



# Navigator Schools

## Governance Committee Meeting

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### Date and Time

Thursday November 20, 2025 at 3:30 PM PST

### Location

Video call link: <https://meet.google.com/gri-tssx-hhx>

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This meeting will be held in compliance with the Brown Act.

Individuals in need of a disability-related accommodation, modification, or auxiliary aid/service, should direct requests [via e-mail](#) to Ami Ortiz, Director of Compliance & Operations.

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### Agenda

	Purpose	Presenter	Time
<b>I. Opening Items</b>			<b>3:30 PM</b>
Opening Items			
<b>A.</b> Call the Meeting to Order		Nora Crivello	1 m
Nora Crivello, Committee Chair, will call the meeting to order.			
<b>B.</b> Record Attendance and Guests	Vote	Nora Crivello	1 m
The Committee Chair will identify guests, take attendance via roll-call, and establish a quorum.			

	Purpose	Presenter	Time
<b>C.</b> Approve Minutes from Previous Meeting	Approve Minutes	Tom Peraic	1 m
Approve minutes for Governance Committee Meeting on October 2, 2025			
<b>D.</b> Opening Comments from Committee Chair		Nora Crivello	3 m
Nora Crivello, Committee Chair, will provide opening comments.			
<b>E.</b> Opening Comments from CEO & Superintendent		Caprice Young	3 m
Dr. Caprice Young, CEO & Superintendent, will provide opening comments.			
<b>F.</b> Public Comment		Nora Crivello	3 m
The Committee Chair will listen to public comments, if any.			
<b>II. Governance</b>			<b>3:42 PM</b>
<b>A.</b> Tobacco-Free Schools Policy	Vote	Tom Peraic	3 m
<b>B.</b> Volunteer Policy	Vote	Tom Peraic	3 m
<b>C.</b> Visitation and Removal Policy	Vote	Tom Peraic	3 m
<b>D.</b> Restraint and Seclusion Policy	Vote	Tom Peraic	3 m
<b>E.</b> Service Animals at School Policy (Students and Public)	Vote	Tom Peraic	3 m
<b>F.</b> Anti-Human Trafficking Policy	Vote	Tom Peraic	3 m
<b>G.</b> Mobile Communication Devices Policy / Phone-Free School Day	Vote	Tom Peraic	3 m
<b>H.</b> Involuntary Removal Policy	Vote	Tom Peraic	3 m
<b>I.</b> UCP Policy	Vote	Tom Peraic	3 m
<b>III. Closed Session</b>			<b>4:09 PM</b>
<b>A.</b> Announcement of and Vote to Enter Closed Session	Vote	Nora Crivello	1 m
The Committee Chair will announce the reason for the closed session:			
1. CEO Evaluation			

	Purpose	Presenter	Time
Motion: Enter Closed Session			
<b>B.</b> Closed Session	Discuss	Nora Crivello	45 m
The Committee will discuss the following matter in closed session:			
1. CEO Evaluation			
<b>C.</b> Announcement of Actions Taken During Closed Session	FYI	Nora Crivello	1 m
Upon re-entry to open session, the Committee Chair will report actions taken during closed session, if any.			
<b>IV. Closing Items</b>			<b>4:56 PM</b>
<b>A.</b> Schedule Next Committee Meeting	Discuss	Tom Peraic	3 m
The Committee will confirm the date and time of its next meeting.			
<b>B.</b> Adjourn Meeting	Vote	Nora Crivello	1 m
The Committee will hold a roll call vote on the adjournment of the meeting.			
Proposed Motion: Adjourn			

# Coversheet

## Approve Minutes from Previous Meeting

<b>Section:</b>	I. Opening Items
<b>Item:</b>	C. Approve Minutes from Previous Meeting
<b>Purpose:</b>	Approve Minutes
<b>Submitted by:</b>	
<b>Related Material:</b>	Minutes for Governance Committee Meeting on October 2, 2025

APPROVED



## Navigator Schools

### Minutes

#### Governance Committee Meeting

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##### **Date and Time**

Thursday October 2, 2025 at 3:30 PM

##### **Location**

Join Zoom Meeting

<https://navigatorschools.zoom.us/j/98639406653>

Meeting ID: 986 3940 6653

Passcode: 008245

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This meeting will be held in compliance with the Brown Act.

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##### **Committee Members Present**

Ian Connell (remote), Niña Rosete (remote), Nora Crivello (remote)

##### **Committee Members Absent**

*None*

##### **Guests Present**

Caprice Young (remote), Tom Peraic (remote)

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#### **I. Opening Items**

**A. Call the Meeting to Order**

Nora Crivello called a meeting of the Governance Committee of Navigator Schools to order on Thursday Oct 2, 2025 at 3:36 PM.

**B. Record Attendance and Guests**

**C. Approve Minutes from Previous Meeting**

Nora Crivello made a motion to approve the minutes from Governance Committee Meeting on 09-05-25.

Ian Connell seconded the motion.

The committee **VOTED** unanimously to approve the motion.

**Roll Call**

Ian Connell Aye

Niña Rosete Abstain

Nora Crivello Aye

**D. Opening Comments from Committee Chair**

The Committee Chair thanks Niña Rosete for providing service to the Governance Committee in Shara Hegde's absence.

**E. Opening Comments from CEO & Superintendent**

The CEO & Superintendent made brief introductory comments.

**F. Public Comment**

There was no public comment.

**II. Governance**

**A. Consideration of Policies**

Niña Rosete made a motion to recommend the Fundraising Policy, the MLL Policy, and the Grading Policy to the Board for approval.

Ian Connell seconded the motion.

The Committee considered the proposed Fundraising Policy, MLL Policy, and Grading Policy. Committee Member Niña Rosete emphasized that the Fundraising Policy would benefit from having one goal. Committee members generally discussed the remaining policies.

The committee **VOTED** unanimously to approve the motion.

**III. Closed Session**

**A.**

### **Announcement of and Vote to Enter Closed Session**

Nora Crivello made a motion to go into closed session.

Niña Rosete seconded the motion.

The committee **VOTED** unanimously to approve the motion.

### **B. Closed Session**

The Committee engaged in closed session discussions.

### **C. Announcement of Actions Taken During Closed Session**

The Board Chair announced that no action was taken.

## **IV. Closing Items**

### **A. Schedule Next Committee Meeting**

The Committee generally discussed upcoming meetings.

### **B. Adjourn Meeting**

There being no further business to be transacted, and upon motion duly made, seconded and approved, the meeting was adjourned at 4:30 PM.

Respectfully Submitted,  
Tom Peraic

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## **Documents used during the meeting**

- Fundraising Policy (09.18.25).pdf
- MLL Policy (10.02.25).pdf
- Grading Policy (10.02.25).pdf

# Coversheet

## Tobacco-Free Schools Policy

<b>Section:</b>	II. Governance
<b>Item:</b>	A. Tobacco-Free Schools Policy
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	TOBACCO-FREE SCHOOLS POLICY.pdf



## **TOBACCO-FREE SCHOOLS POLICY**

The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff. The Board prohibits smoking and/or the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420, 104559) These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff 2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah 3. Any component, part, or accessory of a tobacco product, whether or not sold separately This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

# Coversheet

## Volunteer Policy

<b>Section:</b>	II. Governance
<b>Item:</b>	B. Volunteer Policy
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	VOLUNTEER POLICY.pdf

## **VOLUNTEER POLICY**

### **Duties of Volunteers**

The CEO & Superintendent or designee may assign volunteers to: 1. Assist certificated personnel in the performance of their duties, including in the supervision of students and in the performance of instructional tasks which, in the judgment of the certificated personnel to which the volunteer is assigned, may be performed by a person not licensed as a classroom teacher; 2. Serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work which assists certificated personnel in the performance of teaching and administrative responsibilities; 3. Supervise students during lunch, breakfast, or other nutritional periods; 4. Work on short-term facilities projects pursuant to the section below entitled "Volunteer Facilities Projects"; and 5. Perform other duties in support of district or school operations as approved by the Superintendent or designee.

