



Uniform Complaint Procedures

The California Department of Education's Inadequate Oversight Has Led to a Lack of Uniformity and Compliance in the Processing of Complaints and Appeals

Background

Created to provide a mechanism for responding to complaints from students, parents, or community members of schools or school districts, the Uniform Complaint Procedures (UCP) covers complaints involving discrimination, harassment, intimidation, or bullying; various educational programs; and school facilities. Local Education Agencies (LEAs)—primarily school districts and county offices of education—investigate most complaints while the California Department of Education (Education) processes appeals of LEA investigation results and may directly intervene to investigate certain other complaints.

Our Key Recommendations

- The Legislature should codify UCP regulations to identify and ensure consistent time frames for Education to complete all investigations of complaints and reviews of appeals, and allow LEAs to extend investigations without agreement by the complainant under exceptional circumstances and within reason.
- Education should perform the following:
 - Designate a central office to receive all complaints and appeals to ensure time frames are met and to establish a single database to track information for decision making.
 - Standardize policies and procedures for investigating complaints and reviewing appeals, monitor LEAs' compliance with UCP requirements, and ensure LEA-authorized charter schools comply with UCP requirements.
- LEAs should have a mechanism that allows them to discuss with complainants whether their complaints fall under the purview of the UCP before they file complaints.

Key Findings

- Education's oversight of the UCP process is inadequate. Because it does not have a central entity to receive and process UCP complaints and appeals, and because UCP regulations are inconsistent, complaints and appeals are not processed uniformly and some are not timely.
 - There is a lack of core data to assess performance or compliance—14 divisions can receive UCP complaints and appeals, and each division records different information about the complaints or appeals.
 - Some complaints and appeals did not reach the appropriate division in a timely manner—one appeal took more than a year to reach the appropriate division.
 - Divisions adopt inconsistent practices and thus, create inequities in how complaints or appeals are handled and how long it takes to reach resolution—of the 30 investigations Education's divisions conducted that we reviewed, nearly half were not completed within 60 days. Further, one division did not close more than 86 percent of its investigations within 60 days.
- Two of the three LEAs we reviewed had inefficient processes for addressing UCP complaints and all did not meet certain UCP requirements such as completing investigations within 60 days of receiving complaints.
 - Because LEAs received complaints that did not fall under the purview of the State's UCP regulations, LEA staff spent time processing non-UCP complaints that could have been used to address UCP complaints—roughly half of the complaints received by two LEAs were not UCP complaints.
 - The LEAs did not always obtain the required agreements from complainants before extending investigations beyond 60 days.
- Two of the LEAs' monitoring efforts did not identify instances in which the two charter schools we reviewed in each LEA failed to comply with state law and UCP regulations. Further, Education is not monitoring LEA-authorized charter schools for UCP compliance.