

# Uniform Complaint Procedures2020–21 Program Instrument

**California Department of Education**

**October 2020**

## II. Governance and Administration

### UCP 01: Policies and Procedures

The local educational agency (LEA) adopted [a](#a), [g](#g) UCP for all specified programs.[1](#Note1)

1. LEA policies and procedures were adopted by the LEA’s governing board [a](#a), [b](#b), [g](#g) and include the following:
	* 1. All programs and activities that are subject to the UCP: [1](#Note1), [k](#k)
* Accommodations for Pregnant and Parenting Pupils
(California *Education Code* *[EC]* Section 46015)
* Adult Education (*EC* sections 8500–8538, 52334.7, 52500-52617)
* After School Education and Safety (*EC* sections 8482–8484.65)
* Agricultural Career Technical Education (*EC* sections 52460–52462)
* Career Technical and Technical Education and Career Technical and Technical Training Programs (*EC* sections 52300-52462)
* Child Care and Development Programs (*EC* sections 8200-8498)
* Compensatory Education (*EC* Section 54400)
* Consolidated Categorical Aid Programs
(34 *CFR* sections 299.10-12, *EC* Section 33315)
* Course Periods without Educational Content [c](#c), [k](#k)
(*EC* sections 51228.1–51228.3)
* 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
(*EC* sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
* Every Student Succeeds Act
(20 *United States Code* [20 *U.S.C.*] Section 6301 et seq.; *EC* Section 52059)
* Local Control and Accountability Plans (LCAP) (*EC* Section 52075) [d](#d)
* Migrant Education (*EC* sections 54440–54445)
* Physical Education Instructional Minutes [e](#e), [k](#k)(*EC* sections 51210, 51222, 51223)
* Pupil Fees (*EC* sections 49010–49013)
* Reasonable Accommodations to a Lactating Pupil
(*EC* Section 222)
* Regional Occupational Centers and Programs
(*EC* sections 52300–52334.7)
* School Plans for Student Achievement (*EC* Section 64001)
* School Safety Plans (*EC* sections 32280–32289)
* Schoolsite Councils (*EC* Section 65000)
* State Preschool (*EC* sections 8235–8239.1)
* State Preschool Health and Safety Issues in LEAs Exempt from Licensing (*EC* Section 8235.5) [k](#k)

