

STEP BY STEP GUIDE:
Uniform Complaint Process
(CA Code of Regulations Title 5, §§ 4600 et seq.)

What is a Uniform Complaint?

If you believe a local educational agency (“LEA”) – school district, public school, county offices of education, charter school, or public or private agency that receives direct or indirect funding from the State to provide specific school programs, activities, or related services – has violated state and/or federal law, e.g., discriminated, harassed, intimidated, or bullied, you can file a written and signed complaint under the Uniform Complaint Procedures (“UCP”).

Complaints may be filed anonymously. A complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative or guardian. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the local agency shall assist the complainant in the filing of the complaint.

What kinds of complaints can I submit via the UCP?

The UCP addresses many issues, however, the following is a list of those we believe apply to the issue currently at hand.

1. Bullying, Harassment, Discrimination
 - a. Verbal and/or physical.
 - b. Based upon own or association with someone of a certain race, religion, medical disability, ethnicity, gender, gender identity, gender expression, sexual orientation.
 - c. Note: all students have First Amendment rights, including freedom of expression and speech, even at school. If you feel your child is being bullied, harassed, or discriminated against for his/her opinion, file a UCP Complaint.
2. Unsafe School Climate
 - a. Child does not feel safe at your school because of own or association with someone else with a certain characteristic or speech/expression.
 - b. Even if no one is specifically identified as a bully, all students have the right to be protected and to a safe learning environment.
 - i. Please see [FLTJ List of Laws: Students Rights Grades K-12](#) to know all of your and your students’ rights and the school’s obligations.

What kinds of complaints are *not* covered under the UCP?

Many concerns, e.g., classroom assignments, grades, graduation requirements, hiring / firing, homework policies, core curricula, student advancement and retention, student discipline, student records, the Bagley-Keene Open Meeting Act, the Brown Act, are for the LEA to handle through

its local complaint procedures and reports of abuse, employment complaints, and health and safety concerns are referred to other agencies (e.g., CPS, DFEH, OSHA, etc.) and not subject to the UCP.

How to I Submit My UCP Claim?

1. Go to your district’s website, search for “Uniform Complaint Procedure.” **LEAs, e.g., your district, are legally obligated to notify students, employees, parents/guardians, and other interested parties of their UCP complaint procedures free of charge.**
 - a. Each school’s/district’s procedure is different. Follow it to a T.
 - b. Literally Google “NAME District UCP procedure” and it will pull up.
 - c. Examples:
 - i. [LAUSD UCP Complaint Procedure](#)
 - ii. [PYLUSD UCP Complaint Procedure](#)
 - iii. [OUSD UCP Complaint Procedure](#)
2. Most include the following steps:
 - a. File a written complaint about the discrimination, harassment, bullying:
 - i. *FLTJ Note:* Be as detailed as possible. Who, what, where, when. The more details, the easier to identify the issue and rectify. Any details you do not include in the initial complaint cannot be added to the complaint later in the process.
 - b. **No later than one (1) year from the date of the alleged violation.**
 - c. Submit to **school principal** or **superintendent**.
 - i. *FLTJ Note:* Be sure to look up your district’s policy, *print it out*, and check off *every* requirement as you satisfy it to ensure you comply with each step, including who to submit to and how.
 - ii. Some districts require that you submit to principal, some to superintendent.
 - iii. *Note:* if they require online, your submission will not be anonymous. Have to mail in anonymously.
 - d. **Can be filed anonymously** – and without an identifying signature (meaning you scribble initials, but do not sign full name and identify yourself).
 - e. **Make sure to keep a copy for your files.**
 - f. **If you mail, Certified Mail, Return Receipt:**
 - i. Nine times out of 10 the school district will deny ever having received your complaint. If you do not obtain a signed return receipt proving delivery, you are probably screwed.
 - g. **Calendar the date receipt is confirmed** to calculate when response is due (see below).

What Happens after I Submit My Claim? (again, this procedure is generalized, but must check your specific district's policies to confirm)

1. Each district *must* have a designated staff member responsible for receiving, investigating and resolving UCP complaints.
2. This member will reach out to you with questions or to ask for additional information, if needed and if you did *not* submit anonymously.
3. The member will issue a written report **within 60 calendar days** from receipt of the complaint. (Varies upon district).
 - a. *FLTJ Note:* be sure to calendar the due date for the response!
 - b. *FLTJ Note:* the member can reach out to extend the time to respond; however, *do not agree*. We want these complaints going and flowing quickly!
4. The member will conduct a complete investigation in accordance with the district's UCP procedures and issue a written finding:
 - a. Accepting or rejecting the complaint;
 - b. Recommending solutions to complaint;
 - c. Giving notice of right to appeal (see procedure discussed, below); and
 - d. Giving notice of right to file a civil lawsuit, including available remedies.

What if I do not like the LEA's findings or proposed corrective actions?

1. Every complainant has **15 calendar days from the date of receipt of the Investigative Report** to file an appeal with the California Department of Education ("CDE").
2. The LEA must give you information on how to file your appeal. However . . .
3. All appeals packets **MUST** include:
 - a. The original complaint;
 - b. A copy of the Investigative Report; and
 - c. Specify the basis for the appeal, e.g.:
 - i. The LEA failed to follow its complaint procedures, and/or;
 - ii. The Report lacks findings of fact to support its conclusions,
 - iii. The material findings in the Report are not supported by the evidence,
 - iv. The legal conclusion in the LEA Investigation Report is inconsistent with the law,
 - v. The corrective actions fail to provide a proper remedy.
4. The LEA must provide its investigative file to CDE within 10 days of notification of an appeal. Failure to do so may result in the CDE ruling in your favor without considering information from the LEA.

What if I do not like the CDE's findings on appeal?

1. Submit a **Request for Reconsideration to the Superintendent of Public Instruction** at the CDE **within 30 calendar days of receiving the CDE's decision or report.**
2. The CDE must give you information on how to file your Request for Reconsideration. However . . .
3. All Requests **MUST** include
 - a. The original complaint;
 - b. A copy of the LEA's Investigative Report;
 - c. A copy of CDE's findings; and
 - d. Specify the basis for the appeal, e.g.
 - i. The CDE failed to follow its complaint procedures, and/or;
 - ii. The findings lack findings of fact to support its conclusions,
 - iii. The findings of fact are not supported by substantial evidence,
 - iv. The legal conclusion is inconsistent with the law,
 - v. The corrective actions fail to provide a proper remedy.
4. **The CDE must issue an Appeal Decision within 60 calendar 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.
5. **The CDE will accept appeals** if the complainant alleges and the CDE finds:
 - a. The LEA failed to act within 60 calendar days of receiving the complaint.
 - b. The LEA decision is factually and/or legally incorrect.
 - c. Direct intervention is necessary.
6. The CDE will ensure corrective action is taken by the LEA if noncompliance issues are identified during the investigation.
7. The CDE will *not* consider new information unless it was unknown during the appeal and could not have become known with due diligence.