

UNIFORM COMPLAINT PROCEDURES (UCP)

San Diego Unified School District
presentation to the
District Advisory Council

**Lynn Ryan,
Uniform Complaint Compliance Officer**

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What is a Uniform Complaint?

- State procedure which sets forth a uniform system for the filing, investigation, and resolution of specific types of complaints. (Title 5, California Code of Regulations, §§ 4600–4687)
- UCP is outlined in San Diego Unified School District Administrative Procedure (AP) #1700
- Written and signed statement alleging a violation of federal or state law:



1) in certain educational programs.

2) for discrimination, harassment, intimidation, or bullying based on a protected group or category.

3) Williams Act Complaints– instructional materials, emergency facility issues, or teacher misassignments/vacancies

Educational Programs and Services Covered by the UCP

(60-day timeline for written response)

- ❑ Adult Education (California *Education Code* [EC] sections [§§] 8500–8538, 52334.7, 52500–52616.4)
- ❑ After School Education and Safety (EC §§ 8482–8484.65)
- ❑ Agricultural Career Technical Education (EC §§ 52460–52462)
- ❑ American Indian Education Centers and Early Childhood Education Program Assessments (EC §§ 33380–33384)
- ❑ Bilingual Education (EC §§ 52160–52178)
- ❑ California Peer Assistance and Review Programs for Teachers (EC Section [§] 44500)
- ❑ Career Technical and Technical Education, Career Technical, Technical Training (EC §§ 52300–52462)
- ❑ Career Technical Education (EC §§ 51226–51226.1)
- ❑ Child Care and Development (EC §§ 8200–8493)
- ❑ Child Nutrition (EC §§ 49490–49570)

Educational Programs and Services Covered by the UCP (continued)

- ❑ Compensatory Education (*EC* § 54400)
- ❑ Consolidated Categorical Aid (*EC* § 64000(a))
- ❑ Course Periods without Educational Content (*EC* §§ 51228.1–51228.3)
- ❑ Economic Impact Aid (*EC* § 54000)
- ❑ Education of:
 - Foster Care Pupils
 - Homeless Pupils
 - Former Juvenile Court Pupils now enrolled in a school district
 - Children in Military Families (*EC* §§ 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
- ❑ Every Student Succeeds Act/No Child Left Behind (20 United States Code [20 U.S.C.] §§ 6301 et seq.; *EC* § 52059)

Educational Programs and Services Covered by the UCP (continued)

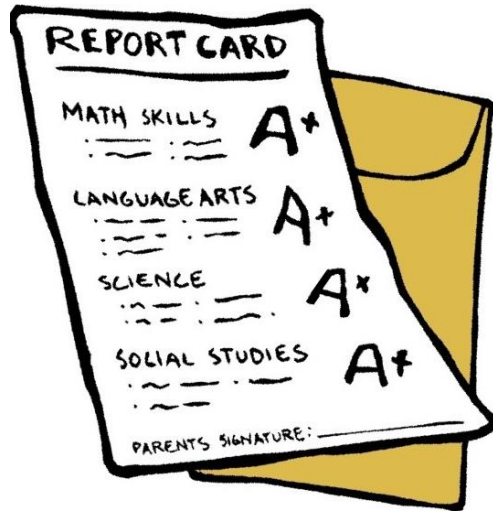
- ❑ Lactating Pupil, Reasonable Accommodations (*EC* § 222)
- ❑ Local Control and Accountability Plans (LCAP) (*EC* § 52075, *GC* § 17581.6(f))
- ❑ Migrant Education (*EC* §§ 54440–54445)
- ❑ Physical Education Instructional Minutes (*EC* §§ 51210, 51223)
- ❑ Pupil Fees (*EC* §§ 49010–49011)
- ❑ Regional Occupational Centers and Programs (*EC* §§ 52300–52334.7)
- ❑ School Safety Plans (*EC* §§ 32280–32289)
- ❑ Special Education (*EC* §§ 56000–56865 and 59000–59300)
- ❑ State Preschool (*EC* §§ 8235–8239.1)
- ❑ Tobacco–Use Prevention Education (*EC* § 64000; California Health and Safety Code [HSC] § 104420)

Discrimination, Harassment, Intimidation, or Bullying Based on a Protected Group (60-day timeline for response)

- ▶ age
- ▶ ancestry
- ▶ color
- ▶ disability – mental
- ▶ disability – physical
- ▶ ethnicity
- ▶ ethnic group identification
- ▶ gender
- ▶ gender expression
- ▶ gender identity
- ▶ immigration status
- ▶ national origin
- ▶ nationality
- ▶ sex – actual
- ▶ sex – perceived
- ▶ sexual orientation
- ▶ race
- ▶ religion
- ▶ association with a person or group with one or more of the actual or perceived characteristics listed.