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

* + 1. A statement that the LEA shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.
		2. A statement that the LEA shall investigate and seek to resolve, in accordance with the LEA’s UCP, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the district that are subject to the UCP
		3. A statement ensuring that the complainants are protected from retaliation.
		4. A statement advising complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.
	1. LEA policies and procedures provide the UCP Annual Notice [f](#f), [l](#l):
		1. Annual dissemination of a written notice l of the LEA’s complaint procedures
		2. The notice may be made available on the LEA’s website. [l](#l)
		3. The notice includes the following:
			1. To all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.
			2. The list of all federal and state programs within the scope of the UCP
			3. The title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known.
				1. A statement that the occupant responsible for processing complaints shall be knowledgeable about the laws and programs that they are assigned to investigate.
			4. A statement that 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: [k](#k)
				1. 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.
				2. The location at which to obtain a form to file a complaint. Posting a notice downloadable from the California Department of Education (CDE) website shall satisfy this requirement.
	2. LEA investigates all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group and its policies and procedures include the following:
		1. A statement that unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.
	3. LEA policies and procedures include the following provisions to the complainant by the LEA:
		1. A statement that the LEA will provide an opportunity for complainants and/or representatives to present evidence or information.
		2. A statement that refusal by the complainant to provide the investigator with documents or other evidence related to the allegations 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 the dismissal of the complaint because of a lack of evidence to support the allegations.
		3. A statement ensuring that refusal by the LEA 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.
	4. LEA policies and procedures include information regarding the filing of different UCP complaints:
		1. All UCP complaints shall be filed not later than one year from the date the alleged violation occurred.
		2. A pupil fees complaint may be filed with the principal of a school or the LEA superintendent or his or her designee:
			1. 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.
		3. 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.
			1. 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.
		4. UCP complaints regarding state preschool health and safety issues pursuant to *HSC* Section 1596.7925 shall include the following statements: [k](#k)
			1. File with the preschool program administrator or his or her designee.
			2. A state preschool health and safety issues complaint pursuant to *HSC* Section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution.
			3. A state preschool health and safety issues complaint pursuant to *HSC* Section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 of the *EC* is otherwise applicable, the response, if requested, and LEA Investigation Report shall be written in English and the primary language in which the complaint was filed.
			4. A complaint form for a state preschool health and safety issue pursuant to *HSC* Section 1596.7925 shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.
	5. LEA policies and procedures contain the following statements regarding the Investigation of UCP complaints:
		1. The preschool program administrator or the designee of the district superintendent shall (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of the district superintendent.[k](#k)
		2. The LEA complaint will be investigated and a written LEA Investigation Report issued to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.
		3. The LEA Investigation Report will contain the following elements:
			1. The findings of fact based on the evidence gathered;
			2. a conclusion that provides a clear determination for each allegation as to whether the LEA is in compliance with the relevant law;
			3. 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;
			4. a notice of the complainant’s right to appeal the LEA Investigation Report to the CDE; and
			5. the procedures to be followed for initiating an appeal to the CDE.
	6. LEA policies and procedures contain the following statements regarding the appeal of the LEA Investigation Report of UCP complaints:
		1. The procedures to be followed for initiating an appeal to the CDE including the following statements:
		2. 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.
		3. The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the LEA Investigation Report.
	7. LEA policies and procedures include the following statements on how to file an appeal regarding State Preschool Health and Safety Issues in LEAs Exempt from Licensing: [k](#k)
		1. A statement declaring that a complainant not satisfied with the resolution of the preschool program administrator or the designee of the district superintendent has the right to describe the complaint to the governing board of the local educational agency at a regularly scheduled hearing of the governing board or body, as applicable, of the LEA.
		2. A statement declaring that 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 (SSPI) within 30 days of the date of the LEA Investigation Report.
		3. A statement declaring that a complainant shall comply with the appeal requirements of 5 *CCR* Section 4632.
		4. A statement declaring that the SSPI or his or her designee shall comply with the requirements of 5 *CCR* Section 4633 and shall provide a written LEA Investigation Report to the State Board of Education describing the basis for the complaint, the LEA’s response to the state preschool health and safety issues pursuant to *HSC* Section 1596.7925 complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from the LEA’s remedy.
		5. A statement declaring that an LEA shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints pursuant to *HSC* Section 1596.7925 on a quarterly basis to the county superintendent of schools and the governing board or body, as applicable, of the LEA. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the LEA’s governing board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.
		6. A statement declaring that all complaints and responses are public records.

#### 1 Legal References for UCP 1

20 *United States Code* [20 *U.S.C.*] Section 6301 et seq.

34 *Code of Federal Regulations* [34 *CFR*] sections 106.8, 299.10-12.

California *Education Codes* [*EC*] sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 260, 8200-8498, 8500–8538, 17002, 17592.72, 32280–32289, 33126, 33315, 35161, 35186, 46015, 48645.7, 48853, 48853.5, 48987, 49010–49013, 49069.5, 51210, 51222, 51223, 51225.1-51225.3, 51228.1–51228.3, 52075, 52300-52462, 52500-52617, 54440–54445, 64001, 65000.

California *Government Code* [*GC*] sections 11135, 11136

California *Penal Code [PC]* Section 422.55

5 California *Code of Regulations* (*CCR*) sections 4600-4640, 4690-4694

#### Evidence Requests

##### Sample Memorandum of Understanding for Authorized Designee [b](#b)

Abbreviation: SamMemoUndAuthDesig

Description: Sample memo to use in cases where LEA policies and procedures are approved by an authorized designee or committee.

Item Instructions: UCP 01: After policies and procedures are approved, LEA may use sample as proof that authorized individual(s) adopted required document(s). (1) Complete information, (2) Link document and certify.

Related Items: UCP 01, UCP 04

##### UCP Policies and Procedures

Abbreviation: UCPCmplntPlcsPrcdrs

Description: Document that explains the UCP process regarding filing, investigation and resolution of a UCP complaint according to 5 *CCR* Sections 4600-4670 as directed by the 2020–21 UCP Instrument.

Item Instructions: UCP 01: (1) Study the 2020–21 UCP Instrument; (2) May use 2020–21 UCP Comparison Information as a guide; (3) Revise document if necessary; (4) Submit for governing board approval; and (5) Link document and certify.

