

>> Shanine Coats: Hello. Welcome to our workshop on the Uniform Complaint Procedures. My name is Shanine Coats.

>> Jeff Zettel: And I'm Jeff Zettel. We are from the Categorical Programs Complaints Management Unit.

>> Shanine Coats: Today, we will provide you with about 30 minutes of information about the Uniform Complaint Procedures process, more commonly known as the UCP process. We'll start by spending 15 minutes reviewing what UCP is then use the remainder of the time highlighting what areas districts can focus on to ensure compliant findings during this year's CPM visit.

>> Jeff Zettel: Is the Uniform Complaints the process to use if someone wants to complain about school uniforms?

>> Shanine Coats: No, Jeff. Contrary to some views, the Uniform Complaint Procedure is not about school uniforms, trouser color preferences or length of skirts. The Uniform Complaint Procedure is a process, not a program.

>> Jeff Zettel: Thanks for the clarification.

>> Shanine Coats: Sure.

Federal law and state law requires the California Department of Education, CDE, to establish Uniform Complaint Procedures, UCP.

CDE staff developed and the California State Board of Education approved the UCP under Title 5 regulations in 1991.

Over time, new California laws were passed to further identify protected groups from discrimination.

>> Jeff Zettel: Several revisions further clarified the procedures to ensure that complaints and appeals are handled in a timely manner.

Recent legislation drafted to settle the Williams lawsuit requires school districts to use the UCP to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or good repair, and teacher vacancy or mis-assignment.

>> Shanine Coats: On October 12, 2007, the governor signed AB 347 which expands the services available to students for up to two years after the completion of 12th grade.

Per AB 347, School districts that receive intensive instruction funds per Education Codes Section 37254 must now ensure that all pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12 have the opportunity to receive intensive instruction services as needed based on the results of the diagnostic assessment and prior results on the high school exit examination, the CAHSEE, for up to two consecutive years after the completion of grade 12 or until the pupil has passed both parts of the CAHSEE, whichever comes first.

For additional information regarding this legislation, please see the following websites.

>> Jeff Zettel: The purpose of the UCP is to establish a uniform system for processing complaints regarding specified programs or activities that receive state or federal funding. The UCP also addresses allegations of unlawful discrimination.

>> Shanine Coats: Allegations regarding discrimination and or programs listed on this slide fall under the scope of the UCP.

The department does not have the authority to intervene in all areas of education.

Each local agency's governing board has the ultimate authority over general education processes such as the issues listed on this slide.

Although some districts have decided to use their own UCP process to address all incoming complaints, only those types of complaints regarding the federal and state programs and discrimination may be appealed to the department.

There are three areas indicated on this slide where the department has limited authority.

We will describe CDE's limitations regarding teacher staffing, textbooks and facilities appeals in detail later on in this presentation.

>> Jeff Zettel: Next we're going to talk about the statutory and regulatory requirements for UCP.

>> Shanine Coats: How many UCP requirements are monitored?

>> Jeff Zettel: Beginning in 2007-2008, these six UCP requirements are now monitored. We are now going to discuss each of the six UCP items in detail.

>> Shanine Coats: UCP-1 focuses on the development and adoption of LEA policies and procedures.

Monitoring for UCP-1 ensures that the lea adopted uniform complaint procedures for all specified programs and provides civil rights guarantees.

>> Jeff Zettel: Because federal funds are allocated to districts through the consolidated application, they are also subject to the UCP requirements.

The department is required by the federal government to apply the UCP for all no-child-left-behind programs listed on this slide.

>> Shanine Coats: The UCP regulations specify that the federal programs listed on this slide are also subject to the uniform complaint procedures.

The department is also required to apply UCP to these state-funded programs and to these state-funded programs.

>> Jeff Zettel: The state board of education selected the UCP to be the process for filing complaints about civil rights protections including unlawful discrimination.

Our unit refers any correspondence related to alleged civil rights violations to the department's office for equal opportunity for their consideration.

>> Shanine Coats: We refer all allegations of discrimination to the department's office of equal opportunity, OEO.

Here is the contact information for OEO.

