



CHARACTER ● EQUALITY ● EXCELLENCE

RESPONSIBILITY ● TEACHABILITY

Uniform Complaint Procedures  
2023-2024 School Year  
Board Approved 02-29-2024

## **Crete Academy Charter School Dispute Resolution Procedures**

The Board of Directors of Crete Academy have adopted policies and processes for airing and resolving internal and external disputes. Dispute resolution policies and procedures are printed in the Parent Student Handbook as well as Crete Academy Employee Handbook. The purpose of these policies and procedures is to have school community members resolve issues in-house in an amicable and fair manner whenever possible and to avoid contacting the Board of Education and the District unnecessarily. School community members include students, teachers, staff, parents, members of the Board of Directors, volunteers, partners, parties contracted for services, and collaborators. The grievance process is outlined as follows:

1. The parties involved will first discuss and attempt to resolve the issue before proceeding further.
2. If the conflict cannot be resolved with discussion, the parties involved will ask a peer to help resolve the dispute.
3. If peer conflict mediation does not resolve the situation, the parties involved will ask one of the following persons to serve as mediator, or, if mutually agreeable, as arbitrator:
  - a. Students ask a teacher or administrator
  - b. Teachers ask another teacher or an administrator
  - c. Administrative staff asks a teacher, another administrator, or the chair of the Board of Directors
  - d. Clerical or other staff ask an administrator
  - e. Parents ask another parent, the chair of the Parent Advisory Council, or the Executive Director
4. All Crete Academy faculty, staff, administrators, parents, and Board of Directors are made aware of this dispute process via the appropriate handbooks.

Crete Academy compliance officer is the school appointed person responsible to receive and direct the investigation of complaints, maintain records of complaints and subsequent related actions, and ensure school compliance with the law.

Crete Academy shall annually notify in writing its students, employees, parents and guardians, and other interested parties of these procedures and the person responsible for processing complaints.

### **UNIFORM COMPLAINT PROCEDURES (UCP)**

The Governing Board recognizes that Crete Academy complies with all applicable state and federal laws and regulations governing educational programs. The Board shall investigate and seek to resolve complaints at the school level. The Board shall abide by the following uniform complaint procedures when addressing complaints alleging unlawful discrimination or failure to comply with the law in Accommodations for Pregnant and Parenting Pupils, Adult Education, After School Education and Safety, Agricultural Career Technical Education, Career Technical and Technical Education, Career Technical and Technical Training Programs, Child Care and Child 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 Sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, 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 education institution, as defined in 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 and pupils formerly in Juvenile Court now enrolled in a school district, Every Student Succeeds Act, Local Control and Accountability Plans (LCAP), Physical Education Instructional Minutes, Pupil Fees, Reasonable Accommodations to a Lactating Pupil, Regional Occupational Centers and Programs, School Plans for Student Achievement, School Safety Plans, School Site Councils, State Preschool, State Preschool Health and Safety Issues in LEA's Exempt from Licensing, And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate, Indian Education, Migrant Education, Nutrition Services, Special Education and laws regarding unlawful discrimination on the basis of race, sex, sex orientation, race ethnic group orientation, color, ancestry, national origin, age, gender identity, religion, mental and physical disability. Complainants must be aware that matters listed

## **Crete Academy Charter School Dispute Resolution Procedures**

under "Referring Complaint to Appropriate Agencies" are not issues covered by these procedures. All complainants are protected from retaliation and have the right to pursue civil laws under state or federal discrimination, harassment, intimidation or bullying laws.

### **Compliance Officer**

Crete Academy has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. Crete Academy's compliance officer will receive and direct the investigation of complaints, maintain records of complaints and subsequent related actions, and ensure Crete Academy's compliance with the law. In the case where a complaint pertains to the Executive Director, the Board designates the Board President/Chair to receive and investigate the complaint. Crete Academy's current compliance officer is Hattie Mitchell.

### **Notifications**

The Board shall annually notify in writing students, employees, parents and guardians, advisory committees, and other interested parties of these procedures and the person responsible for processing complaints. Complainants are hereby notified that they may have alternative civil law remedies via governmental administrative agencies, such as (federal) Office for Civil Rights, (state) Department of Fair Employment and Housing (DFEH), (federal) Equal Employment Opportunity Commission (EEOC), local bar associations, law schools, the Superintendent, or mediation services.