Related Items: UCP 01

### UCP 02: Annual Notice

LEA annually notified 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 the LEA’s UCP process.[f](#f), [l](#l)

1. Annual written notice l 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.
	* 1. The UCP Annual Notice may be made available on the LEA’s website. [l](#l)
	1. The annual notice[l](#l)includes the following:
		1. A statement that the LEA 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: [2](#Note2), [k](#k)
* Accommodations for Pregnant and Parenting Pupils
(California *Education Code* *[EC]* Section 46015)
* Adult Education (*EC* sections 8500–8538, 52334.7, 52500-52617)
* After School Education and Safety (*EC* sections 8482–8484.65)
* Agricultural Career Technical Education (*EC* sections 52460–52462)
* Career Technical and Technical Education and Career Technical and Technical Training Programs (*EC* sections 52300-52462)
* Child Care and Development Programs (*EC* sections 8200-8498)
* Compensatory Education (*EC* Section 54400)
* Consolidated Categorical Aid Programs
(34 *CFR* sections 299.10-12, *EC* Section 33315)
* Course Periods without Educational Content [c](#c), [k](#k)
(*EC* sections 51228.1–51228.3)
* 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
(*EC* sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
* Every Student Succeeds Act
(20 *United States Code* [20 *U.S.C.*] Section 6301 et seq.; *EC* Section 52059)
* Local Control and Accountability Plans (LCAP) (*EC* Section 52075) [d](#d)
* Migrant Education (*EC* sections 54440–54445)
* Physical Education Instructional Minutes [e](#e), [k](#k)(*EC* sections 51210, 51222, 51223)
* Pupil Fees (*EC* sections 49010–49013)
* Reasonable Accommodations to a Lactating Pupil (*EC* Section 222)
* Regional Occupational Centers and Programs
(*EC* sections 52300–52334.7)
* School Plans for Student Achievement (*EC* Section 64001)
* School Safety Plans (*EC* sections 32280–32289)
* Schoolsite Councils (*EC* Section 65000)
* State Preschool (*EC* sections 8235–8239.1)
* State Preschool Health and Safety Issues in LEAs Exempt from Licensing (*EC* Section 8235.5) [k](#k)

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

* + 1. A statement that a pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.
		2. A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
		3. A statement that a UCP complaint shall be filed no later than one year from the date the alleged violation occurred.
		4. A statement that the LEA 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.
		5. A statement that 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: [k](#k)
			1. 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.
			2. The location at which to obtain a form to file a complaint. Posting a notice downloadable from the California Department of Education (CDE) website shall satisfy this requirement
		6. The title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known.
		7. A statement advising the complainant of the opportunity to appeal the LEA’s Investigation Report to the CDE of complaints regarding programs within the scope of the UCP.
		8. A statement advising the complainant of 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.
		9. A statement that copies of the local educational agency complaint procedures shall be available free of charge.

#### 2 Legal References for UCP 2

20 *United States Code* [20 *U.S.C.*] Section 6301 et seq.

34 *Code of Federal Regulations* [34 *CFR*] sections 106.8, 299.10-12.

California *Education Codes* [*EC*] sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 260, 8200-8498, 8500–8538, 17002, 17592.72, 32280–32289, 33126, 33315, 35161, 35186, 46015, 48645.7, 48853, 48853.5, 48987, 49010–49013, 49069.5, 51210, 51222, 51223, 51225.1-51225.3, 51228.1–51228.3, 52075, 52300-52462, 52500-52617, 54440–54445, 64001, 65000.

California *Government Code* [*GC*] sections 11135, 11136

California *Penal Code [PC]* Section 422.55

5 California *Code of Regulations* (*CCR*) sections 4600-4640, 4690-4694

#### Evidence Requests

##### UCP Annual Notice 2020–21 [f](#f), [l](#l)

Abbreviation: UCPAnlNtc

Description: A written document informing LEA employees, students, parents, school and district advisory committee members, private school officials, and other interested parties of the UCP process.

Item Instructions: UCP 02: (1) Study UCP Instrument; (2) Revise document if necessary; (3) Distribute to employees, students, parents, advisory committee members, private school officials, and other interested parties; and (4) Link document and certify.

