



# Uniform Complaint Procedures

## What is a UCP complaint?

A complaint under the Uniform Complaint Procedures (UCP) is a written and signed statement by an individual, public agency, or organization 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 and county offices of education) and local public or private agencies which receive direct or indirect funding from the State to provide any school programs, activities, or related services. Charter schools which receive federal funds are also subject to the UCP or where specified in statute.

## What educational programs and services are covered by the UCP?

- Adult Education
- After School Education and Safety
- Agricultural Vocational Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Career Technical Education
- Child Care and Development (including State Preschool)
- Child Nutrition
- Discrimination, harassment, intimidation, bullying, student lactation accommodations, and Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) resources
- Foster and Homeless Students
- Local Control Funding Formula (LCFF) and Local Control and Accountability Plans (LCAP)
- No Child Left Behind Act (2001) programs (Titles I-VII), including improving academic achievement, compensatory education, English learner programs, and migrant education (to be replaced by the Every Student Succeeds Act [ESSA] beginning in 2016-17)
- Physical Education: Instructional Minutes
- Pupil Instruction: Course Periods Without Educational Content or Previously Completed Courses
- Regional Occupational Centers and Programs
- Special Education
- Tobacco-Use Prevention Education
- Unlawful Pupil Fees

## 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, public meeting laws (such as the Brown Act), student advancement and retention, student discipline, student records, and other general education requirements. The LEA, however, may use its local complaint procedures to address complaints not covered by the UCP. Additional information can be found at <http://www.fsusd.org/Page/9789>.

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 a Child Development Program are referred to the Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
- Employment complaints are sent to the California Department of Fair Employment and Housing.
- Allegations of fraud are referred to the responsible Division Director at the California Department of Education (CDE).

## How do I file a UCP complaint and how is it processed?

To obtain further information regarding Uniform Complaint Procedures, please contact:

Administrative Services and Community Engagement  
2490 Hilborn Road  
Fairfield, CA 94534  
(707) 399-5000

Uniform Complaints are investigated in accordance with Administrative Regulation 1312.3. Both regulations can be found on the district website: <http://www.fsusd.org/Page/9789>.

## What are the responsibilities of the complainant?

- Receives and reviews the UCP complaint policies and procedures from the LEA.
- Files a written complaint by following the steps described in the LEA's UCP complaint procedures.
- 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 15 days of receiving the LEA's decision if the complainant believes 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 35 days of receiving the CDE's decision or report, may submit a request for reconsideration by the Superintendent of Public Instruction at the CDE. The CDE's decision or report will notify you if there is a right to request reconsideration. The request for reconsideration must designate the finding(s), conclusion(s), or corrective action(s) in the CDE's decision or report for which reconsideration is requested, and the specific basis for requesting reconsideration. The request must also state whether the findings of fact are incorrect and/or the law is misapplied.

## 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 4600-4687.
- 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 he or she is 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 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 decision to the CDE within 15 days of receiving the decision.

## What are the responsibilities of the CDE?

The UCP authorizes the CDE to process appeals of the LEA's decision 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:
  1. The complainant alleges and the CDE verifies that, through no fault of the complainant, the LEA fails to act within 60 days of receiving the complaint.
  2. The complainant appeals an LEA decision if he or she believes the decision is factually and/or legally incorrect.
  3. When requested by the complainant, the CDE determines when direct intervention is necessary.
- 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 35 days of the receipt of the decision/report.
- For those programs governed by part 76 of Title 34 of the Code of Federal Regulation, notifies the parties of the right to appeal to the United States Secretary of Education.

### 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, and may be filed anonymously. Williams complaint forms can be found at [www.fsusd.org/Page/9789](http://www.fsusd.org/Page/9789). FSUSD 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 is 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 <http://www.fsusd.org/Page/9789> or contact the Executive Director of Administrative Services & Community Engagement:

Administrative Services and Community Engagement  
2490 Hilborn Road  
Fairfield, CA 94534  
(707) 399-5000  
<http://www.fsusd.org/Domain/3024>

### Additional Information

For additional information, contacts the appropriate office listed, or visit the UCP Web page at [www.fsusd.org/Page/9789](http://www.fsusd.org/Page/9789).

## Fairfield-Suisun Unified School District

Contacts for Programs and Services Covered Under the Uniform Complaint Procedures

Adult Education  
Secondary Education  
(707) 399-5131

Career Technical Education  
Secondary Education  
(707) 399-5131

Child Care and Development (including State Preschool),  
Consolidated Categorical Programs, & Early Childhood Education,  
English Learners and Instructional Support  
(707) 399-5051

Child Nutrition  
Child Nutrition Services  
(707) 399-5011

Discrimination, Harassment, Intimidation, Bullying, Student Lactation  
Accommodations, & LGBTQ Resources  
Administrative Services and Community Engagement  
(707) 399-1299

Educational Rights of Foster and Homeless Youth  
Student Services  
(707) 399-4323

Local Control Funding Formula/Local Control Accountability Plan  
(LCFF/LCAP): Content or Procedures  
Educational Services  
(707) 399-5049

Every Student Succeeds Act (Title I-VII Programs),  
including improving academic achievement, compensatory education,  
English learners, and migrant education  
English Learners and Instructional Support  
(707) 399-5051

Physical Education: Instructional Minutes, Science, Technology,  
Engineering, and Mathematics  
Educational Services  
(707) 399-5049

Pupil Instruction: Course Periods Without Educational Content or  
Previously Completed Courses  
Secondary Education  
(707) 399-5131

School Facilities (for Williams Complaints)  
Administrative Services and Community Engagement  
(707) 399-1299

Special Education  
Special Education Department  
(707) 399-5071

Tobacco-Use Prevention Education  
Student Services  
(707) 399-4323

Unlawful Pupil Fees  
Administrative Services and Community Engagement  
(707) 399-1299

# Uniform Complaint Procedures

Authorized by:  
*California Code of Regulations, Title 5,*  
Sections 4600-4687



## FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT

*A premier learning community  
that empowers each student to thrive  
in an ever-changing world.*