### **Filing a Complaint**

A written complaint of alleged noncompliance with a federal or state law or regulation governing education programs must be filed with the compliance officer of the school. When the subject matter of a complaint is not covered by this policy, the complainant shall be advised.

Individuals who allege that they personally suffered unlawful discrimination, harassment, intimidation or bullying may file complaints. The complaint must be filed no later than six (6) months from the date of the alleged discrimination or when the complainant first obtained knowledge of the facts of the alleged discrimination. For good cause, the State Superintendent of Public Instruction may grant an extension of up to ninety (90) days upon written request of the complainant. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, school personnel shall assist in filing the complaint. The Complaint Procedure Forms are available upon request.

All UCP complaints shall be filed not later than one year from the date the alleged violation occurred.

A pupil fees complaint may be filed with the principal of a school or the LEA superintendent or his or her designee:

A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

For complaints relating to Local Control and Accountability Plans (LCAP), 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.

An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

### **Mediation of Complaint**

At the discretion of the compliance designee and with the consent of the parties, the compliance designee may undertake a resolution of the dispute via mediation. This step is optional. If the complainant agrees to mediation, the compliance officer shall make arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

## **Crete Academy Charter School Dispute Resolution Procedures**

The use of mediation shall not extend the Charter School's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

### **Investigation of Complaint**

Crete Academy will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. Upon receipt of the complaint, the compliance designee will give the complaint to the appropriate person who will hold investigative meetings, when necessary. Complainants and/or representatives and the school representatives may present relevant information. To ensure that all pertinent facts are made available, the compliance designee and the complainant may request other individuals to provide additional information. Complainants are protected by law from retaliation regarding participation in the complaint investigation process. Complainants are advised that while the school will make an effort to protect his/her privacy and confidentiality, investigation of his/her complaint may require disclosure of certain information to others. By filing a complaint, complainant authorizes the school to investigate and make disclosures as may be reasonably necessary to the investigation and resolution of the complaint.

A complainant's refusal to provide the Charter School's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Likewise, refusal by Crete Academy to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

### **Written Decision**

Within sixty (60) days of receiving the complaint, unless the complainant agrees in writing to an extension of time, the compliance designee shall prepare and send to the complainant a written report of the school's investigative findings, corrective action (if any) suggested resolution(s), and a rationale for the findings, along with any supporting documentation. This investigative report shall be written in English and in the language of the complainant whenever feasible or required by law.

The written report will contain the following elements:

- i. The findings of fact based on the evidence gathered;
- ii. a conclusion that provides a clear determination for each allegation as to whether the LEA is in compliance with the relevant law;
- iii. corrective actions if the LEA finds merit in a complaint:
  1. pertaining to complaints of Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians;
  2. for all other complaints within the scope of the Uniform Complaint Procedures, the remedy shall go to the affected pupil;
  3. with respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, an attempt to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
- iv. a notice of the complainant's right to appeal the LEA Investigation Report to the CDE; and

## **Crete Academy Charter School Dispute Resolution Procedures**

v. the procedures to be followed for initiating an appeal to the CDE.

LEA policies and procedures contain the following statements regarding the appeal of the LEA Investigation Report of UCP complaints:

(a) The procedures to be followed for initiating an appeal to the CDE including the following statements:

(b) The complainant may appeal an LEA Investigation Report for a UCP complaint to the CDE by filing a written appeal within 30 days of the date of the LEA Investigation Report. In order to request an appeal, the complainant 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. 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.

(c) The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the LEA Investigation Report.

(d) All complaints and responses are public records.

### **Complaints Not Under the Jurisdiction of the District's Uniform Complaint Procedures Process**

In accordance with Section 4611 of Title 5 of the California Code of Regulations the following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to these complaint procedures: Allegations of suspected child abuse shall be referred to the Los Angeles County Department of Family Children Services (DCFS) or the appropriate city police department or Los Angeles County Sheriff's Department, as applicable.

### **Referring Complaint Issues to Appropriate Agencies**

The following complaints shall be referred to the specified agencies below for appropriate resolution and are not subject to these complaint procedures.