Related Items: UCP 02

##### UCP Annual Notice Form for UCP 2

Abbreviation: UCPAnlNtcFrm

Description: Confirms required actions: contains language, provided to employees, students, parents, advisory committees, private school officials, and interested parties in accessible format, provided in English and primary language.

Item Instructions: UCP 02: (1) Print blank form from CMT Resources; (2) Fill in all information and make sure is correct; and (3) Link document and certify.

Related Items: UCP 02

### UCP 03: Investigation of Complaints

1. In accordance with the UCP of the LEA, the LEA investigated and resolved complaints alleging discrimination, harassment, intimidation, bullying, or alleging a violation by the LEA of a federal or state law or regulation governing the following programs or activities: [3](#Note3), [k](#k)
* Accommodations for Pregnant and Parenting Pupils
(California *Education Code* *[EC]* Section 46015)
* Adult Education (*EC* sections 8500–8538, 52334.7, 52500-52617)
* After School Education and Safety (*EC* sections 8482–8484.65)
* Agricultural Career Technical Education (*EC* sections 52460–52462)
* Career Technical and Technical Education and Career Technical and Technical Training Programs (*EC* sections 52300-52462)
* Child Care and Development Programs (*EC* sections 8200-8498)
* Compensatory Education (*EC* Section 54400)
* Consolidated Categorical Aid Programs
(34 *CFR* sections 299.10-12, *EC* Section 33315)
* Course Periods without Educational Content [c](#c), [k](#k)
(*EC* sections 51228.1–51228.3)
* 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
(*EC* sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
* Every Student Succeeds Act
(20 *United States Code* [20 *U.S.C.*] Section 6301 et seq.; *EC* Section 52059)
* Local Control and Accountability Plans (LCAP) (*EC* Section 52075) [d](#d)
* Migrant Education (*EC* sections 54440–54445)
* Physical Education Instructional Minutes [e](#e), [k](#k)(*EC* sections 51210, 51222, 51223)
* Pupil Fees (*EC* sections 49010–49013)
* Reasonable Accommodations to a Lactating Pupil (*EC* Section 222)
* Regional Occupational Centers and Programs
(*EC* sections 52300–52334.7)
* School Plans for Student Achievement (*EC* Section 64001)
* School Safety Plans (*EC* sections 32280–32289)
* Schoolsite Councils (*EC* Section 65000)
* State Preschool (*EC* sections 8235–8239.1)
* State Preschool Health and Safety Issues in LEAs Exempt from Licensing (*EC* Section 8235.5) [k](#k)

And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

* 1. Review of proper implementation of the investigation process:
	2. The LEA certifies whether or not it received any UCP complaints in the 12 months before the upload deadline of their scheduled Federal Program Monitoring (FPM) review. If no complaints were received, no additional steps are necessary.
	3. The LEA certifies, within the 30-Calendar day upload period prior to their FPM review that complaints were received by the LEA, and uploads on the California Department of Education Monitoring Tool (CMT) its UCP Complaint Log that includes complaints received by the LEA in the previous 12 months.
	4. A random selection of UCP complaints from the LEA’s Complaint Log, including a minimum of 10 percent or 10 files, whichever is greater, will be reviewed to determine whether: [h](#h)
		1. The investigative process allowed the complainants and/or representatives the opportunity to present evidence or information.
		2. A written LEA Investigation Report was sent to the complainant within the 60-Calendar-day time line or the time was extended by written agreement of the complainant.
		3. A random selection of LEA Investigation Reports that contain the following:
			1. The findings of fact based on the evidence gathered;
			2. a conclusion that provides a clear determination for each allegation as to whether the LEA is in compliance with the relevant law;
			3. 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;
			4. a notice of the complainant’s right to appeal the LEA Investigation Report to the CDE; and
			5. the procedures to be followed for initiating an appeal to the CDE.

#### 3 Legal References for UCP 3

20 *United States Code* [20 *U.S.C.*] Section 6301 et seq.

34 *Code of Federal Regulations* [34 *CFR*] sections 106.8, 299.10-12.

California *Education Codes* [*EC*] sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 260, 8200-8498, 8500–8538, 17002, 17592.72, 32280–32289, 33126, 33315, 35161, 35186, 46015, 48645.7, 48853, 48853.5, 48987, 49010–49013, 49069.5, 51210, 51222, 51223, 51225.1-51225.3, 51228.1–51228.3, 52075, 52300-52462, 52500-52617, 54440–54445, 64001, 65000.