>> Jeff Zettel: The leas have primary responsibility for compliance with state and federal statutes and regulations.

The law requires all LEAs develop, adopt and implement complaint procedures.

These procedures are written up as board policy and administrative regulations. However, these local policies must be updated as new laws are passed.

This slide shows key areas to check to ensure that your LEA policies are up-to-date. LEA staff responsible for updating UCP policy and procedures often asked, “what new requirements must be included?”

>> Shanine Coats: Well, some leas forget to include a complete list of all groups protected under civil rights guarantees.

A current list of all protected groups is seen here.

In addition, two new requirements were added to the title 5 regulations in December 2005.

These two statements are identified, beside bullets 2 and 3 respectively.

UCP-2 focuses on the LEA’s annual notice.

The LEA must annually notify its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, private school officials and other interested parties of the leas complaint procedures.

When 15% or more of the students in the school speak a primary language other than English, all notices to parents or guardians regarding the complaint procedures are written in the student’s primary language in addition to English.

>> Jeff Zettel: The LEA responsibilities start each year by distributing an annual notification to the parties identified on this slide.

The law requires all leas provide annual UCP notification.

Annual notification requirements must include the statements listed on this slide.

LEA staff responsible for updating

The UCP annual notice often asks, “What requirements are most often overlooked?”

>> Shanine Coats: Two important statements that must be included in the annual notice are described under these three bullets.

Please be aware that the statement, a copy of the district’s policy is available upon request in the annual notification document does not meet the requirements of UCP-2.

UCP-3 focuses on the implementation of the LEA’s policy and procedures.

Monitoring for UCP-3 ensures that the LEA implemented its complaint procedures.

>> Jeff Zettel: The complainant must specify in writing the law or regulation that was violated in order for the allegation to be considered A UCP complaint.

Phone calls or public comments during the school board meeting are not considered formal complaints.

Please encourage your complainant to file in writing if they wish to begin a formal UCP process.

>> Shanine Coats: The law requires all LEA’s address UCP complaints and seek to resolve them according to LEA procedures.

We refer to this implementation requirement as UCP-3.

This slide lists some of the LEA's implementation responsibilities.

LEA staff is responsible for updating UCP-3 often ask, "What requirements must be included?"

>> Jeff Zettel: The first question the LEA staff will be asked during the CPM visit is, "Have you had a complaint filed in the past 12 months?"

If the answer is 'no', there will be no non-compliant findings.

If the answer is 'yes', the CPM team lead will review sample complaint files.

The areas of particular interest to the CPM reviewer are listed on this slide.

>> Shanine Coats: UCP-4 focuses on the implementation of the LEA's Williams policy and administrative regulation requirements.

Legislation settling the Williams lawsuit requires school districts to use the UCP to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities' conditions that pose a threat to the health or safety of pupils or staff, teacher vacancy or mis-assignment and intensive instruction requirements.

These revisions reflect the legislative requirements as identified in assembly bill 2727, Senate bill 550, SB 6 and AB 347.

>> Jeff Zettel: When the Williams settlement legislation went into effect, these three new categories of complaints were included as topics to be processed through the UCP.

The legislation requires that all LEA's modify their UCP policy when addressing these three topic areas to include accelerated timelines that are very different from the regular UCP requirements.

The law requires all LEA's develop, adopt and implement Williams Settlement complaint procedures.

We refer to this new policy requirement as UCP-4.

The two topics identified in blue will be addressed under the LEA's UCP but may not be appealed to the department.

The third issue regarding facilities identified in red may be appealed to the department under certain conditions.

Let's look at each of the three topics of the complaints separately.

>> Shanine Coats: According to Williams legislation, an individual may file a complaint regarding teacher mis-assignment or teacher vacancy.

The definitions of teacher mis-assignment and teacher vacancy were originally defined in SB 550.

The Williams clean-up languages found in AB 831, signed in August 2005, revised the definitions a little and are now defined as follows.

>> Jeff Zettel: An individual may also file a complaint regarding instructional materials and may allege the following.