Volunteers shall not be authorized to assign grades to students, and shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off.

### **Criminal Background Check**

Prior to assuming a volunteer position working with students in a Navigator-sponsored student activity program, a volunteer shall obtain a "LiveScan" fingerprint clearance through the Department of Justice and Federal Bureau of Investigation. Student activity programs include, but are not limited to, scholastic programs, and interscholastic programs. The CEO & Superintendent or designee shall determine which volunteer positions are subject to the above requirement. The criminal background check requirement shall not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel, and parents/guardians volunteering in a classroom or on a field trip or community members providing noninstructional services.

### **Registered Sex Offenders**

The CEO& Superintendent or designee may require all volunteers to disclose whether they are a registered sex offender and/or to provide sufficient information in order to allow verification of this status on the Department of Justice's Megan's Law web site. The principal may grant a registered sex offender, who is not the parent/guardian of a student at the school, permission to come into a school building or upon school grounds to volunteer at the school; however, at least 14 days prior to the first date for which permission has been granted, the principal or designee shall notify the parent/guardian of each student at the school, using one of the methods specified in Education Code 48981, that a person who is required to register as a sex offender pursuant to Penal Code 290 has been granted permission to come into a school

building or upon school grounds, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. (Penal Code 626.81) However, no person who is required to register as a sex offender pursuant to Penal Code 290 shall be assigned as a volunteer to assist certificated personnel in the performance of their duties; supervise students during lunch, breakfast, or other nutritional period; or serve as a nonteaching aide to perform noninstructional tasks. In addition, a person who is required to register as a sex offender because of a conviction for a crime where the victim was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors. (Education Code 35021, 45349; Penal Code 290.95)

### **Tuberculosis Assessment/Examination**

Upon initial volunteer assignment, a volunteer shall have on file with the school a certificate showing that he/she has submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. (Education Code 49406) The Superintendent or designee may exempt from the tuberculosis risk assessment and/or examination those volunteers whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

### **Volunteer Facilities Projects**

All volunteer facilities projects shall have approximate start and completion dates and shall be approved by the principal in advance. Projects also shall be approved in advance by the Superintendent or designee if they involve the following types of work: 1. Alterations, additions, or repairs to buildings and grounds 2. Construction involving wall or roof penetration, drilling, or nailing 3. Structural modifications 4. Electrical, electronic, plumbing, or heating and cooling work 5. Painting 6. Installation of carpet, playground equipment, benches, sprinkler systems, marquees or signs 7. Paving 8. Tree planting, pruning, or removal The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise required for the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. Navigator shall provide on-site assistance and supervision for such projects as necessary.

# Coversheet

## Visitation and Removal Policy

<b>Section:</b>	II. Governance
<b>Item:</b>	C. Visitation and Removal Policy
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	VISITORS AND REMOVAL POLICY.pdf

## **VISITORS AND REMOVAL POLICY**

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program consistent with this Board policy, the accompanying administrative regulation, and any procedures established by the Superintendent or designee.

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours shall be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

Any person who is not a student or site staff member shall register immediately as a visitor upon entering any school building or grounds when school is in session. The principal or designee shall provide a visible means of identification for all individuals who are not students or staff members while on school premises. No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission.

Any visitor who is in a school building or on school grounds when school is in session shall behave in an orderly manner while on school grounds and by utilizing the district's complaint process if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee shall request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

### **Presence of Sex Offender on Campus**

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds, in accordance with Board Policy. The principal shall report to the CEO & Superintendent or designee anytime such a request is received and notify the CEO & Superintendent or designer if permission is granted or denied. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal shall indicate on the written permission the date(s) and times for which permission has been granted.

# Coversheet

## Restraint and Seclusion Policy

<b>Section:</b>	II. Governance
<b>Item:</b>	D. Restraint and Seclusion Policy
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	LIMITATION ON SECLUSION AND RESTRAINT POLICY.pdf

### Limitation on Seclusion and Restraint Policy

It is the priority of Navigator Schools to promote a safe learning environment for all students and staff. Navigator Schools recognizes that there may be emergency situations where it becomes necessary for a staff member to physically restrain or place a student in seclusion when the student's behavior poses an imminent risk of serious physical harm to self or others. The purpose of this policy is to ensure that all students and staff are safe in school, and that any student who may have a behavior crisis is free from the inappropriate use of physical restraint or seclusion.

Navigator Schools recognizes, however, that it may be necessary to use reasonable and appropriate physical restraint and/or seclusion when it is the least restrictive intervention and when the student's behavior poses imminent danger of serious physical harm to self or others. Navigator Schools supports school-wide programs and services that promote positive student behavior to improve overall school safety and create an environment that is conducive to learning, while also minimizing the need for the use of physical restraint and seclusion and ensuring that they are only used as a last resort in an emergency.

District staff shall enforce standards of appropriate student conduct in order to provide a safe and secure environment for students and staff on campus but are prohibited from using seclusion and behavioral restraint to control student behavior except to the limited extent authorized by law.

### **Definitions**

Behavioral restraint includes mechanical restraint or physical restraint used as an intervention when a student presents an immediate danger to self or to others. Behavioral restraint does not include postural restraints or devices used to improve a student's mobility and independent functioning rather than to restrict movement. (Education Code 49005.1)

Mechanical restraint means the use of a device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include the use of devices as prescribed by an appropriate medical or related services professional, including, but not limited to, adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment; vehicle safety restraints during the transport of a student; restraints for medical immobilization; or orthopedically prescribed devices which permit a student to participate in activities without risk of harm. Mechanical restraint also does not include the use of devices by peace officers or security personnel for detention or for public safety purposes. (Education Code 49005.1)

Physical restraint means a personal restriction that immobilizes or reduces the ability of a student to move the torso, arms, legs, or head freely. Physical restraint does not include a physical escort in which a staff member temporarily touches or holds the student's hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location. Physical restraint also does not include the use of force by peace officers or security personnel for detention or for public safety purposes. (Education Code 49005.1)



Prone restraint means the application of a behavioral restraint on a student in a facedown position. (Education Code 49005.1)

Seclusion means the involuntary confinement of a student alone in a room or an area from which the student is physically prevented from leaving. Seclusion does not include a timeout involving the monitored separation of the student in an unlocked setting, which is implemented for the purpose of calming the student. (Education Code 49005.1)

## **Prohibitions**

Seclusion and behavioral restraint of students shall not be used in any form as a means of coercion, discipline, convenience, or retaliation. (Education Code 49005.8)

In addition, staff shall not take any of the following actions: (Education Code 49005.2, 49005.8)

1. Administer a drug that is not a standard treatment for a student's medical or psychiatric condition in order to control the student's behavior or restrict the student's freedom of movement
2. Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use as a locked room
3. Use a physical restraint technique that obstructs a student's respiratory airway or impairs a student's breathing or respiratory capacity, including a technique in which a staff member places pressure on the student's back or places his/her body weight against the student's torso or back
4. Use a behavioral restraint technique that restricts breathing, including, but not limited to, the use of a pillow, blanket, carpet, mat, or other item to cover a student's face
5. Place a student in a facedown position with the student's hands held or restrained behind the student's back
6. Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the student or others

