

Best Practices for Receiving and Investigating Complaints

STEP 1

Ensure Appropriate Staff Training: If all relevant staff, including school counselors, administrators, teachers, front desk clerks, registrars, and foster youth liaisons, are well trained on enforcing the rights of foster youth, a school district can avoid complaints.

STEP 2

Adopt Policies and Procedures for the Investigation and Resolution of Complaints: School districts are required to have procedures in place to implement the UCP. Ensure that these policies and procedures specifically acknowledge the incorporation of foster youth rights.

Policies and procedures should also be reviewed to determine whether their application is appropriate for foster youth. For example, waiting the entire legally allowed 60 day timeline to decide an enrollment complaint would mean the youth is excluded from school for that entire time period. This would seriously harm the student and open the school district up to unnecessary liability to provide compensatory services for that entire time period.

STEP 3

Designate an Employee to Receive and Investigate Complaints: The employee responsible for investigating complaints must be knowledgeable about all foster youth education rights.

STEP 4

Provide Appropriate Notice: Information about the requirements of foster youth education laws and of the right to file a complaint for violation of these laws must be incorporated into the school district's required annual UCP notification. The notification must be distributed broadly, including to youth, parents or guardians of pupils (education rights holders for foster youth), employees, and other "interested parties." Such interested parties should include social workers, probation officers, and legal representatives for youth, as well as caregivers. The notice must also identify the person responsible for investigating such complaints and notification of the right to appeal. See [California Department of Education's Sample UCP Annual Notice](#).

STEP 5

Provide Appropriate Complaint Form: School districts should provide a sample complaint form that can be used to submit a complaint that complies with state requirements. See [Sample UCP Complaint Form](#).

Complaints not using the sample form must also be accepted. Best practice also includes providing assistance to families in filling out complaints.

STEP 6

Investigate and Respond to Complaints in a Timely Manner: Complaints filed with the school district must be investigated and a written response provided to the youth's ERH and the complainant within 60 days. To avoid harm to youth and potentially owing additional compensatory education remedies, shorter timelines should be adopted. Given the limited facts upon which most foster youth education complaints will likely be based, school districts should be able to address most complaints in less than one week.

The investigation must provide the complainant an opportunity to provide information to support the complaint. This information may include related paperwork that the complainant may attach to the complaint or an opportunity to provide information through an in-person or telephonic interview.

The school district must provide a written response within the 60 day timeline, including information about the right to appeal and the 15 day appeal timeline. If the school district decides that they did violate the youth's rights, they should provide an appropriate remedy.

STEP 7

Comply with CDE Orders: If an appeal is filed with the CDE, school districts must cooperate with the CDE's investigation. If the school district is found in violation of the youth's education rights, they must comply with any remedies ordered by the CDE. Such remedies may include the enrollment of youth in a particular school or course(s), compensatory education services, or mandatory re-training of staff.