

Uniform Complaint Procedures Checklist 2004-05

UCP 1

School District _____

Yes	No	Evidence of Compliance with Required Provisions of local policy and procedure: UCP 1
		1. A statement that the local agency is primarily responsible for compliance with federal and state laws/regulations. (5 CCR 4620)
		2. A list of all programs and activities implemented by the district that are subject to the UCP. (5 CCR 4610)
		3. A list of civil rights protections regarding age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. (5 CCR 4610(c); EC 200; Penal Code 422.6)
		4. A statement to advise complainants of the right to pursue civil law remedies. (5 CCR 4622)
		5. A statement to assure the complainant of protection from retaliation. (5 CCR 4621)
		6. A statement to assure the complainant of confidentiality, as appropriate, for complainants alleging discrimination. (5 CCR 4621)
		7. A statement disclosing the responsible staff member, position, or unit to receive complaints. (5 CCR 4621)
		8. A statement ensuring the person(s) assigned to investigate complaints are knowledgeable about the laws/programs that he/she is assigned to investigate. (5 CCR 4621)
		9. A statement ensuring annual dissemination of a written notice of the local complaint procedures to students, employees, parents or guardians of its students, school and district advisory committees, and other interested parties. (5 CCR 4622)
		10. A statement that unlawful discrimination complaints shall be initiated not later than six months from the date the alleged discrimination occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, unless the Superintendent of Public Instruction grants extension under 5 CCR 4630(b). (5 CCR 4630)
		11. A statement ensuring the local agency will provide an opportunity for complainants and/or representatives to present relevant information. (5 CCR 4631)
		12. A statement that the complaint process will be concluded within 60 days unless the complainant agrees in writing to an extension of time. (5 CCR 4631)
		13. A statement that, in a complaint of unlawful discrimination, a complainant has a right to seek civil law remedies no sooner than 60 days have elapsed since filing an appeal with CDE, with the exception of injunctive relief, for which the moratorium does not apply, provided complainant is timely advised of right to file complaint. (EC 262.3)
		14. A statement specifying that the local agency decision will be reported in writing, sent to the complainant within 60 calendar days of receipt of the complaint, and contain the:
		(a) Findings and disposition of the complaint
		(b) Corrective actions (if any)
		(c) Rationale for such disposition
		(d) Procedures for initiating an appeal, within 15 days of receiving the local agency written decision, to the California Department of Education. (5 CCR 4631(c))

Uniform Complaint Procedures Checklist 2004-05

UCP2

School District _____

Yes or No	Yes or No	Yes or No	Yes or No	Evidence of Compliance with Annual Notification Requirements: UPC 2
Employees	Students	Parents & Guardians	Advisory Committees	Annual written notice of the complaint procedures is made for all four groups listed to the left. (5 CCR 4622) The annual notice includes the following:
				1. A statement that the local agency is primarily responsible for compliance with federal and state laws and regulations. (5 CCR 4620)
				2. A statement disclosing the responsible staff member, position, or unit designated to receive complaints. (5 CCR 4621)
				3. A description of the local complaint procedure and appeal process including:
				(a) A statement that the complaint review will be concluded within 60 calendar days. (5 CCR 4652)
				(b) A statement that unlawful discrimination complaints shall be initiated not later than six months from the date the alleged discrimination occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination. (5 CCR 4630)
				(c) A statement that the complainant has a right to appeal the local agency decision to the California Department of Education within 15 days of receiving the local agency written decision. (5 CCR 4652)
				4. When 15 percent or more of the students in the school speak a primary language other than English, all notices to parents or guardians regarding complaint procedures are in the student's primary language in addition to English. (EC 48985)
				5. A Statement advising of any civil law remedies that may be available. (EC 262.3) Note: See the sample statement below.

Sample Statement:

Civil Law Remedies

A complaint may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. (EC 262.3)

Uniform Complaint Procedures Checklist 2004-05

UCP 3

School District _____

Yes	No	Evidence of Proper Implementation of the Mediation and/or Investigation Process: UCP 3
		1. Did the district conduct a mediation and/or investigation implementing the UCP during the past 12 months? (If not, do not review for this item or complete this form.)
		2. A random selection of UCP complaint files contained the following:
		(a) The six-month timelines were met for filing discrimination complaints. (5 CCR 4630)
		(b) In the mediative/investigative process complainants and/or representatives were given the opportunity to present evidence. (5 CCR 4631(b))
		(c) A written report was issued to the complainant within the 60-day time line. (5 CCR 4630)
		3. The report contained:
		(a) Findings and disposition of the complaint
		(b) Corrective actions (if any)
		(c) Rationale for such disposition
		(d) Procedures for initiating an appeal, within 15 days of receiving the local agency written decision, to the California Department of Education. (5 CCR 4631(c))
		4. There is evidence that, in a complaint of unlawful discrimination, the local agency has appropriately notified, and in a timely manner, the complainant may not seek civil law remedies pursuant to Education Code Section 262.3 until at least 60 days have elapsed from the filing of an appeal to the California Department of Education. (EC 262.3(d))

Consultant _____

Date _____