Number 1, a pupil, including an English learner, does not have standard-aligned textbooks or instructional materials or state-adopted textbooks or other required instructional materials to use in the class.

>> Shanine Coats: Number 2, a pupil, including an English learner, has insufficient textbooks or instructional materials or both in each of the following subjects as appropriate that are consistent with the content and cycles of the curriculum framework adopted by the state board--math, science, history, social science, English language arts including the English language development component of an adopted program.

>> Jeff Zettel: Number 3, a pupil does not have access to textbooks or instructional materials to use at home or after school in order to complete homework assignments.
This does not require two sets of textbooks or instructional materials for each pupil.

>> Shanine Coats: Number 4, textbooks or instructional materials are in poor, unusable condition, having missing pages or are unreadable due to damage.

>> Jeff Zettel: And, finally, number 5, the pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

>> Shanine Coats: The third topic of complaint was identified under SB 6.
The following are examples of conditions that would pose a threat to the health and safety of students or staff as defined in ED code and any other emergency conditions the school district determines appropriate.
LEA staff responsible for updating UCP-4, the Williams Settlement requirements, often ask what requirements must be included.

>> Jeff Zettel: Many LEAs continue to need to update their definitions of mis-assignment and teacher vacancy as described on slide 38.

>> Shanine Coats: UCP-5 focuses on the Williams Settlement classroom notice requirements. SB 550 requires posting of a notice in every classroom in every school.
This notice provides information about the filing of complaints on these three new issues. It also identifies a location where a complainant can go to get a form.
LEA staff responsible for updating UCP-5, the Williams Settlement Requirement, often asks what requirements must be included.

>> Jeff Zettel: The Williams Settlement clean-up language added two new groups to the notice--pupils and teachers.
UCP-6 focuses on the Williams settlement complaint formal requirements.
Key elements required on the Williams complaint form include the following as well as these required elements--LEA staff responsible for updating UCP-6, the Williams Complaint Form Requirements, often asks what requirements do we need to ensure are included.
The governor signed in January 2007 a new bill with additional UCP requirements.
According to education code, a complaint may be filed for the following two reasons.
Finally, if the complainant is not satisfied with the resolution involving the condition of a facility that poses an emergency or urgent threat and/or a poor restroom condition, they have the right to file an appeal to the superintendent of public instruction within 15 days of receiving the LEA report.

>> Shanine Coats: Last year, staff from the UCP unit monitored each and every LEA identified for a site review.

Staff discovered that many LEAs had not kept up with currently legal requirements and had not updated their UCP documents.

During the 2007 or late year, our staff reviewed 159 LEAs.

This slide identifies how many LEAs received non-compliant findings within each of the six UCP requirements.

As you can see, ucp-2 received the most non-compliant findings mainly because each LEA did not include one or two of the notification requirements we discussed.

>> Jeff Zettel: Prior to the monitoring visit, each LEA must send their UCP documents with the rest of their CPM package to the CDE.

These documents include the LEA's UCP policy, the UCP administrative regulations, the UCP annual notification, Williams policy, WILLIAMS administrative regulations, Williams classroom notice and the WILLIAMS complaint form.

Once the CPM office receives the documents, the UCP material is then separated and submitted to the categorical programs complaint management unit for the initial review.

An analyst reviews the UCP documents for required elements.

During the actual CPM visit, the role of a team leader is to discuss the results of the analyst's review of the documents with the LEA's UCP coordinator.

The team leader will note non-compliant items on the written notification of findings and submit a copy of the notification of findings to the UCP unit manager.

>> Shanine Coats: Assistance with resolving any non-compliant item occurs shortly after the CPM visit.

Once the CPM manager receives the notification of findings, the data is entered into a centralized database then all non-compliant findings are distributed to the program units.

If there was a non-compliant finding within LEA's UCP, a consultant from the UCP unit will contact the LEA's UCP coordinator and provide immediate technical assistance for the items found non-compliant.

As soon as compliance is established, the UCP consultant will send the LEA an official CDE letter indicating resolution of the non-compliant UCP finding.

>> Jeff Zettel: Thank you for joining us for our informational presentation regarding uniform complaint procedures.