Uniform Complaint Procedures

What is a UCP complaint?

A complaint under the Uniform Complaint Procedures (UCP) is a written and signed statement by an individual, public agency, or organization alleging a violation of federal or state laws governing certain educational programs.

What agencies are subject to the UCP?

The UCP covers alleged violations by local educational agencies (LEAs) (school districts and county offices of education) and local public or private agencies which receive direct or indirect funding from the State to provide any school programs, activities, or related services. Charter schools which receive federal funds are also subject to the UCP or where specified in statute.

What educational programs and services are covered by the UCP?

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Career Technical Education
- Child Care and Development (including State Preschool)
- Child Nutrition
- Discrimination, harassment, intimidation, bullying, student lactation accommodations, and Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) resources
- Foster and Homeless Students
- Local Control Funding Formula (LCFF) and Local Control and Accountability Plans (LCAP)
- Every Student Succeeds Act (ESSA) (Titles I-VII), including improving academic achievement, compensatory education, English learner programs, and migrant education
- Physical Education: Instructional Minutes
- Pupil Instruction: Course Periods Without Educational Content or Previously Completed Courses
- Regional Occupational Centers and Programs
- Special Education
- Tobacco-Use Prevention Education
- Unlawful Pupil Fees

What issues are not covered by the UCP?

Not all complaints fall under the scope of the UCP. Many concerns are the responsibility of the LEA, including classroom assignments, common core, grades, graduation requirements, hiring and evaluation of staff, homework policies and practices, provision of core curricula subjects, public meeting laws (such as the Brown Act), student advancement and retention, student discipline, student records, and other general education requirements. The LEA, however, may use its local complaint procedures to address complaints not covered by the UCP.

In addition, the following complaints are referred to other agencies for resolution and not subject to the UCP:

- Allegations of child abuse are referred to County Departments of Social Services, Protective Services Divisions, or appropriate law enforcement agency.
- Health and safety complaints regarding a Child Development Program are referred to the Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
- Employment complaints are sent to the California Department of Fair Employment and Housing.
- Allegations of fraud are referred to the responsible Division Director at the California Department of Education (CDE).

How do I file a UCP complaint and how is it processed?

The LEA's UCP complaint policies and procedures provide the information needed to file a local complaint. Each LEA must annually notify its students, employees, parents/guardians, school and district advisory committees, appropriate private school officials and other interested parties of the LEA's UCP complaint policies and procedures, and the opportunity to appeal the LEA's Decision to the CDE. LEAs must provide their complaint policies and procedures free of charge.

What are the responsibilities of the complainant?

- Receives and reviews the UCP complaint policies and procedures from the LEA.
- Files a written complaint by following the steps described in the LEA's UCP complaint procedures.
- Cooperates in the investigation and provides the LEA investigator with information and other evidence related to the allegations in the complaint.
- May file a written appeal to the CDE within 15 calendar days of receiving the LEA's decision if he or she believes the LEA's decision is incorrect.
- Must specify the basis for the appeal and whether the LEA's facts are incorrect and/or the law is misapplied. The appeal packet must contain a copy of the original complaint to the LEA and a copy of the LEA's decision.
- Where applicable, within 35 calendar days of receiving the CDE's decision or report, may submit a request for reconsideration by the Superintendent of Public Instruction at the CDE. The CDE's decision or report will notify the complainant if there is a right to request reconsideration. The request for reconsideration must designate the finding(s), conclusion(s), or corrective action(s) in the CDE's decision or report for which reconsideration is requested, and the specific basis for requesting reconsideration. The request must also state whether the findings of fact are incorrect and/or the law is misapplied.

What are the responsibilities of the LEA?

- Ensures compliance with applicable federal and state laws and regulations.
- Adopts UCP complaint policies and procedures consistent with the *California Code of Regulations*, Title 5 Sections 4600–4687.
- Designates a staff member to be responsible for receiving, investigating and resolving complaints and makes sure the staff member is knowledgeable about the laws/programs he or she is assigned.
- Must give the filing party an opportunity to present information and/or evidence relevant to the complaint.
- Protects complainants from retaliation.
- Resolves the complaint and completes a written report within 60 calendar days of receipt of the complaint unless extended by written agreement of the complainant.
- Must advise the complainant of the right to appeal the LEA's decision to the CDE within 15 calendar days of receiving the decision.

What are the responsibilities of the CDE?