## **Limited Use of Seclusion or Restraint**

Staff shall avoid the use of seclusion and behavioral restraint of students whenever possible. Seclusion or behavioral restraint may be used only to control student behavior that poses a clear and present danger of serious physical harm to the student or others, which cannot be prevented by a response that is less restrictive. (Education Code 49005.4, 49005.6, 49005.8)

If a student is put in seclusion, the student shall be under constant, direct observation of a staff member. Such observation may be through a window or another barrier through which the staff member is able to make direct eye contact with the student, but shall not be made through indirect means such as a security camera or closed-circuit television. (Education Code 49005.8)

If a student is restrained, staff shall afford the student the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the student and others. (Education Code 49005.8)

If a prone restraint technique is used on a student, a staff member shall observe the student for any signs of physical distress throughout the use of the restraint. Whenever possible, the staff member monitoring the student shall not be involved in restraining the student. (Education Code 49005.8)

The following applies to the use of physical restraint or seclusion:

1. Staff members will take reasonable efforts to prevent the need for the use of physical restraint or seclusion by implementing positive behavioral interventions and supports.
2. Staff members will only use physical restraint or seclusion in situations where (1) the student's behavior poses imminent danger of serious bodily harm to self or others, **and** (2) efforts at de-escalation or interventions are ineffective.
3. Staff members will utilize the least restrictive technique necessary to end the threat of imminent danger of serious bodily harm.
4. Any behavioral intervention used by staff members must be consistent with the child's rights to dignity and to be free from abuse.
5. Staff members will carefully and continuously visually monitor the student when physical restraint or seclusion is used to ensure the appropriateness of its use and the safety of the student and others.
6. Staff members will immediately terminate the use of physical restraint or seclusion as soon as it is determined the student is no longer in imminent danger of serious bodily harm to self or others, or if the student is observed to be in severe distress.
7. All staff members directly assigned to students or classrooms who demonstrate aggressive or dangerous behaviors will receive training in crisis management, de-escalation techniques, classroom behavior management, and when appropriate, the safe use of physical restraint and seclusion. Only trained personnel will employ these interventions whenever possible.
8. Staff members will review and revise behavioral strategies as appropriate to address the underlying cause of the dangerous behavior and to prevent the repeated use of physical restraint or seclusion for managing the dangerous behavior.
9. Staff members will document in writing each incident requiring physical restraint or incident immediately and no later than 24 hours after the event.
10. Parents will be notified verbally regarding physical restraint or seclusion as soon as possible and no later than 24 hours following the restraint or seclusion. (See "Notice to Parent/Guardian" section)

#### **Notice to Administrators**

Staff members must notify the Principal and Director of Student Services, immediately when a student is physically restrained or placed in seclusion.

## **TIME AND DURATION**

Physical restraint and seclusion will not be used any longer than necessary to allow a student to regain control of his/her behavior and may not exceed thirty (30) minutes.

If an emergency seclusion lasts longer than thirty (30) minutes, the following are required: additional support (e.g., change of staff, introducing a specialist, or obtaining additional expertise) and documentation to explain the extension beyond the time limit.

## **INCIDENT REPORTING**

Immediately after the student has restored emotional and behavioral control following the use of physical restraint or seclusion, a staff member not involved with the incident will visually examine the student to ascertain if any injury has been sustained during the physical restraint or seclusion.

The staff member(s) involved with the incident will complete a written incident report immediately and no later than 24 hours after the event. The principal or designee will place a copy of the report in the designated file.

Each staff member involved in an incident will engage in a debriefing session within two (2) days of the incident to determine what could have been done to prevent the need for the use of physical restraint or seclusion for this student specifically and for other students in similar situations.

## **FREQUENT USE OF RESTRAINT OR SECLUSION**

Schools must follow these procedures in cases where a student is placed in physical restraint or seclusion four (4) or more times in 20 school days.

In cases where such a student requires, may require, or is being evaluated for special education services or a 504 plan, the student's planning and placement team must meet to (1) conduct or revise the student's functional behavioral assessment and (2) create or revise any applicable behavioral intervention plan, including the student's IEP or 504.

For all other students, a school administrator, at least one of the student's teachers, the student's parent, or guardian, and, if any, a mental health professional must meet to (1) conduct or revise the student's behavioral assessment, (2) create or revise any applicable behavioral intervention plan, and (3) determine if additional assessments are needed.

## **NOTICE TO PARENT/GUARDIAN**

The principal or designee will verbally notify the parent/guardian of a student requiring physical restraint or seclusion as soon as possible and no later than 24 hours following the incident.

Verbal notice will include a brief summary of the incident and contact information for the staff member who will provide additional information. The delivery of the notice will be documented by the principal or designee.

Verbal notice will be provided via telephone or in person. In the event a staff member is unable to speak directly to the parent via telephone, a message will be left on the individual's voicemail, if available. If unable to reach the parent via telephone or leave a message on voicemail, the staff member will send an e-mail to the parent, if the e-mail address is known.

## **CRISIS INTERVENTION TRAINING**

Navigator Schools will provide all staff directly assigned to students or classrooms with annual professional development training regarding positive behavior supports, de-escalation techniques, and classroom behavior management. This training will be recurrent and will be provided to new staff during orientation.

All staff directly serving students or classrooms with students who demonstrate aggressive or dangerous behaviors will receive annual professional development training in crisis management, de-escalation techniques, the correct use of restraints and seclusion when required, and the implementation of behavior intervention plans, and crisis plans. This training will be recurrent and will be provided to new staff during orientation.

Restraint and seclusion techniques will only be utilized by a person who has been trained in crisis intervention. Untrained staff should request assistance from trained staff as soon as possible.

## **MONITORING AND REPORTING**

The CEO & Superintendent or designee will oversee the use of physical restraint and seclusion procedures and ensure compliance with this policy. The CEO & Superintendent or designee will comply with all state and federal requirements for reporting incidents of physical restraint or seclusion.

The principal or designee will oversee the use of physical restraint and seclusion procedures and ensure compliance with this policy within the school.

## **ANNUAL POLICY REVIEW**

Navigator Schools will, not less than annually, review this policy and related procedures to determine the efficacy of the policy and procedures; whether modification of the policy or procedures is necessary; and whether selected school staff should receive additional training on positive behavior intervention and supports, or the proper use of restraint, seclusion, and other aversive techniques. The review must include a review of the documentation and reporting of incidents involving physical restraint and seclusion.

Annually, the CEO & Superintendent designee shall submit to the California Department of Education a report containing all the following disaggregated data:

- a. The total number of incidents of seclusion during the previous school year.
- b. The total number of students (i.e. students with and without disabilities) who were involved in incidents of seclusion during the previous school year;

- c. The number of students with disabilities who were involved in incidents of seclusion during the previous school year;
- d. The number of incidents of physical restraint during the previous school year;
- e. The total number of students (i.e. students with and without disabilities) who were involved in incidents of physical restraint during the previous school year; and
- f. The number of students with disabilities who were involved in incidents of physical restraint during the previous school year.

