

Uniform Complaint Procedures Pamphlet 2024–25

California Department of Education

March 2024

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

What is a UCP complaint?

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

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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.

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 result in the CDE ruling on the appeal without considering information from the LEA.

What are the responsibilities of the CDE?

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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When the CDE declines direct intervention in an anonymous complaint, the CDE

Report, either party may request reconsideration.

On reconsideration, the CDE will not consider new information unless it was unknown during the investigation and could not have become known with due diligence.

The CDE must act on the reconsideration request within 60 days. During the reconsideration period, the CDE Investigation Report remains in effect and enforceable, unless stayed by a court.

Williams Complaints

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

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

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

For further information on Williams facility complaints and appeals please visit the CDE Williams Facilities Complaints and Appeals web page at <https://www.cde.ca.gov/ls/fa/sf/williamsappeal.asp>.

State Preschool Health and Safety Issues in LEAs Exempt from Licensing

A complaint regarding State Preschool Health and Safety is] TJET 00.000092 reW*nBT/F1 12 Tf[(i)-6(

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types of complaints, but will not reject a complaint if the form is not used as long as the complaint is submitted in writing. Under applicable regulations, a notice must be posted in each state preschool classroom notifying parents and guardians of the matters subject to these complaints and where to obtain a form to file a complaint.

A state preschool health and safety complaint must be resolved by the school principal or by the district superintendent or his or her designee. A complainant who is not satisfied with the resolution has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the board. A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of the district superintendent has the right to file an appeal to the State Superintendent of Public Instruction.

Additional Information

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

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