California *Government Code* [*GC*] sections 11135, 11136

California *Penal Code [PC]* Section 422.55

5 California *Code of Regulations* (*CCR*) sections 4600-4640, 4690-4694

#### Evidence Requests

##### Sample UCP Complaint Log

Abbreviation: UCPCmplntLg

Description: Structured list of UCP complaints filed, investigated and resolved. Will discuss with UCP Consultant during online reviews or RTL during on-site reviews. Not a Williams Complaint Quarterly Report.

Item Instructions: UCP 03: (1) Determine UCP complaints conducted 12 months before Evidence Deadline date, (2) Complete and provide Log: if online review, link document and certify; if on site review, give to RTL; (3) Wait to be contacted by the CDE.

Related Items: UCP 03

##### UCP Self-certification Form for UCP 3

Abbreviation: UCPSlf-CrtfctnFrm

Description: Form certifying either no UCP complaints filed or proper implementation of the UCP process of UCP complaints investigated and resolved in past 12 months. Not a Williams Complaint Quarterly Report.

Item Instructions: UCP 03: Online reviews only: (1) If no UCP complaints in LEA, print blank form (2) Check ‘A’ square; (3) Have superintendent print and sign name; (4) Fill in date; and (5) Link document and certify.

Related Items: UCP 03

### UCP 04: Williams Complaints Policies and Procedures

The LEA adopted the UCP process in accordance with Chapter 5.1 (commencing with 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. The LEA 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. [4](#Note4), [i](#i)
Note: Public charter schools regardless of whether direct funded or locally funded that are listed on the CDE Web site as being ranked in deciles one through three on the current base Academic Performance Index may opt in to the Williams Settlement requirements. Participation is an “all or nothing” proposition for a three-year period. [j](#j)

1. LEA policies and procedures were adopted by the LEA’s governing board [a](#a), [b](#b) and include the following:
	* 1. Williams Complaints shall be filed with the principal of the school or his or her designee, in which the complaint arises.
		2. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate school district official for resolution.
		3. Williams Complaints may be filed anonymously.
		4. If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint.
		5. If Section 48985 of the *EC* is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.
		6. The school shall have a complaint form available for such Williams Complaints.
		7. The Williams Complaints form shall identify the place for filing the complaint.
		8. The Williams Complaints form will include a space to indicate whether a response is requested.
		9. The complainant need not use the Williams Complaint form to file a complaint.
		10. The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority.
		11. The principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received.
		12. The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response.
		13. The principal makes this report; the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.
		14. A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the governing board.
		15. The school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.
		16. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district.
		17. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.
		18. The complaints and responses shall be available as public records.
	1. LEA policies and procedures include the following statements on how to file an appeal regarding facilities complaints to the SSPI.
		1. 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.
		2. The complainant shall comply with the appeal requirements of 5 *CCR* Section 4632.

#### 4 Legal References for UCP 4

*EC* sections 1240, 17592.72, 35186, 48985, 60640.

California *Code of Regulations* (*CCR*), Title 5 sections 4680–4687.

#### Evidence Requests

##### Sample Memorandum of Understanding for Authorized Designee

Abbreviation: SamMemoUndAuthDesig

Description: Sample memo to use in cases where LEA policies and procedures are approved by an authorized designee or committee.

Item Instructions: UCP 04: After policies and procedures are approved, LEA may use sample as proof that authorized individual(s) adopted required document(s). (1) Complete information, (2) Link document and certify.

Related Items: UCP 01, UCP 04

##### Williams Complaint Policies and Procedures

Abbreviation: WlmsCmpltPlcysPrcdrs

Description: Document that explains the UCP process regarding filing, investigation and resolution of a Williams Complaint according to 5 *CCR* sections 4680–4687 as directed by the 2020–21 UCP Instrument.

Item Instructions: UCP 04: (1) Study the 2020–21 UCP Instrument; (2) May use sample provided in CMT Resources; (3) Revise policies and procedures as necessary; (4) Link document and certify; (5) not monitored for most charter schools.