The UCP authorizes the CDE to process appeals of the LEA's decision on UCP complaints; or, in certain specified situations, to intervene directly and investigate the allegations in the complaint. The CDE:

- Reviews, monitors and provides technical assistance to all LEAs regarding the adoption of UCP complaint policies and procedures by the LEA's governing board.
- Refers a complaint to the LEA for resolution when appropriate.
- Considers a variety of alternatives to resolve a complaint or appeal when:
    1. The complainant alleges and the CDE verifies that, through no fault of the complainant, the LEA fails to act within 60 calendar days of receiving the complaint.
    2. The complainant appeals an LEA decision if he or she believes the decision is factually and/or legally incorrect.
    3. When requested by the complainant, the CDE determines when direct intervention is applicable.

- Requires corrective action by the LEA if noncompliance issues are identified during the investigation.
- Provides monitoring and technical assistance to LEAs to ensure resolution of findings of noncompliance.
- Where applicable, notifies the parties of the right to request reconsideration of the CDE's decision/report by the Superintendent of Public Instruction at the CDE within 35 calendar days of the receipt of the decision/report.
- For those programs governed by part 76 of Title 34 of the *Code of Federal Regulations*, notifies the parties of the right to appeal to the United States Secretary of Education.

Williams Complaints

A Williams complaint concerns instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancy or misassignment, and may be filed anonymously. LEAs must have a complaint form available for these types of complaints, but will not reject a complaint if the form is not used as long as the complaint is submitted in writing. Under applicable regulations, a notice must be posted in each classroom in each school notifying parents and guardians of the matters subject to a Williams complaint and where to obtain a form to file a complaint.

A Williams complaint must be resolved by the school principal or by the district superintendent or his or her designee. A complainant who is not satisfied with the resolution has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the board. Except for complaints involving a condition of a facility that poses an emergency or urgent threat, there is no right of appeal to the CDE.

In the case of complaints concerning a condition of a facility that poses an emergency or urgent threat, a complainant who is not satisfied with the resolution has the right to file an appeal to the Superintendent of Public Instruction at the CDE within 15 calendar days of receiving the LEA's decision.

For further information on Williams complaints please go to the CDE Web site and search for Williams Facilities Complaints and Appeals.

Additional Information

For additional information, contact the appropriate office listed, or visit the UCP Web page at http://www.cde.ca.gov/re/cp/uc.

Contacts for Programs and Services Covered Under the UCP

Adult Education and Regional Occupational Centers and Programs, *Career Tech Ed (CTE) Leadership and Instructional Support Office;* 916-322-5050

After School Education and Safety, *After School Division*; 916-319-0923

Agricultural Vocational Education, *Career & College Transition Division;* 916-319-0887

American Indian Education Centers and Early Childhood Education Program Assessments, *Coordinated Student Support Division*; 916-319-0506

Career Technical Education, *Career and College Transition Division;* 916-322-5050

Child Care and Development (including State Preschool), *Early Education and Support Divisio*n; 916-322-6233

Child Nutrition, *Nutrition Services Division*; 800-952-5609

Discrimination, Harassment, Intimidation, Bullying, Student Lactation Accommodations, and LGBTQ Resources, *Education Equity UCP Appeals Office*; 916-319-8239

Educational Rights of Foster and Homeless Students, *Coordinated School Health and Safety Office;* 916-319-0914

Local Control Funding Formula/Local Control and Accountability Plan (LCFF/LCAP): Content or Procedures, *Local Agency Systems Support Office*; 916-319-0809; Fiscal, *School Fiscal Services Division*; 916-322-3024

No Child Left Behind (2001) programs (Title I-VII), including improving academic achievement, compensatory education, English learners, and migrant education (to be replaced by the Every Student Succeeds Act [ESSA] beginning in 2016-17), *Categorical Programs Complaints Management (CPCM) Office;* 916-319-0929

Physical Education: Instructional Minutes, *Science, Technology, Engineering, and Mathematics (STEM) Office*; 916-323-5847

Pupil Instruction: Course Periods Without Educational Content or Previously Completed Courses, *Categorical Programs Complaints Management (CPCM) Office;* 916-319-0929

School Facilities (for Williams Complaints), *School Facility Planning Division*; 916-322-2470

Special Education, *Procedural Safeguards and Referral Services Unit;* 800-926-0648

Tobacco-Use Prevention Education, *Coordinated School Health & Safety Office;* 916-319-0914

Unlawful Pupil Fees, *Categorical Programs Complaints Management (CPCM) Office;* 916-319-0929

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Authorized by:
California Code of Regulations, Title 5
Sections 4600-4687

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