Uniform Complaint Procedures Pamphlet 2024–25

California Department of Education March 2024
Authorized by: California *Education Code* Section 33315 and *California Code of Regulations*, Title 5 (5 *CCR*) sections 4600–4694

What is a UCP complaint?

A complaint under the Uniform Complaint Procedures (UCP) is a written and signed statement 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, county offices of education, and charter schools) and local public or private agencies which receive direct or indirect funding from the State to provide specific school programs, activities, or related services.

What programs and activities are subject to the UCP?

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under California *Education Code* (*EC*) sections 200 and 220 and *Government Code* Section 11135, including any actual or perceived characteristic as set forth in *Penal Code* Section 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in *EC* Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program.
- Every Student Succeeds Act (ESSA)

- Instructional Materials and Curriculum: Diversity
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

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, student advancement and retention, student discipline, student records, the Bagley-Keene Open Meeting Act, the Brown Act, and other general education requirements. The LEA, however, may use its local complaint procedures to address complaints not covered by the UCP.

Only allegations within the subject matters falling within the UCP can be appealed to the California Department of Education (CDE).

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 licensed facilities operating a Child Development Program are referred to the Department of Social Services.

- Employment complaints are sent to the California Department of Fair Employment and Housing.

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 Investigation Report 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.
    1. The signature on a complaint may be handwritten, typed (including in an email) or electronically-generated.
    2. A complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative.
    3. All complaints must be filed within one year from the date of the alleged violation. For Local Control and Accountability Plan (LCAP) complaints, the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by the LEA.
- 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 30 calendar days of receiving the LEA's decision if they believe 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 30 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 or their designee. The request for reconsideration must specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the appeal Decision.
- When filing an appeal with the CDE, must specify and explain the basis for the appeal, including at least one of the following:
    1. The LEA failed to follow its complaint procedures, and/or;
    2. Relative to the allegations of the complaint, the LEA Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or;
    3. The material findings of fact in the LEA Investigation Report are not supported by substantial evidence, and/or;
    4. The legal conclusion in the LEA Investigation Report is inconsistent with the law, and/or;

5. In a case in which the LEA found noncompliance, the corrective actions fail to provide a proper remedy.

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 4600–4694.
- 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 they are 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 Investigation Report to the CDE within 30 calendar days of receiving the report.
- If the LEA finds merit in a complaint, it must impose corrective actions for, including, but not limited to, complaints involving pupil fees, courses of study, instructional minutes for physical education and LCAP, and must include a remedy to all affected pupils, parents and guardians.
- LEAs shall provide the investigative file to the CDE within 10 days of notification of an appeal. An LEA's failure to provide a timely and complete response may result in the CDE ruling on the appeal without considering information from the LEA.

What are the responsibilities of the CDE?

The UCP authorizes the CDE to process appeals of the LEA's Investigation Report 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:

  - The complainant alleges and the CDE verifies that, through no fault of the complainant, the LEA failed to act within 60 calendar days of receiving the complaint.
  - The complainant appeals an LEA decision if they believe the decision is factually and/or legally incorrect.
  - 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 30 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.
- If the CDE finds merit in an appeal, it must issue corrective actions for, including, but not limited to, complaints involving pupil fees, courses of study, instructional minutes for physical education and local control and accountability plans, and must include a remedy to all affected pupils, parents, and guardians.
- The CDE must issue an appeal Decision within 60 days, unless extended by written agreement with the Appellant, or the CDE documents exceptional circumstances and informs the Appellant, or the CDE receives notice that the matter has been resolved at the local level, or the CDE receives notice that the matter has been judicially decided.
- The CDE may at its discretion directly intervene without waiting for an LEA investigation in certain enumerated situations.
- The CDE must directly intervene if the complaint alleges that an agency that is not an LEA violated laws relating to a Child Care and Development program.
- When the CDE directly intervenes, the CDE must issue a Department Investigation Report within 60 days, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant, or the matter has been resolved at the local level or judicially decided.

- When the CDE declines direct intervention in an anonymous complaint, the CDE will not forward the complaint to the LEA without the complainant's permission.
- Within 30 days of the date of the CDE's appeal Decision, either party may request reconsideration. Within 30 days of the date of the CDE's Investigation Report, either party may request reconsideration.
- On reconsideration, the CDE will not consider new information unless it was unknown during the investigation and could not have become known with due diligence.
- The CDE must act on the reconsideration request within 60 days. During the reconsideration period, the CDE Investigation Report remains in effect and enforceable, unless stayed by a court.

Williams Complaints

A Williams complaint concerns alleged deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. They 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 facility complaints and appeals please visit the CDE Williams Facilities Complaints and Appeals web page at https://www.cde.ca.gov/ls/fa/sf/williamsappeal.asp.

State Preschool Health and Safety Issues in LEAs Exempt from Licensing

A complaint regarding State Preschool Health and Safety issues incorporate emergency and/or urgent facilities conditions that pose a threat to the health and safety of students. They 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 state preschool classroom notifying parents and guardians of the matters subject to these complaints and where to obtain a form to file a complaint.

A state preschool health and safety 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. A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of the district superintendent has the right to file an appeal to the State Superintendent of Public Instruction.

Additional Information

For additional information, contact the appropriate office listed on the Contact Information for Various Programs and Services Subject to the Uniform Complaint Procedures, or visit the CDE Uniform Complaint Procedures Contacts web page at https://www.cde.ca.gov/re/cp/uc/ucpcontacts.asp.

Contact Information for Various Programs and Services Subject to the Uniform Complaint Procedures

[as of February 2024]

Accommodations for Pregnant and Parenting Pupils, Student Lactation Accommodations, and LGBTQ Resources, Education Equity UCP Office; 916-319-8239

Adult Education, Adult Education Office; 916-322-2175

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

Agricultural Career Technical Education, Career and College Transition Division; 916-445-2652

Career Technical and Technical Education; Career Technical; Technical Training; and Career Technical Education and Regional Occupational Centers and Programs, Career Technical Education Leadership Office; 916-322-5050

Course Periods without Educational Content, Categorical Programs Complaints Management Office; 916-319-0929

Discrimination, Harassment, Intimidation, Bullying, Education Equity UCP Office; 916-319-8239

Independent Study, Juvenile Court and Community School Students; and Education of Pupils in Foster Care and Pupils who are Homeless, Educational Options Office; 916-323-2183

Interstate Compact on Educational Opportunity for Military Children, Career and College Transition Division; 916-319-0914

Every Student Succeeds Act / including Compensatory Education, Migrant Education, Categorical Programs Complaints Management Office; 916-319-0929

Local Control Accountability Plans (LCAPs): Local Agency Systems Support Office; 916-319-0809

Physical Education: Instructional Minutes, Professional Learning Support Division; 916-323-6440

Pupil Fees, Categorical Programs Complaints Management Office; 916-319-0929

School Plans for Student Achievement, Categorical Programs Complaints Management Office; 916-319-0929

Schoolsite Councils, Categorical Programs Complaints Management Office; 916-319-0929

State Preschool and Transitional Kindergarten, including Health and Safety Issues in LEAs Exempt from Community Care Licensing, Early Education Division; 916-322-6233