Related Items: UCP 04

### UCP 05: Williams Complaints Classroom Notice

The LEA provided a UCP process in accordance with Chapter 5.1 (commencing with Section 4680) of the 5 *CCR*, to resolve Williams Complaints by posting a Williams Complaint Classroom Notice notifying parents, guardians, pupils, and teachers in each classroom in each school in each district regarding alleged deficiencies related to instructional materials, facility conditions, and teacher vacancy or misassignment. [5](#Note5), [i](#i)

The LEA’s Williams Complaint Classroom Notice will be reviewed by the Regional Team Leader (RTL) during an on-site review or by a Consultant in the CDE Categorical Complaints Management Office during an online review.

1. A notice shall be posted in each classroom in each school in the school district, and include the following statements:
	* 1. The notice shall address parents, guardians, pupils, and teachers.
		2. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
		3. School facilities must be clean, safe, and maintained in good repair.
		4. There should be no teacher vacancies or misassignments.
		5. The location at which to obtain a form to file a complaint in case of a shortage.
	1. Each Williams Complaint Classroom notice must be exactly the same as in each classroom and must be exactly the same as the sample that is posted on CMT.

#### 5 Legal References for UCP 5

*EC* sections 1240, 35186, 60640.

5 *CCR* sections 4684, 4600–4687.

#### Evidence Requests

##### Williams Complaint Classroom Notice

Abbreviation: WlmsCmpltClsrmNtc

Description: Notice that is posted according to *EC* Section 35186(f) alerting right to file complaints alleging deficiencies in instructional materials, condition of a facility, and teacher vacancy or misassignment.

Item Instructions: UCP 05: (1) Study the 2020-21 UCP Instrument; (2) May use sample provided; (3) Revise notice as necessary; (4) Link document and certify; (5) not monitored for most charter schools

Related Items: UCP 05

##### Williams Complaint Self-certification Form for UCP 5

Abbreviation: WlmsCmpltSlf-Crtfctn

Description: Form certifying the Williams Complaint Classroom Notice is posted in each classroom in each school in the LEA according to *EC* Section 35186(f).

Item Instructions: UCP 05: Online reviews only: (1) Print blank form; (2) Check applicable squares; (3) Have superintendent print and sign name; (4) Fill in date; (5) Link document and certify; (6) Not monitored for most charter schools.

Related Items: UCP 05

### UCP 06: Williams Complaint Form

The LEA provided a UCP process in accordance with Chapter 5.1 (commencing with Section 4680) of 5 *CCR*, to resolve Williams Complaints by providing a form for Williams Complaints regarding alleged deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. [6](#Note6), i

1. The LEA form for complaints concerning deficiencies related to instructional materials, teacher vacancy or misassignments, and conditions of facilities that are not maintained in a clean or safe manner or in good repair, include the following Sections:
	* 1. A section to indicate if a response is requested.
		2. A section for contact information including mailing address should a response be requested.
		3. A section to identify the location
		4. A section to identify the course or grade level, if applicable.
		5. A section where the complainant describes the specific nature of the complaint in detail.
		6. A statement that the complainant may include as much text as the complainant feels is necessary.
		7. A statement identifying where to file the complaint.
	1. The LEA form for complaints concerning deficiencies related to instructional materials includes Sections identifying the following allegations:
		1. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class.
		2. 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.
		3. Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.
		4. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
	2. The LEA UCP form for complaints concerning deficiencies related to teacher vacancy or misassignments includes the following Sections to identify the following allegations:
		1. A semester begins and a teacher vacancy exists. (A position to which a single designated certificate 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 of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).
		2. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
		3. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
	3. The LEA UCP form for complaints concerning deficiencies related to conditions of facilities that are not maintained in a clean or safe manner or in good repair includes the following Sections to identify the following allegations:
		1. A condition poses an urgent or emergency 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 line 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, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
		2. A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and towels or functional hand dryers.
		3. 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 temporary closing of the restroom is necessary for pupil safety or to make repairs.

#### 6 Legal References for UCP 6

*EC* sections 1240, 17592.72, 35186, 35292.5, 35292.5(a)(1), 60640

5 *CCR* sections 4600–4687

#### Evidence Requests

##### Williams Complaint Form

Abbreviation: WlmsCmpltFrm

Description: Form to file a Williams Complaint with the principal of the school alleging possible deficiencies in instructional materials, unmaintained facility conditions, and teacher vacancy or misassignment.