## **Reports**

The CEO & Superintendent or designee shall annually collect data on the number of times that seclusion, mechanical restraint, and physical restraint were used on students and the number of students subjected to such techniques. The data shall be disaggregated by race/ethnicity and gender, and reported for students with a Section 504 plan, students with an individualized education program, and all other students. This report shall be submitted to the California Department of Education no later than three months after the end of each school year, and shall be available as a public record pursuant to Government Code 6250-6270. (Education Code 49006)

# Coversheet

## Service Animals at School Policy (Students and Public)

<b>Section:</b>	II. Governance
<b>Item:</b>	E. Service Animals at School Policy (Students and Public)
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	SERVICE ANIMALS AT SCHOOL POLICY.pdf

## **SERVICE ANIMALS AT SCHOOL POLICY (STUDENTS AND PUBLIC)**

Navigator Schools acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a service animal on school property and/or facilities and/or at school functions as required by the Americans with Disabilities Act, 28 CFR Part 35, and applicable California law subject to the rules and procedures described in this regulation, as follows:

1. A service animal must be a dog or in limited specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, will be permitted as a service animal.
2. Miniature horses: Requests to permit a miniature horse to accompany a student or adult with a disability on school property and/or facilities and/or at school functions will be handled on a case-by-case basis, considering:
  - a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
  - b. Whether the handler has sufficient control of the miniature horse;
  - c. Whether the miniature horse is housebroken; and
  - d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
3. A service animal must be required for the individual with a disability and the service animal must be individually trained to do work or a task for the individual with a disability. These tasks may include, but not be limited to, guiding an individual with a disability, alerting individuals with impaired hearing, pulling a wheelchair, or fetching dropped items. The task performed by the service animal must be directly related to the functional limitation of the individual's disability. Service animals are working and are not pets.
4. If it is obvious what service the animal provides to the individual with a disability, then staff should not make any further inquiries regarding the tasks performed by the service animal (i.e., guide dog for an individual with impaired vision). Only limited inquiries are allowed by district staff to determine if a dog is a service animal when it is not obvious what service the dog provides and staff may ask only the following questions:
  - a. Is the service animal required because of a disability?
  - b. What work or task has the service animal been trained to perform?Staff cannot ask about the individual's disability, require medical documentation, require a special identification card or training documentation for the service animal, require the service animal to wear an identifying vest, or ask that the service animal demonstrate its ability to perform the work or task.
5. Therapy, comfort, or companion animals are not service animals.
6. This regulation does not address service animals being trained as service animals but not actually performing a task for an individual with a disability.

7. Any person knowingly and fraudulently representing himself or herself through either verbal or written notice to be the owner or trainer of a service dog shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding one thousand dollars, or both by fine and imprisonment.

### **Responsibilities of Individual with a Disability/Handler:**

1. All animals must be treated for, and kept free of, fleas and ticks and other pests.
2. All animals must be kept clean and groomed to avoid shedding and dander.
3. The owner/handler of the animal is liable for any harm or injury caused by the animal to other students, staff, visitors and/or property.
4. All animals must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the animal's safe, effective performance of work or tasks, in which case the animal must be otherwise under the handler's control.
5. Navigator Schools is not responsible for the care or supervision of the service animal, such as walking the animal or responding to the animal's need to relieve itself. The owner/handler of the service animal must always carry equipment sufficient to clean up the animal's waste, immediately remove the waste, and be responsible for the proper disposal of the animal's waste.
6. Students with service animals are expected to care for and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his/her service animal, the student's parents are responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis at the discretion of the principal or designee.
7. If the request is for a service dog, the person making the request must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordetella, and Rabies.
8. All service dogs must be spayed or neutered.
9. If the request is for a service miniature horse, the person making the request must provide annual proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephelomyelitis, Rhinopneumonitis, Influenza, and Strangles.

### **Removal of a Service Animal**

1. The principal or designee may ask any individual who brings a service animal to a school property and/or facility and/or school function to remove the service animal if any one of



the following circumstances occurs:

- a. The animal is out of control and the animal's handler does not take effective action to control it;
- b. The animal is not housebroken; and/or
- c. The animal's presence would pose a direct threat. Pursuant to 28 CFE 35.104, a direct threat is defined as a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

2. When an individual's service animal is excluded, he/she shall be given an opportunity to participate in the service, program, or activity without having the service animal present.

### **Service Animal Request by a Member of the Public**

All requests for a member of the public to bring a service animal to a school property, facility and/or school function must be directed to the principal, designee, or school site administrator as appropriate. The principal, designee, or school site administrator shall, in accordance with this regulation, confirm that the animal is a service animal and shall, upon the request of the individual, provide the individual with a copy of this regulation. When practically possible, the member of the public requesting to bring a service animal to a school property, facility and/or school function is encouraged to make the request in writing 10 business days prior to the date the member of the public plans to bring the service animal; however, the individual cannot be required to provide this advance written notice to bring a service animal to a school property, facility or school function.

### **Service Animal Request on Behalf of a Student**

All requests for a student to bring a service animal to a school property, facility and/or school function must be made in writing, 10 business days prior to the date the student plans to bring the service animal, to the site administrator. The principal or designee shall, in accordance with this regulation, confirm that the animal is a service animal and shall provide the student's parent/guardian with a copy of this regulation and require the student's parent/guardian to acknowledge in writing that the parent/guardian has received a copy of the regulation, the parent/guardian understands the contents of the regulation, and the parent/guardian agrees to comply with the regulation. As part of the approval process, the student's parent/guardian must provide proof that the service animal has received all required vaccinations. The principal or designee shall review and approve or deny requests to bring a service animal to a school property, facility and/or school function on a case-by-case basis. The principal or designee shall give such permission to bring a service animal to a school property, facility and/or school function only after he/she has provided written notification to all parents/guardians of the students in the affected class(es) and staff in the affected class(es), asking them to verify whether their child or if they have any known allergies, asthma, or other health condition that may be aggravated by the service animal's presence. When an individual has provided notification that his/her child or the staff member has provided notification that he/she has an allergy, asthma, or other health condition that may be aggravated by the service

animal, the principal or designee shall take appropriate measures to protect the student or staff member from exposure to the service animal. Allergies and fear of dogs are not valid reasons for denying access or refusing service to individuals using service animals. When an individual whose health is aggravated by the service animal's presence and an individual who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a school cafeteria, both individuals should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

# Coversheet

## Anti-Human Trafficking Policy

<b>Section:</b>	II. Governance
<b>Item:</b>	F. Anti-Human Trafficking Policy
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	ANTI-HUMAN TRAFFICKING POLICY.pdf

## **Anti-Human Trafficking Prevention Policy**

California has the highest number of incidents of human trafficking in the U.S., and all students may be vulnerable. Navigator Schools (“Navigator” or the “Charter School”) is committed to reducing the vulnerability of all children in California to incidents of commercial labor or sexual exploitation.

### **Student Instruction**

In accordance with the California Healthy Youth Act, Charter School will provide age-appropriate instruction on the prevention of human trafficking, including sexual abuse, assault, and harassment. Information shall inform students about (1) prevalence, nature of and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance, and (2) how social media and mobile device applications are used for human trafficking. Parents have the right to excuse their child from all or part of instruction on prevention of human trafficking. Parental consent for this instruction is NOT required. If the Charter School does not receive a written request to excuse a student, the student will be included in the instruction.

### **Information to Parents/Guardians**

Information and materials for parents/guardians about the curriculum and resources on prevention of human trafficking and abuse, including sexual abuse, assault, and harassment are available with Navigator Schools.

### **Staff Training**

Training shall be available and conducted periodically to enable Navigator personnel to learn about new developments in the understanding of abuse, including sexual abuse, and human trafficking, and to receive instruction on current prevention efforts and methods. The Charter School may include training on early identification of abuse, including sexual abuse, and human trafficking of pupils and other minors.