#### ***Allegations of child abuse:***

Los Angeles County Department of Children and Family Services, 3075 West Wilshire Blvd., Los Angeles, CA. 90010 and/or Child Abuse Unit of the appropriate local law enforcement agency.

#### ***Health and Safety complaints regarding a child development program:***

California State Department of Social Services, Community Care and Licensing, 6167 Bristol Parkway, Room 400, Culver City, CA 90230

## **Crete Academy Charter School Dispute Resolution Procedures**

### **Discrimination issues involving child nutrition programs:**

U.S. Department of Agriculture, Food and Nutrition Service, Child Nutrition Division 3101 Park Center Drive, Alexandria, VA 22302

### **Employment discrimination complaints:**

Department of Fair Employment and Housing (DFEH), 611 W. 6th Street, Los Angeles, CA 90017

### ***Allegations of fraud:***

Shall be referred to the responsible State or Federal Department Division Director and its legal office; California Department of Education, P.O. Box 944272, Sacramento, CA 94244-2720

Depending on the nature of the complaint, the complainant may also have available civil law remedies and may consult his/her attorney. Appeal and review procedures are available. See *Appeals to the California Department of Education*.

### **Appeals of Executive Director's Decision to Crete Academy Executive Board of Directors:**

Persons or organizations disagreeing with Crete Academy's Executive Director/Principal's decision, have 15 days after receipt of the report of findings (decision) to file an appeal with Crete Academy Academy's Executive Board. The appeal must be in writing and include a copy of the original complaint, as well as a copy of the Executive Director's decision and specific reasons for appealing Crete Academy Academy's decision.

The appeal should be sent to:

***Crete Academy Board President  
6103 Crenshaw Blvd  
Los Angeles, CA 90043***

### **Appeals to the California Department of Education**

If a complainant is dissatisfied with the Board's decision, the complainant may appeal in writing to the California Department of Education within fifteen (15) days of receiving the Board's decision. The appeal must be in writing and must include a copy of the original complaint, as well as a copy of the local site decision provided to them. The appeal should be sent to:

**State of California Department of Education  
State Superintendent of Public Instruction  
P.O. Box 944272  
Sacramento, CA 94244-2720**

# Crete Academy Charter School Dispute Resolution Procedures

California Department of Education

## Curriculum Classroom Notice

April 2022

[Crete Academy]

### Notice to Parents, Guardians, Pupils, and Teachers

2023-2024

1. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

4. A complaint form may be obtained at the school office, district office, or downloaded from the school's Web site.

You may also download a copy of the Sample Williams Complaint Form in English and in other languages from the California Department of Education Web site.







**Crete Academy Charter School Dispute Resolution Procedures**

***Room for any additional comments?***

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**Please provide copies of any written documents that may be relevant or supportive of your complaint.**

**I have attached supporting documents.**                   **Yes**         **No**

**Signature: \_\_\_\_\_ Date: \_\_\_\_\_**

**Mail complaint and any relevant documents to:**

**Mail appeal and any relevant documents to:**

**Hattie Mitchell -Founder Crete Academy  
6103 Crenshaw Blvd  
Los Angeles, CA 90043**

**Crete Academy Board of Directors  
6103 Crenshaw Blvd  
Los Angeles, CA 90043**

# Crete Academy Charter School Dispute Resolution Procedures

## UCP Annual Notice

Crete Academy annually notifies its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of Crete's UCP process.

Annual written notice of the complaint procedures shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the *EC* or mode of communication of the recipient of the notice.

Crete Academy is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that 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 sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, 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 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 and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education

## Crete Academy Charter School Dispute Resolution Procedures

- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- School Site 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.

(c) Pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

(d) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

(e) A UCP complaint shall be filed no later than one year from the date the alleged violation occurred.

(f) Crete Academy shall post a standardized notice with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district (*EC* sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2) The notice shall include complaint process information, as applicable.

(g) In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code (HSC)* a notice shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of both of the following:

i. The health and safety requirements under Title 5 of the California *Code of Regulations (5 CCR)* apply to California state preschool programs pursuant to *HSC* Section 1596.7925.

ii. The form to file a complaint can be found in the Crete Academy office or can be found on the California Department of Education (CDE) website.