Item Instructions: UCP 06: (1) Study the 2020–21 UCP Instrument; (2) May use sample provided in CMT Resources; (3) Revise form as necessary; (4) Link document and certify; (5) Not monitored for most charter schools.

Related Items: UCP 06

## End Notes

1. According to 5 *CCR* Section 4621[a], each LEA shall adopt policies and procedures for the filing, investigation and resolution of UCP complaints. For the FPM review, LEAs must indicate the date of adoption on the UCP policies and procedures document(s). If the word “revised” is used on these documents, the LEA must clearly write that their current UCP policies and procedures were approved and adopted by their governing board on the “revised” date.
2. When “authorized designee” is used instead of the local governing board to approve and adopt policies and procedures, the LEA is to provide evidence of delegation on the California Department of Education Monitoring Tool (CMT) with a Memorandum of Understanding. Form available on the CDE website.
3. For LEAs maintaining grades nine through twelve, only.
4. Local Control and Accountability Plans (LCAP) include Charter Schools as described in *EC* sections 47606.5 and 47607.3.
5. For LEAs maintaining grades one through six, only.
6. The UCP Annual Notice may be posted on the LEA website, but must, in addition, be distributed to all employees, students, parents/guardians, advisory committee members, private school officials (if any) and other interested parties with access thereof in a tangible format. l
7. Of the six UCP items, 5 *CCR* Section 4621[a] requires that local policies and procedures (UCP Items 1 and 4) are to be adopted by the local governing board.
8. For an on-site FPM review, the Regional Team Lead (RTL) will select and review a sample of UCP complaints from the LEA’s complaint log, of a minimum of 10 percent or 10 files, whichever is greater.

For an online FPM review, a consultant in the Categorical Programs Complaints Management (CPCM) office will select a sample of UCP complaints from the LEA’s complaint log, of a minimum of 10 percent or 10 files whichever is greater. LEAs will be required to complete the Self-certification Form for UCP 3 for the complaint files selected by the CDE consultant; and to upload and certify the completed form to CMT upon completion.

(The Self-certification Form for UCP 3 is only used during online reviews and not during on-site reviews.)

1. For LEAs maintaining grades ten through twelve: Due to enactment of Assembly Bill 830 (2017) it is no longer required that the following statement be included on the Williams Complaint documents, “A student, including an English learner, who has not passed the California High School Exit Exam (CAHSEE) by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to *EC* sections 37254[d][4] and [5] after completion of grade twelve for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first.”
2. June 10, 2013, letter to select charter school administrators and authorizers, “Opportunity to participate in the Williams Settlement…”; https://www.cde.ca.gov/eo/ce/wc/gdncechrtrschools.asp.
3. There are currently twenty-three (23) state and federal programs that are within the scope of the Uniform Complaint Procedures (UCP). For local educational agencies (LEA) that receive state and federal funding they must include a list of all twenty-three (23) UCP programs in the UCP policies and procedures document(s) and in the UCP annual notice to be filed, investigated and resolved using their board-approved UCP process. However, for LEAs that receive state and federal funding for UCP programs, but do not operate one or more of these current UCP programs, they are to (1) add a paragraph to their UCP policies and procedures document(s) and in their UCP annual notice with a list of the UCP programs in which they do actually operate and file, investigate and resolve using their board-approved UCP process and (2) add a comment in the California Department of Education Monitoring Tool (CMT) with a message explaining why the agency does not operate the program. Additional specific language pertaining to the particular UCP programs in which LEAs do not operate (such as for the *State Preschool Health and Safety Issues in LEAs Exempt From Licensing* program in *Education Code* *[EC]* sections 8235.5[a], 33315; *Government Code [GC] Section* 17581.6[f], and California *Health and Safety Code [HSC]* Section 1596.7925) may be omitted from the UCP policies and procedures document(s) and from the UCP annual notice.
4. During the Covid-19 Pandemic, all required UCP informational notices that are normally provided to LEA stakeholders in a tangible format may be offered in an electronic format via district website, electronic mail, texting, digital flyer applications, social media, etc. LEAs will verify how stakeholders are being provided with actual notice on the *2020-2021 Distribution of the UCP Annual Notice* (UCP 2) located in the CDE website at https://www.cde.ca.gov/re/cp/uc/ucpmonitoring.asp.