# Coversheet

## Mobile Communication Devices Policy / Phone-Free School Day

**Section:** II. Governance  
**Item:** G. Mobile Communication Devices Policy / Phone-Free School Day  
**Purpose:** Vote  
**Submitted by:**  
**Related Material:**  
MOBILE COMMUNICATION DEVICES POLICY : PHONE-FREE SCHOOL DAY .pdf

## **MOBILE COMMUNICATION DEVICES POLICY / PHONE-FREE SCHOOL DAY**

### **Introduction**

In accordance with California's Phone-Free School Act (AB 3216), all public school districts must adopt policies by July 1, 2026, that limit or prohibit phone use during school hours and contain guidelines for the following exceptions: Emergency situations; Health-related purposes or as required by an Individualized Education Plan/Section 504 Plan; or Instructional use explicitly authorized by educators. Navigator Schools is committed to create learning environments that minimize distractions, elevate academic performance, and prioritize students' mental health and wellbeing. By limiting the use of phones during the school day, Navigator Schools aims to reduce interruptions to learning, foster in-person connection among peers, and support healthy boundaries with technology.

### **Phone-Free Policy**

The use of phones shall be prohibited districtwide, in all grades TK-12, during the regular school day as indicated by each school's adopted bell schedule. Phones must be turned off during the instructional program and be kept out of sight, such as in a student's backpack. Exceptions to this policy may apply based on the following circumstances: 1. In the case of an emergency, or in response to a perceived threat of danger, or if a caregiver is aware of a potential safety concern related to a current or future court case. 2. When a licensed physician and/or mental health professional determines that the possession or use of a phone is necessary for the health or wellbeing of the student. 3. When possession or use of a phone is required in a student's Individualized Education Program (IEP) or Section 504 Plan. 4. When an educator authorizes the use of a phone for the purpose of participating in or completion of an instructional activity. Phone use shall be allowed outside of regular school hours, which may include but is not limited to, the following circumstances: 1. When riding a district school bus to or from school, provided that phone use does not interfere with the normal operation of the bus. 2. When arriving at school prior to the initial school bell, indicating the start of regular school hours. 3. After the last dismissal bell when regular school hours have ended. 4. When participating in extracurricular activities, provided that phone use does not interfere with extracurricular participation. High school students are permitted the use of phones under the following circumstances: before the first bell, during lunch and passing period, and after the dismissal bell, provided that phone use does not cause a disruption to school activities.

### **Enforcement**

Enforcement of this policy will utilize Positive Behavior Interventions and Supports (PBIS); verbal reminders; referral to a counselor/designee; or contacting the parent/guardian to review the Phone-Free School Day policy with their student. Additional enforcement actions may include, but are not limited to: The classroom educator retains the phone until the end

of assigned instructional time. The classroom educator delivers the phone to a site administrator or administrator designee for retention until the end of the instructional day for a listed caregiver to retrieve. Inability to participate in school events and/or extracurricular activities when violations are ongoing and/or habitual.

### **Staff Responsibility When Taking Possession of a Student's Phone**

A staff member who is acting within the scope of their work duties, in this case enforcing the school's Phone-Free School Day Policy, is not responsible for replacement if phones are lost, stolen, or damaged. Should the parent/guardian or the student wish to file a claim related to a lost, stolen, or damaged phone, they are to contact Navigator Schools to file a claim.

### **Additional Expectations**

While this policy addresses when and where phone use is allowed, there may be questions about other common devices. Schools will maintain robust Wi-Fi access to support instruction. Earbuds, headphones, listening devices and/or Smartwatches are allowed in high school but subject to teacher discretion based on the needs of the instructional activity; otherwise, such devices may not disrupt instructional time. For any scenarios not fully captured in this policy, refer to the school site's student handbook and Navigator Schools' acceptable use policy for technology.

### **Family Resources, Conversation Starters, and Ongoing Communication**

Families play a critical role in shaping healthy habits around technology. To support this partnership, Navigator Schools shall provide curated resources and reflective questions designed to help students, families, and schools engage in meaningful conversations about responsible phone use and screen time. Our shared commitment is to foster healthy relationships with technology that promote student wellbeing, learning and connection – both at school and at home.

# Coversheet

## Involuntary Removal Policy

<b>Section:</b>	II. Governance
<b>Item:</b>	H. Involuntary Removal Policy
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	INVOLUNTARY REMOVAL POLICY.pdf



## INVOLUNTARY REMOVAL POLICY

NAVIGATOR SCHOOLS may involuntarily remove a pupil from one of its charter schools pursuant to this policy. This action is different from a removal for misconduct either under suspension or expulsion procedures.

When a pupil is dismissed from a charter school, the pupil is free to enroll in another school without the loss of classroom time. Accordingly, dismissal from Navigator Schools would not delay the pupil's education. The CEO & Superintendent or designee may involuntarily remove a pupil at their discretion for a violation of Navigator Schools rules or procedures. A pupil may be involuntarily removed for any nondiscriminatory reason including, but not limited to, unsatisfactory attendance, unsatisfactory participation in non-academic core subjects, or noncompliance with immunization laws.

No pupil shall be involuntarily removed by Navigator Schools for any reason unless the parent or guardian of the pupil has been provided written notice of intent to remove the pupil no less than five school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform them of the basis for which the pupil is being involuntarily removed and their right to request a hearing to challenge the involuntary removal.

If a parent, guardian, or educational rights holder requests a hearing, Navigator Schools shall utilize the hearing procedures specified in the applicable charter for involuntary removals, before the effective date of the action to involuntarily remove the pupil. If the pupil's parent, guardian, or educational rights holder requests a hearing, the pupil shall remain enrolled and shall not be removed until the Navigator Schools issues a final decision.

### **Additional Considerations for Pupils with a Section 504 Plan or IEP**

Prior to any involuntary removal, a manifestation determination review will be held for pupils that have a section 504 Plan or an IEP (as applicable). The meetings may be conducted to determine: (1) Whether the basis for involuntary removal was a direct manifestation of the pupil's disability; or (2) Whether the basis for involuntary removal was the direct result of the school's failure to implement the section 504 Plan or IEP (as applicable). If the answer to either (1) or (2), above, is yes, then the basis for the involuntary removal is a manifestation of the pupil's disability and Navigator Schools will continue to follow applicable state and federal laws to ensure that the pupil is offered a free appropriate public education (FAPE). If the answer to either (1) or (2), above, is no, then the pupil may be removed from Navigator Schools consistent with applicable policies.

# Coversheet

## UCP Policy

<b>Section:</b>	II. Governance
<b>Item:</b>	I. UCP Policy
<b>Purpose:</b>	Vote
<b>Submitted by:</b>	
<b>Related Material:</b>	UCP 1 Policies and Procedures Sample 2024-25.docx UCP 2 Annual Notice Sample 2024-25.docx UCP 4 Williams Complaint Policies and Procedures Sample 2024-25.docx 2024-25 UCP Program Instruments (1).docx

## UCP 1 Policies and Procedures Sample 2024–25

# Uniform Complaint Procedures (UCP) Policies and Procedures 2024–25

California Department of Education  
March 2024

[Enter Name of your Local Education Agency (LEA)]  
[Enter Street Address]  
[Enter City, State, Zip]  
[Enter Phone number]  
[Enter LEA web address]

Adopted by our Governing Board or authorized designee (here and after “the board”) on  
[Enter Month day, year]

This document contains rules and instructions about the filing, investigation, and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by [Enter name of your local educational agency (LEA)] of federal or state laws or regulations governing educational programs.

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation or bullying. A signature may be handwritten, typed (including in an email) or electronically generated. Some complaints may be filed anonymously. A UCP complaint filed on behalf of an individual student may only be filed by that student or that student’s duly authorized representative.

A complainant is any individual, including a person’s duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The [Enter name of your LEA] developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by the governing board or the authorized designee.