Not Covered by UCP



- Classroom assignments
- Common core
- Grades
- Personnel-hiring or evaluation
- Curriculum
- Student discipline
- Student records
- Homework policies & practices

Other District complaint procedures.

Contact:
Quality Assurance Office
619-725-7211

Complainant's Responsibilities

- ▶ Files a signed written complaint following District's AP 1700 (Title 5, California Code of Regulations, §§ 4600–4687)
- ▶ Provides specific allegations
- ▶ Cooperates in the investigation
- ▶ Provides evidence for the investigation
- ▶ May file an appeal with the CDE within 15 days of receipt of the District's written response.

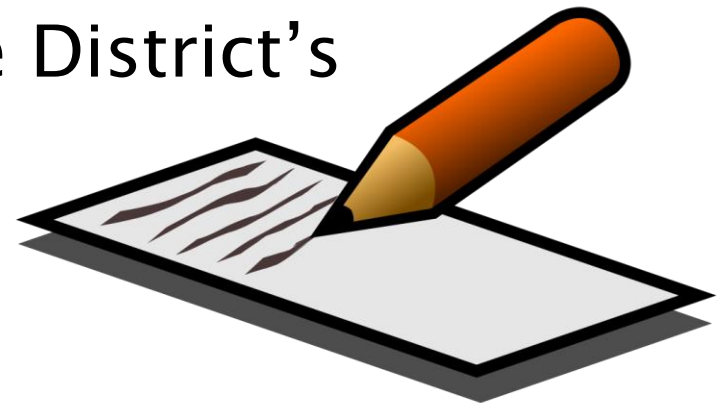
Local Education Agency's / District's Responsibilities

- ▶ Ensures compliance with federal and state laws and regulations.
- ▶ Allows Complainant to present information and/or evidence.
- ▶ Bases disposition (results) on evidence and the standard of proof of “preponderance of the evidence” (what is more likely to have happened)
- ▶ Provides a written response (within 60 calendar days) which is to include findings of facts, conclusion(s) of law, disposition (denied or has merit), rational for the disposition, and any corrective actions if applicable.
- ▶ Protects against retaliation (for the filing of a UC)
- ▶ Advises of complainants right to appeal.

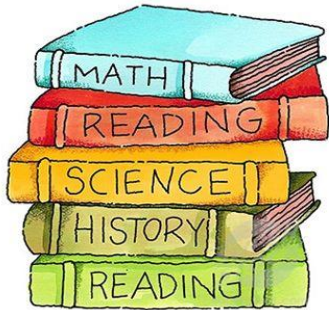
Appeals Process

(for Program and Discrimination complaints)

- To be filed with and processed by the California Department of Education (CDE).
- Must be filed in writing within 15 calendar days of receipt of District's decision.
- Must specify the basis for the appeal (facts or misapplied laws, etc.)
- Must include a copy of the District's decision.



Williams Act Uniform Complaints (45-day timeline for resolution & response)



1. Insufficiency of instructional materials
2. Emergency or urgent facilities which pose a threat to student safety
3. Teacher vacancy or misassignment

Williams Complaint(s)

- Are to be resolved by the principal or designee at the site.
- Notices outlining complaint procedures must be posted in classrooms.
- May be filed anonymously, but must be in writing (form available).
- Complainant may choose “no response” on the form.
- If a response is requested, the District will provide one within required timeline.

Williams Complaint Appeals Process

May be presented to the Board of Education at a regularly scheduled meeting.

Except for Emergency or Urgent Facilities Conditions:

- To be filed with and processed by the California Department of Education (CDE).
- Must be filed within 15 calendar days of receipt of District's decision.
- Must specify the basis for the appeal
- Must include a copy of the District's decision.

Uniform Complaint Office

For assistance or support contact:

Lynn Ryan

lryan@sandi.net

619-725-7225

