

2016-109 AUDIT SCOPE AND OBJECTIVES

California Department of Education—Uniform Complaint Procedures

The audit by the California State Auditor will provide independently developed and verified information related to the Uniform Complaint Procedures (UCP) for educational issues, and will include, but not be limited to, the following:

1. Review and evaluate the laws, rules, and regulations significant to the audit objectives.
2. For a selection of at least three local educational agencies (LEAs), including one in which complainants have appealed a large number of complaints to the California Department of Education (Education), determine how the UCP functions and whether the process is manageable for the LEAs to administer. In doing so, for each LEA, determine whether the UCP:
 - a. Promotes the efficient use of time and resources, including whether it is efficient to administer because it provides a uniform method to process different types of complaints.
 - b. Is used for issues authorized or identified by statute or regulation.
 - c. Encourages the resolution of complaints by LEAs or at the local level.
 - d. Ensures that remedies are applied to all affected pupils and, when appropriate, any underlying policies or practices are brought into compliance with the law.
 - e. Is easily accessible to parents, including those who do not speak fluent English.
3. For the LEAs selected to address Objective 2, and using data covering the last three years, perform the following:
 - a. Determine the number of complaints received by type, including, to the extent the information is available, the legal costs incurred by both parties for each complaint type.
 - b. For a selection of individual complaints, determine whether the LEAs followed their investigation and resolution processes. This selection should cover a broad representation of complaint types and include some that have been appealed to Education.
 - c. For the selection of complaints, determine whether they were addressed and resolved within established and/or reasonable timelines.
4. Review and assess Education's complaint appeals process, including the process used to ensure that the remedies it orders are applied and effectively resolve any problems. For the last three years, determine the following:
 - a. The number and types of complaints that are appealed, the number and types of complaints that have been referred back to the LEAs, and the reasons for such referrals.

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- b. The efficiency and timeliness with which Education processes appeals and whether it has sufficient resources to promptly process appeals including, but not limited to, determining the following:
 - 1. Education's prioritization of appeals being addressed. For instance, whether severe problems or repeat offenses are handled differently than routine issues.
 - 2. Whether sufficient information is available in the written complaints to resolve appeals without an on-site investigation.
 - 3. Whether Education has addressed complaints directly without a local complaint being filed and the nature of those complaint(s). Further, determine the criteria for direct state involvement.
 - 4. If applicable, whether the State ensures that remedies are applied to all affected pupils or, when appropriate, ensures that any underlying policies or practices are brought into compliance with the law.
 - 5. Whether appeals are addressed and resolved within established and/or reasonable timelines.
 - c. For a selection of appeals covering a broad representation of complaint types, determine whether Education effectively followed its investigation and resolution processes.
 - d. The extent to which Education has used information from its processing of appealed complaints to inform its compliance monitoring activities of LEAs.
- 5. Determine whether other complaint process models—those of other states or others in California, such as the alternative dispute resolution process used in special education—might serve the State more effectively than the UCP.
 - 6. Review and assess any other issues that are significant to the audit.