According to state and federal codes and regulations, the programs and activities that are subject to the UCP are:

*[NOTE: all of the UCP programs and activities in the following list must be included in your LEA's UCP policies and procedures documents]*

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under California *Education Code (EC)* sections 200 and 220 and *Government Code* Section 11135, including any actual or perceived characteristic as set forth in *Penal Code* Section 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in *EC* Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program.
- Every Student Succeeds Act (ESSA)
- Instructional Materials and Curriculum: Diversity
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil

- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

*[NOTE: The following is an optional paragraph]*

The programs and activities subject to the UCP in which the *[Enter name of your LEA]* operates are:

*[Enter List specific programs and activities from above that are currently active in your LEA]:*

The following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to the UCP complaint procedures set forth in this document:

- (a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
- (b) Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to DSS.
- (c) Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

### **The Responsibilities of *[Enter name of your LEA]***

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. We shall investigate and seek to resolve, in accordance with our approved UCP process, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities we implement that are subject to the UCP.

### **The UCP Annual Notice**

We disseminate on an annual basis the UCP Annual Notice which is a written notice of the our approved UCP complaint procedures to all of our students, employees, parents

or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties.

This notice may be made available on our website and shall include the following:

- information regarding allegations about discrimination, harassment, intimidation, or bullying;
- the list of all federal and state programs within the scope of the UCP;
- the title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known;
- a statement that the occupant responsible for processing complaints is knowledgeable about the laws and programs that they are assigned to investigate;
- a statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the *Health and Safety Code (HSC)* a notice, separate from the UCP Annual Notice, shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the *California Code of Regulations (5 CCR)* apply to California state preschool programs pursuant to *HSC* Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

## Filing UCP Complaints

All UCP complaints shall be filed no later than one year from the date the alleged violation occurred.

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints: *[LEA staff to complete the next section with the person at the LEA in which UCP complaints are filed and investigated. USE SAME INFORMATION AS ON CURRENT UCP ANNUAL NOTICE DOCUMENT]*

*[Enter Name, (if known):]*

*[Enter Title:]*

*[Enter Unit or office:]*

*[Enter Address:]*

*[Enter Phone:]*

*[Enter Electronic mail address:]*

A pupil fee includes a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or with our superintendent or their designee. A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that we adopted. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

We advise complainants of the right to pursue civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

### **Investigating UCP Complaints**

The UCP complaint investigation is our administrative process for the purpose of gathering data regarding the complaint. We provide an opportunity for complainants and/or representatives to present evidence or information.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the *[Enter name of your LEA]* to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

We ensure that complainants are protected from retaliation.

We investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group. Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

## UCP Complaint Resolution

We will thoroughly investigate the UCP complaint and issue a written Investigation Report to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This Investigation Report will contain the following elements:

- the findings of fact based on the evidence gathered;
- a conclusion that provides a clear determination for each allegation as to whether we are in compliance with the relevant law;
- corrective actions if we find merit in a complaint:
  - for complaints regarding Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians,
  - for all other complaints within the scope of the Uniform Complaint Procedures the remedy shall go to the affected pupil,
  - With respect to a Pupil Fees complaint, corrective actions shall include reasonable efforts to ensure full reimbursement to all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
- a notice of the complainant's right to appeal our Investigation Report to the Department of Education (CDE); and
- the procedures to be followed for initiating an appeal to the CDE.

## UCP Complaint Appeal Process

An appeal is a written and signed request by the complainant to the CDE seeking review of an LEA Investigation Report that was issued in response to a properly-filed complaint. A signature may be handwritten, typed (including in an email) or electronically-generated.

The complainant may appeal our Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the date. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

- The *[Enter name of your LEA]* failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or



- the material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- in a case in which we were found in noncompliance, the corrective actions fail to provide a proper remedy.

The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the LEA Investigation Report.

All complaints and responses are public records.

*[NOTE: the following section is required to be included for LEAs that operate a state preschool program exempt from licensing.]*

### **UCP Requirements Regarding State Preschool Health and Safety Issues Pursuant to HSC Section 1596.7925**

To file a UCP complaint regarding a state preschool health and safety issue pursuant to HSC Section 1596.7925 the complainant must file with the preschool program administrator or their designee in *[Enter name of your LEA]*.

A state preschool health and safety issues complaint about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to our official for resolution.

A state preschool health and safety issues complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if they indicate that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If EC Section 48985 is otherwise applicable, the response, if requested, and our Investigation Report shall be written in English and the primary language in which the complaint was filed.

A complaint form for a state preschool health and safety issue shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as they wish.

When investigating a UCP state preschool health and safety issue the preschool program administrator or the designee of the district superintendent shall make all reasonable efforts to investigate any problem within his or her authority, and investigations shall begin within 10 calendar days of the receipt of the complaint. A valid complaint shall be remedied within a reasonable time period, but not to exceed 30 working days from the date the complaint was received. The resolution of the complaint shall be reported to the complainant within 45 working days of the initial filing. If the preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of the district superintendent.

## **Filing an Appeal Regarding UCP State Preschool Health and Safety Issues**

A complainant not satisfied with the resolution of the preschool program administrator or the designee of the district superintendent has the right to describe the complaint at a regularly scheduled hearing of our board. A complainant will not be precluded from filing an appeal to the State Superintendent of Public Instruction (SSPI) if the complainant does not file a local appeal.

A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of our superintendent has the right to file an appeal to the SSPI within 30 calendar days of the date of the Investigation Report.

The complainant shall comply with the same appeal requirements of 5 CCR section 4632 as in the section above 'UCP Complaint Appeal Process.

The complainant shall include a copy of the Investigation Report and specify and explain the basis for the appeal, including at least one of the following:

- the preschool program administrator or the designee of our superintendent failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- If the preschool program is found noncompliant, the corrective actions fail to provide a proper remedy.

The SSPI or his or her designee shall comply with the requirements of 5 CCR Section 4633 and shall provide a written Investigation Report for our agency to the State Board of Education describing the basis for the complaint, our response to the state preschool health and safety issues pursuant to HSC Section 1596.7925 complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from our agency's remedy.

We shall report summarized data on the nature and resolution of all UCP state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and our board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of our board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

## Legal References

*20 United States Code (20 U.S.C.)* Section 6301 et seq.

*34 Code of Federal Regulations (34 CFR)* sections 106.8, 299.10–13.

*California Education Code (EC)* sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 243, 260, 8200–8488, 8500–8538, 12030, 17002, 17592.72, 33126, 33315, 35161, 46015, 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 48987, 49010–49013, 49069.5, 51210, 51222, 51223, 51225.1–51225.3, 51228.1–51228.3, 52059.5, 52075, 52300–52462, 52500–52616.18, 54440–54445, 64000, 64001, 65000.

*California Government Code (GC)* sections 11135, 11136.

*California Penal Code (PC)* Section 422.55.

*5 California Code of Regulations (CCR)* sections 4600–4640, 4690–4694.

## UCP 2 Annual Notice Sample 2024–25

# Uniform Complaint Procedures (UCP) Annual Notice 2024–25

California Department of Education  
March 2024

*[Enter name of your local educational agency]*

The *[Enter name of your local educational agency]* annually notifies our students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of our Uniform Complaint Procedures (UCP) process. The UCP Annual Notice is available on our website.

We are primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

### Programs and Activities Subject to the UCP

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under California *Education Code (EC)* sections 200 and 220 and *Government Code* Section 11135, including any actual or perceived characteristic as set forth in *Penal Code* Section 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational

institution, as defined in *EC* Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.

- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program.
- Every Student Succeeds Act (ESSA)
- Instructional Materials and Curriculum Diversity
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

*(Optional paragraph) The programs and activities subject to the UCP in which the [Enter name of your LEA] operates are:*

*[Enter specific programs and activities from the list of programs and activities that are currently active in your LEA.]*

### **Filing a UCP Complaint**

A UCP complaint shall be filed no later than one year from the date the alleged violation occurred.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by our agency.

