint procedures

- Failure to establish local policies and procedures for filing complaints. EC § 52075(f).
- Failure to include information regarding the complaint policies and procedures in the annual notification to students and parents. EC § 52075(e).

Other

II. EVIDENCE OR INFORMATION LEADING TO EVIDENCE IN SUPPORT OF THIS COMPLAINT

III. REQUEST FOR RELIEF

I am requesting that the District investigate this matter in accordance with the uniform complaint procedures and to provide a remedy to all affected pupils, parents, and guardians that includes, but is not limited to, the following:

I submit this complaint anonymously. EC § 52075(b).

Yes

No

I look forward to the District’s written decision within 60 days in compliance with the uniform complaint procedures. 5 CCR § 4631.

Sincerely,

(Your signature here)

Name of Parent: _____

Parent phone number: _____

Parent email address: _____

Mailing Address: _____

B.2. California Department of Education Model Compliance Complaint Form

(Available for download at <https://www.cde.ca.gov/sp/se/qa/documents/sedcomplaintform.pdf>)

California Department of Education
Procedural Safeguards Referral Service

Special Education Division
Revised 11/2006

REQUEST FOR COMPLAINT INVESTIGATION

PLEASE NOTE: A complaint may be filed through the use of this form or by a written letter sent by fax or postal mail. E-mails cannot be accepted as formal complaints because they do not meet signature requirements under 34 C.F.R. 300.153(b)(3). If upon analysis of a request, a complaint is opened, a complaint investigation will be completed within 60 days of receipt in the California Department of Education (CDE) Special Education Division Procedural Safeguards Referral Service (PSRS) of all required information.

The written complaint must specify at least one alleged violation of state and/or federal special education laws that occurred not more than one year prior to the date the complaint is received by the CDE. The party filing a complaint must forward a copy of the complaint to the LEA or public agency serving the child at the same time the party files a compliance complaint with the CDE. [34 Code of Federal Regulations (CFR) 300.153(d)]

Please return the completed form to: California Department of Education; Special Education Division; Procedural Safeguards Referral Service; 1430 N Street; Suite 2401; Sacramento, CA 95814; Phone: 800-926-0648; FAX: 916-327-3704

Name of School District or other Public Educational Agency that allegedly violated state and/or federal special education laws:

Complainant Contact Information:

Name _____

Address _____

City _____, CA Zip Code _____

Phone Numbers (Please note the best time to call):

(Day) _____ (evening) _____

(Work) _____ ext. _____ (fax) _____

Parent/Guardian Information (if different from above):

Name(s) _____

Address _____

City _____, CA Zip Code _____

Parent/Guardian Phone Numbers (if phone contact is permitted, please indicate the best time to call):

(Day) _____ (evening) _____

(Work) _____ ext. _____ (fax) _____

Student Information (If alleging violations with respect to a specific child):

Name _____

Date of Birth _____ Current Grade Level _____

Address Where Student Resides (If different from Parent/Guardian information):

Address _____

City _____, CA Zip Code _____

School of Attendance (required) _____

Pursuant to 34 CFR 300.153(b) (1), I would like to file a complaint because I believe that the public education agency listed on page one has violated state and/or federal education laws. Here are the facts of what happened: (Include a specific statement of each alleged violation and the dates when the violation occurred, if necessary use additional pages (CFR 300.153(b) (2))

Who have you contacted regarding the above issue(s)? What was the outcome?

Proposed Resolution (34 CFR 300.153(b) (4) (v)):
A complaint investigation would not be necessary if:

Has your child been referred for special education? Yes _____ No _____

Was your child ever identified for special education? Yes _____ No _____

Does your child have an individualized education program (IEP)? Yes _____ No _____ If yes, please include a copy of the most recently signed IEP.

Include copies of any other documents that apply to this request for complaint investigation, such as assessment plans, written correspondence or mediation and settlement agreements.

Signature of Complainant _____

Date _____

B.3. California Department of Education Sample Williams Complaint Form

(Available for download at <https://www.cde.ca.gov/re/cp/uc/documents/ucp6form31718.doc>)

Williams Complaint Form

FOR THE LEA (not to be on notice itself)

- This notice shall be in English, and when necessary, in the primary language, pursuant to EC section 48985.
- May either use the term 'pupil' or 'student' to mean a person who is studying at a school.
- This notice will no longer reference the California High School Exit Exam nor Intensive Instruction and Services at this time.

[Name of your Agency]

California Education Code (EC) § 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response, you must provide the following contact information.

Response requested: Yes No

Name (Optional):	Mailing Address (Optional):
Phone Number Day (Optional):	Evening Number (Optional):

Issue of complaint (please check all that apply):

1. Textbooks and Instructional Materials

- A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Facility Conditions

- A condition poses an urgent or emergency threat to the health or safety of students or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage

creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.

- A school restroom has not been maintained or cleaned regularly, is not fully operational and has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes.

3. Teacher Vacancy or Misassignment

- Teacher vacancy - A semester begins and a teacher vacancy exists. (A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.)
- Teacher misassignment - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
- Teacher misassignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Date of Problem: _____ Location of problem (school name, address, and room number or location): _____

Course or Grade Level and Teacher Name: _____

Describe specific nature of the complaint in detail. You may include as much text as necessary (please use other side): _____

Please file this complaint with the principal of the school or his/her designee in which the complaint occurred:

Location: _____
Title of office

Address: _____
Street City Zip code

A complaint about problems beyond the authority of the principal shall be forwarded within 10 working days to the appropriate school district official for resolution.

May 2017