

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 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 days of receiving the decision.

What are the responsibilities of the CDE?

The UCP authorizes the CDE to process appeals from 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 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 necessary.
- 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 days of the receipt of the decision/report.
- For those programs governed by part 76 of Title 34 of the Code of Federal Regulation, notifies the parties of the right to appeal to the United States Secretary of Education.

CALIFORNIA DEPARTMENT OF EDUCATION

Contacts for Programs and Services Covered Under the Uniform Complaint Procedures

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

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

Child Care and Development (including State Preschool), Early Education and Support Division
916-322-6233

Educational Equity (Discrimination, Harassment, Intimidation, Bullying and Civil Rights Guarantees), Office of Equal Opportunity
916-445-9174

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

Foster Youth Services, Parents/Family & Community
916-319-0506

Migrant Education, Migrant, Indian and International Education Office
916-319-0851

NCLB: Titles I - VII
916-319-0926

Nutrition Services (including Child Nutrition), Nutrition Services Division
916-445-0850

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

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

PROGRAMS WITH REMAINING ALLOCATIONS IN 2013-2014 AND/OR 2014-2015

Adult Education, Adult Education Office
916-322-2175

Federal Class Size Reduction Initiative (K-3), School Fiscal Services Division
916-324-4533

Regional Occupational Centers and Programs and Workforce Development Centers, Career & College Transition Division
916-322-5050

For additional information on Uniform Complaint Procedures (UCP), contact the Categorical Programs Complaints Management (CPCM) office, California Department of Education (CDE), 1430 N Street, Sacramento, CA 95814
916-319-0929
or visit our Web site at: <http://www.cde.ca.gov>

April 2014

Uniform Complaint Procedures

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



CALIFORNIA DEPARTMENT OF EDUCATION

Revised April 2014



Uniform Complaint Procedures

What is a 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 educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying, and failure to comply with laws relating to pupil fees. Discrimination, harassment, intimidation and bullying complaints must be filed with the local educational agency (LEA) (school district or county office of education) by a person harmed or by a person on behalf of others who have been subjected to discrimination. These complaints must be filed no later than six months from the date of the occurrence, or from the time the complainant first learned of the facts of the discrimination, harassment, intimidation and bullying. The LEA must protect the confidentiality of the parties and facts related to the case.

For further information on pupil fees complaints please go to the California Department of Education (CDE) website, www.cde.ca.gov, and search for Uniform Complaint Procedures. For complaints regarding discrimination, harassment, intimidation and bullying, please go to the CDE website and search for Office of Equal Opportunity.

Educational programs covered by the UCP include:

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Child Care and Development
- Child Nutrition
- Foster Youth Services
- No Child Left Behind Act (2001) programs (Titles I-VII), including improving academic achievement, compensatory education, limited English proficiency, and migrant education
- Regional Occupational Centers and Programs
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

What agencies are subject to the UCP?

The UCP covers alleged violations by local educational agencies (LEA) (school district and county office of education), and local public or private agencies which receive direct or indirect funding from the State to provide any school programs or activities, or special education or related services. Charter schools which receive federal funds are also subject to the UCP.

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 and Greene Act), student advancement and retention, student discipline, students' 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 appropriate resolution and are not subject to the UCP:

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

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 days of receiving the report.

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

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

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 applicable State regulations, including information about pupil fees, and the opportunity to appeal the LEA's Decision to the CDE. The notice must also advise recipients of any civil law legal remedies that may be available. The notice must be in English and in the primary language of the students when 15 percent or more of the students speak that language.

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 days of receiving the LEA's decision if the complainant 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 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 you 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.