A pupil enrolled in any of our public schools shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint may be filed with the principal of a school or our superintendent or their designee.

A pupil fee or LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

### **Contact Information**

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints: *[LEA staff to complete the next section with the person at the LEA in which UCP complaints are filed and investigated. Use same information as on current UCP Policies and Procedures document.]*

*[Enter Name, (if known):]*

*[Enter Title:]*

*[Enter Unit or office:]*

*[Enter Address:]*

*[Enter Phone:]*

*[Enter Electronic mail address:]*

The above contact is knowledgeable about the laws and programs that they are assigned to investigate in *[Enter name of your LEA]*.

### **Responsibilities of the *[Enter the name of your LEA]***

We shall post a standardized notice, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program.

We advise complainants of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the California Department of Education (CDE).

We advise complainants of civil law remedies, including injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our UCP procedures shall be available free of charge.

**For UCP Complaints Regarding State Preschool Health and Safety Issues  
Pursuant to Section 1596.7925 of the California *Health and Safety Code* (HSC)**

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code* (HSC) a notice shall be posted in each California state preschool program classroom in each school in our agency.

The notice is in addition to this UCP annual notice and addresses parents, guardians, pupils, and teachers of (1) the health and safety requirements under *California Code of Regulations*, Title 5 (5 *CCR*) that apply to California state preschool programs pursuant to *HSC* Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

## UCP 4 Williams Complaint Policies and Procedures Sample 2024–25

# Williams Complaint Policies and Procedures 2024–25

California Department of Education  
March 2024

*[Enter Name of your Local Educational Agency]*

*[Enter Street Address]*

*[Enter City, State, Zip]*

*[Enter Phone number]*

Adopted by our Governing Board or authorized designee (here and after “the board”) on  
*[Enter Month day, year]*

This document contains rules and instructions about the filing, investigation, and resolution of a Williams Complaint.

The LEA adopted the Uniform Complaint Procedures (UCP) process in accordance with California *Education Code (EC)* Section 35186 and Chapter 5.1 (commencing with Section 4680) of *California Code of Regulations*, Title 5, (5 *CCR*), to help identify and resolve Williams Complaints regarding alleged deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. The LEA is required to have local policies and procedures that enable Williams Complaints to be handled through its UCP process. This document presents information about how we process complaints concerning Williams Settlement issues. A UCP complaint is a written and signed statement by a complainant alleging a violation of state laws or regulations. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of state laws or regulations, regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. If a complainant is unable to put the complaint in writing due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

### **The Responsibility of the [Enter name of your LEA]**

The [Enter name of your LEA] is required to have local policies and procedures that enable Williams Complaints to be handled through our UCP process, to post a classroom notice informing parents, guardians, pupils, and teachers of their rights to file a Williams complaint in each classroom in each school, and to provide a complaint form for Williams complaints regarding alleged deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

If a response is requested by the complainant, the response shall be made to the mailing address of the complainant indicated on the complaint.



If *Education Code* Section 48985 is applicable and 15 percent or more of the pupils in grades K–12 enrolled in our district speak a language other than English, the Williams Complaint Classroom Notice and the Williams Complaint Form shall be written in English and in the primary language of the complainant. The complaint response, if requested, and final report shall be written in English and the primary language in which the complaint was filed.

A Williams Complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but will not exceed 10 working days, to the appropriate school district official for resolution.

The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority.

The principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received.

The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response.

The principal makes this report; the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.

The school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.

The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district.

The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

The complaints and responses shall be available as public records.

### **The Williams Complaint Classroom Notice**

We make sure that the Williams Complaint Classroom Notice is posted in each classroom in each school in the school district, and includes the following statements:

- (a) The notice shall address parents, guardians, pupils, and teachers.
- (b) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.

- (c) School facilities must be clean, safe, and maintained in good repair.
- (d) There should be no teacher vacancies or misassignments.
- (e) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the internet website of the department shall satisfy this requirement.

### **The Williams Complaint Form**

We make sure that the Williams Complaint form is available for parents, guardians, pupils, and teachers to use.

Every school in our district shall have a complaint form available for such Williams complaints.

A notice shall be posted in each classroom in each school in the school district, and include the following statements:

The Williams Complaint form shall include the following:

- A space to mark to indicate whether a response is requested.
- A space to include contact information, including mailing address, if the complainant indicates that a response is requested.
- A space to identify the location where the complaint took place,
- A space to identify the course or grade level, if applicable,
- A space where the complainant describes the specific nature of the complaint in detail,
- A statement that the complainant may add as much text to explain the complaint as the complainant wishes, and
- A statement specifying the location for filing a complaint.
- A statement that a pupil, including an English Learner, does not have standards - aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- A statement that a pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- A statement that textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.

- A statement that a pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
- A statement that a semester begins and a teacher vacancy exists. (A position to which a single designated certificate employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one - semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).
- A statement that a teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learner pupils in the class.
- A statement that a teacher is assigned to teach a class for which the teacher lacks subject matter competency.
- A statement that a condition that poses a threat to the health or safety of pupils or staff while at school. These projects may include, but are not limited to, the following types of facility repairs or replacements: including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupil or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
- A statement that a school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- A statement that the school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary (1) for a documented pupil safety concern, (2) for an immediate threat to pupil safety, or (3) to repair the facility.

### **Filing a Williams Complaint with the *[Enter name of your LEA]***

A Williams complaint shall be filed with the principal of the school or his or her designee, in which the complaint arises.

A Williams complaint may be filed anonymously.

The complainant need not use the Williams Complaint form to file a complaint.

## How to Appeal a Williams Complaint

A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, involving deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment, has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the governing board.

A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of *EC* Section 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction within 15 calendar days of receiving the report.

Conditions that pose an emergency or urgent threat (not cosmetic or nonessential) to the health and safety of pupils or staff while at school include the following:

- Gas leaks.
- Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.
- Electrical power failure.
- Major sewer line stoppage.
- Major pest or vermin infestation.
- Broken windows or exterior doors or gates that will not lock and that pose a security risk.
- Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupil or staff.
- Structural damage creating a hazardous or uninhabitable condition.

In regards to the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, the complainant shall comply with the appeal requirements of 5 *CCR* Section 4632.

A complainant may appeal the Decision of an emergency or urgent threat to the CDE by filing a written appeal within 15 days of receiving the Decision.

The complainant shall specify the basis for the appeal of the Decision and whether the facts are incorrect and/or the law is misapplied.

The appeal shall be accompanied by:

1. A copy of the original locally filed complaint; and
2. A copy of our Decision of this original locally filed complaint.

### **Legal References**

California *Education Code (EC)* sections 1240, 17592.72, 35186, 35292.5, 48985.

5 California *Code of Regulations (CCR)*, Title 5 sections 4680–4687.



# **Uniform Complaint Procedures 2024–25 Program Instrument**

**California Department of Education  
March 2024**

## **II. Governance and Administration**

### **UCP 01: Policies and Procedures**

The local educational agency (LEA) adopted UCP for all specified programs.

