

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.*

Revised August 2016

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

- 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. 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.



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.



Fairfield-Suisun Unified School District

NOTICE TO STUDENTS, PARENTS, GUARDIANS AND TEACHERS: UNIFORM COMPLAINT PROCEDURES (BP 1312.3)

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

All programs and activities implemented by the district that are subject to the UCP: Adult Education; After School Education and Safety; Agricultural Vocational Education; American Indian Education Centers and Early Childhood Education Program Assessments; Bilingual Education; California Peer Assistance and Review Programs for Teachers; Career Technical Education; Child Care and Development; Child Nutrition; Compensatory Education; Consolidated Categorical Aid; Course Periods Without Educational Content; Economic Impact Aid; Education of Pupils in Foster Care and Pupils who are Homeless; Every Student Succeeds Act / No Child Left Behind; Local Control Accountability Plans (including Charter Schools as described in EC §§ 47606.5 and 47607.3); Migrant Education; Physical Education Instructional Minutes; Pupil Fees; Reasonable Accommodations to a Lactating Pupil; Regional Occupational Centers and Programs; School Safety Plans; Special Education; State Preschool; and Tobacco - Use Prevention Education.

A student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. Uniform Complaints regarding pupil fees or LCAP may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint. Uniform Complaints regarding pupil fees shall be filed no later than one year from the date the alleged violation occurred.

The District's standardized notice of the educational rights of foster and homeless youth, as specified in Education Code Sections 48853, 48853.5, 48853.5, 49069.5, 51225.1, and 51225.2 can be found in the Parent/Student Handbook.

To obtain further information regarding Uniform Complaint Procedures, or to file a complaint, please contact:

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

<http://www.fsusd.org/Domain/3024>

Uniform Complaints are investigated in accordance with Administrative Regulation 1312.3 and Administrative Regulation 1312.4. Both regulations can be found on the district website at <http://www.fsusd.org/Page/9789>. Copies of the District's complaint procedures are also available free of charge.

A complainant has a right to appeal the LEA's Decision of complaints regarding specific programs. In addition, a complainant can seek 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.

August 2016



Distrito Escolar Unificado de Fairfield-Suisun

NOTIFICACIÓN PARA ESTUDIANTES, PADRES, TUTORES Y MAESTROS: PROCEDIMIENTOS DE QUEJAS (BP 1312.3)

La Junta de Gobierno reconoce que el distrito tiene la responsabilidad principal de garantizar el cumplimiento de las leyes y reglamentos estatales y federales que gobiernan los programas educativos. La Junta anima la resolución informal y a tiempo de quejas cada vez que estosea posible y adecuado. Los procedimientos de queja del distrito (conocido en inglés como *Uniform Complaint Procedures* UCP) se utilizarán para investigar y resolver las quejas siguientes:

Todos los programas y actividades llevadas a cabo por el distrito que están sujetas al UCP: Educación para Adultos; Educación y Seguridad después de la escuela; Educación Vocacional de Agricultura; Centros de Educación Indio Americana y Evaluaciones para Educación Temprana; Educación bilingüe; Programas para maestros de asistencia y revisión entre colegas de California; Carreras y educación técnica; Guardería y desarrollo infantil; Nutrición infantil; Educación compensatoria; Asistencia categórica consolidada; Cursos educativos sin contenido educacional; Asistencia de impacto económico; Educación para estudiantes en cuidado de crianza quienes están sin hogar; Ley para que cada estudiante tenga éxito/Que ningún niño se quede atrás; Planes de responsabilidad de control local (incluyendo las escuelas chárter como se describe en el Código de Educación EC §§ 47606.5 y 47607.3); Educación Migratoria; Educación Física; Minutos de Instrucción; Cuotas de estudiantes; Adaptaciones razonables para estudiantes que están en periodo de lactancia; Centros y Programas Ocupacionales Regionales; Planes de Seguridad Escolar; Preescolar Estatal; y Educación y prevención del uso de productos de tabaco.

Un estudiante inscrito en una escuela pública no estará obligado(a) a pagar una cuota por participar en una actividad educativa. El Procedimientos de Quejas referentes a las cuotas o Plan de Responsabilidad de Control Local (*Local Control Accountability Plan* LCAP) pueden ser llenados anónimamente si el demandante aporta evidencia o información que lleve a apoyar la queja. El Procedimiento de Quejas referente a cuotas estudiantiles debe ser completado en el plazo máximo de un año a partir de la fecha que se produjo la supuesta violación.

La notificación estandarizada del Distrito de los derechos educativos de los jóvenes de crianza y sin hogar, según se especifica en las secciones de lo Código de Educación 48853, 48853.5, 48853.5, 49069.5, 51225.1, y 51225.2 pueden ser encontrados en el Libro de Padres/Estudiantes.

Para obtener más información referente al Procedimiento de Quejas, o para someter una queja, por favor comuníquese a: Servicios Administrativos y Participación Comunitaria (*Administrative Services and Community Engagement*)

2490 Hilborn Road
Fairfield, CA 94534
(707) 399-5000

<http://www.fsusd.org/Domain/3024>

El Procedimiento de Quejas es investigado de acuerdo con el Regalamiento Administrativo y Regulación Administrativa 1312.4. Ambas regulaciones pueden ser encontradas en el sitio web del distrito en <http://www.fsusd.org/Page/9789>. Usted también puede obtener copias del Procedimiento de Quejas sin costo alguno.

El demandante tiene el derecho de apelar la decisión de la Agencia de Educación Local (*Local Educacion Agency* LEA) de quejas en relación con programas específicos. Además, el demandante puede solicitar recursos de la ley civil, incluyendo, pero no limitado a, los mandatos, órdenes de restricción, u otros remedios o las órdenes que pueden estar disponibles bajo las leyes de discriminación, acoso, intimidación estatales o federales, si aplican.

Agosto 2016