

Complainant will receive the final written decision within 60 days of filing the complaint. The report shall include notice of the complainant's right to appeal, within 30 calendar days, the decision to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4631)

#### **APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION**

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision and must include a copy of the locally filed complaint and a copy of the district decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

#### **CIVIL REMEDIES**

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the district's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief, and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint. For assistance, you may contact:

Tulare County Office of Education  
Legal Services Department  
UCP Specialist - (559) 733-6306  
Legal Aid - (559) 733-8770

#### **REFERRING COMPLAINTS TO OTHER APPROPRIATE STATE OR FEDERAL AGENCIES**

The following complaints shall be referred to the specific agencies for appropriate resolution and are not subject to local and Department complaint procedures set forth unless these procedures are made applicable by separate interagency agreements:

American Civil Liberties Act 504: Office for Civil Rights

Child Abuse: Department of Social Services, Protective Services Division, or Sheriff's Department

Health and Safety/Child Development: Department of Social Services

General Education: Visalia Unified School District

Discrimination/Nutrition Services: U.S. Secretary of Agriculture, U.S. Department of Agriculture,

Western Region Employment Discrimination: Department of Fair Employment and Housing

Fraud: California Department of Education Directors of Legal Counsel

#### **BASIS FOR DIRECT STATE DEPARTMENT OF EDUCATION INTERVENTION**

1. The Superintendent of Public Instruction shall directly intervene when:
2. The local agency fails to comply with complaint procedures;
3. Discrimination is alleged and/or there is indication of immediate loss of benefits such as education or employment for students;
4. The complainant requests anonymity and has proven retaliation;