(h) Crete Academy Chief of Staff is the current complaint officer.

(i) The complainant has the opportunity to appeal Crete Academy's Investigation Report to the CDE of complaints regarding programs within the scope of the UCP.

## **Crete Academy Charter School Dispute Resolution Procedures**

(j) The complainant may avail themselves of all applicable civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

(k) Copies of the local educational agency complaint procedures shall be available free of charge.

# Crete Academy Charter School Dispute Resolution Procedures

## Williams Uniform Complaint Form

### Textbooks and Instructional Materials, Teacher Vacancy or Misassignment, School Facilities

Crete Academy adopted the UCP process in accordance with Chapter 5.1 (commencing with *EC* Section 4680) of 5 *CCR*, to resolve Williams Complaints regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. Crete is required to have local policies and procedures that enable Williams Complaints to be handled through its UCP process. These complaints regard alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

All complaints and responses are public record. Complaints may be filed anonymously. If you would like a response, you must provide your name and address below:

Response requested?  Yes  No

Contact Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Day: \_\_\_\_\_ Evening: \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

Location of the problem that is the subject of this complaint: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

**Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.**

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

- A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.

## Crete Academy Charter School Dispute Resolution Procedures

- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional material to address a shortage of textbooks or instructional materials.

### 2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

- A semester begins, and a teacher vacancy exists. A *teacher vacancy* is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
- A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

### 3. Facility conditions: (Education Code 35186, 35292.5; 5 CCR 4683)

- A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition.
- A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

### 4. High school exit exam intensive instruction and services: (Education Code 35186)

- Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to

Education Code 37254(d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

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## Crete Academy Charter School Dispute Resolution Procedures

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Your complaint should be filed in Crete Academy’s office with the principal of the school or his/her designee. The principal or the designee, as applicable, shall make all reasonable efforts to investigate any problem within their authority. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, not to exceed 10 working days, to the Superintendent or designee for resolution. The response, if requested, and report shall be written in English and the primary language in which the complaint was filed. All valid complaints shall be remedied within a reasonable time period, not to exceed 30 working days. The response to the complainant shall be reported within 45 working days of the initial filing, if the complainant identifies themselves and request a response. The principal will also report the same information in the same timeframe to the district superintendent. If a complainant is not satisfied with the resolution of the principal has the right to describe the complaint to the governing board at the regularly scheduled board meeting.

A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of *EC* Section 17592.72, has the right to file an appeal to the SSPI within 15 calendar days of receiving the report. The complainant shall comply with the appeal requirements of 5 *CCR* Section 4632.

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

\_\_\_\_\_ (signature)

\_\_\_\_\_ (date)





# Uniform Complaint Procedures Pamphlet 2023–24

California Department of Education

May 2023

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 sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, 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 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

## Uniform Complaint Procedures Pamphlet 2023–24

- 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

### **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, 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.

## Uniform Complaint Procedures Pamphlet 2023–24

- 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:

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- 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.
  - On reconsideration, the CDE will not consider new information unless it was unknown during the appeal 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 appeal Decision remains in effect and enforceable, unless stayed by a court.
  - 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.

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- 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.
- 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.
- 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.
- 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.

### 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. 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 complaints please go to the CDE website and search for Williams Facilities Complaints and Appeals.

## **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.

For further information please go to the CDE website and search for **State Preschool Health and Safety Issues in LEAs Exempt from Licensing** Complaints and Appeals.

### **Additional Information**

For additional information, contact the appropriate office listed on the Contacts for Programs and Services Covered Under the UCP, or visit the Uniform Complaint Procedures Contacts web page at <https://www.cde.ca.gov/re/cp/uc/ucpcontacts.asp>.

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

[as of December 2022]

**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 & 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

**Child Care and Development (including State Preschool)**, Early Learning and Care Division; 916-322-6233

**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 and Interstate Compact on Educational Opportunity for Military Children, Juvenile Court and Community School Students; and education of Pupils in Foster Care and Pupils who are Homeless**, Educational Options Office; 916-323-2183 and Coordinated Student Support 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**, Educator Excellence and Equity 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



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**State Preschool Health and Safety Issues in LEAs Exempt from Licensing**, Early Learning and Care Division; 916-322-6233