1.0 LEA policies and procedures were adopted by the LEA's governing board or authorized designee and include the following:

(a) All programs and activities that are subject to the UCP:

- Accommodations for Pregnant and Parenting Pupils (*California Education Code [EC]* Section 46015)
- Adult Education (*EC* sections 8500–8538, 52334.7, 52500, 52616.18)
- After School Education and Safety (*EC* sections 8482–8484.65)
- Agricultural Career Technical Education (*EC* sections 52460–52462)
- Career Technical and Technical Education and Career Technical and Technical Training Programs (*EC* sections 52300–52462)
- Child Care and Development Programs (*EC* sections 8200–8488)
- Compensatory Education (*EC* Section 54400)
- Consolidated Categorical Aid Programs (34 *CFR* sections 299.10–13, *EC* Section 33315)
- Course Periods without Educational Content (*EC* sections 51228.1–51228.3)

## Uniform Complaint Procedures 2024–25 Program Instrument

- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program. (*EC* sections 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2)
- Every Student Succeeds Act (*ESSA*) (20 *United States Code* [20 *U.S.C.*] Section 6301 et seq.; *EC* sections 12030, 52059.5, 64000)
- Instructional Materials and Curriculum: Diversity (*EC* Section 243)
- Local Control and Accountability Plans (LCAP) (*EC* Section 52075)
- Migrant Education (*EC* sections 54440–54445)
- Physical Education Instructional Minutes (*EC* sections 51210, 51222, 51223)
- Pupil Fees (*EC* sections 49010–49013)
- Reasonable Accommodations to a Lactating Pupil (*EC* Section 222)
- Regional Occupational Centers and Programs (*EC* sections 52300–52334.7)
- School Plans for Student Achievement (*EC* Section 64001)
- Schoolsite Councils (*EC* Section 65000)
- State Preschool (*EC* sections 8200-8488, 33315)
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing (*EC* Section 8212)
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

## Uniform Complaint Procedures 2024–25 Program Instrument

- (b) A statement that the LEA shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.
  - (c) A statement that the LEA shall investigate and seek to resolve, in accordance with the LEA's UCP, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the district that are subject to the UCP.
  - (d) A statement ensuring that the complainants are protected from retaliation.
  - (e) A statement advising complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.
- 1.1 LEA policies and procedures provide the UCP Annual Notice:
- (f) Annual dissemination of a written notice of the LEA's complaint procedures.
  - (g) The notice may be made available on the LEA's website.
  - (h) The notice includes the following:
    - i. To all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.
    - ii. The list of all federal and state programs within the scope of the UCP.
    - iii. The title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known.
      - 1. A statement that the occupant responsible for processing complaints shall be knowledgeable about the laws and programs that they are assigned to investigate.
    - iv. A statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code (HSC)* a notice shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of both of the following:



## Uniform Complaint Procedures 2024–25 Program Instrument

1. The health and safety requirements under Title 5 of the California *Code of Regulations* (5 CCR) apply to California state preschool programs pursuant to HSC Section 1596.7925.
  2. The location at which to obtain a form to file a complaint. Posting a notice downloadable from the California Department of Education (CDE) website shall satisfy this requirement.
- 1.2 LEA investigates all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group and its policies and procedures include the following:
- (i) A statement that unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.
- 1.3 LEA policies and procedures include the following provisions to the complainant by the LEA:
- (j) A statement that the LEA will provide an opportunity for complainants and/or representatives to present evidence or information.
  - (k) A statement that refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.
  - (l) A statement ensuring that refusal by the LEA to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.
- 1.4 LEA policies and procedures include information regarding the filing of different UCP complaints:
- (m) All UCP complaints shall be filed not later than one year from the date the alleged violation occurred.
  - (n) A pupil fees complaint may be filed with the principal of a school or the LEA superintendent or his or her designee:

## Uniform Complaint Procedures 2024–25 Program Instrument

- i. A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.
- (o) For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by the LEA.
  - i. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.
- (p) UCP complaints regarding state preschool health and safety issues pursuant to *HSC* Section 1596.7925 shall include the following statements:
  - i. File with the preschool program administrator or his or her designee.
  - ii. A state preschool health and safety issues complaint pursuant to *HSC* Section 1596.7925 about problems beyond the authority of the preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate local educational agency official for resolution.
  - iii. A state preschool health and safety issues complaint pursuant to *HSC* Section 1596.7925 may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 of the *EC* is otherwise applicable, the response, if requested, and LEA Investigation Report shall be written in English and the primary language in which the complaint was filed.
  - iv. A complaint form for a state preschool health and safety issue pursuant to *HSC* Section 1596.7925 shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.
- 1.5 LEA policies and procedures contain the following statements regarding the Investigation of UCP complaints:
  - (q) The preschool program administrator or the designee of the district superintendent shall (1) make all reasonable efforts to investigate any problem within his or her authority. Investigations shall begin within 10 days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the

## Uniform Complaint Procedures 2024–25 Program Instrument

preschool program administrator makes this report, he or she shall also report the same information in the same timeframe to the designee of the district superintendent.

- (r) The LEA complaint will be investigated and a written LEA Investigation Report issued to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.
- (s) The LEA Investigation Report will contain the following elements:
  - i. The findings of fact based on the evidence gathered;
  - ii. a conclusion that provides a clear determination for each allegation as to whether the LEA is in compliance with the relevant law;
  - iii. corrective actions if the LEA finds merit in a complaint:
    - 1. pertaining to complaints of Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians;
    - 2. for all other complaints within the scope of the Uniform Complaint Procedures, the remedy shall go to the affected pupil;
    - 3. with respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, an attempt to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
  - iv. a notice of the complainant's right to appeal the LEA Investigation Report to the CDE; and
  - v. the procedures to be followed for initiating an appeal to the CDE.
- 1.6 LEA policies and procedures contain the following statements regarding the appeal of the LEA Investigation Report of UCP complaints:
  - (t) The procedures to be followed for initiating an appeal to the CDE including the following statements:
  - (u) The complainant may appeal an LEA Investigation Report for a UCP complaint to the CDE by filing a written appeal within 30 days of the date of the LEA Investigation Report. In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

## Uniform Complaint Procedures 2024–25 Program Instrument

1. The LEA failed to follow its complaint procedures, and/or
  2. the LEA Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
  3. the material findings of fact in the LEA Investigation Report are not supported by substantial evidence, and/or
  4. the legal conclusion in the LEA Investigation Report is inconsistent with the law, and/or
  5. in a case in which the LEA found noncompliance, the corrective actions fail to provide a proper remedy.
- (v) The appeal shall be sent with: (1) a copy of the locally filed complaint; and (2) a copy of the LEA Investigation Report.
- 1.7 LEA policies and procedures include the following statements on how to file an appeal regarding State Preschool Health and Safety Issues in LEAs Exempt from Licensing:
- (w) A statement declaring that a complainant not satisfied with the resolution of the preschool program administrator or the designee of the district superintendent has the right to describe the complaint to the governing board of the local educational agency at a regularly scheduled hearing of the governing board or body, as applicable, of the LEA.
- (x) A statement declaring that a complainant who is not satisfied with the resolution proffered by the preschool program administrator or the designee of the district superintendent has the right to file an appeal to the State Superintendent of Public Instruction (SSPI) within 30 days of the date of the LEA Investigation Report.
- (y) A statement declaring that a complainant shall comply with the appeal requirements of 5 CCR Section 4632.
- (z) A statement declaring that an LEA shall report summarized data on the nature and resolution of all state preschool health and safety issues complaints pursuant to *HSC* Section 1596.7925 on a quarterly basis to the county superintendent of schools and the governing board or body, as applicable, of the LEA. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the LEA's governing board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.
- (aa) A statement declaring that all complaints and responses are public records.

Uniform Complaint Procedures 2024–25 Program Instrument

Legal References for UCP 1

20 *United States Code* (20 *U.S.C.*) Section 6301 et seq.

34 *Code of Federal Regulations* (34 *CFR*) sections 106.8, 299.10–13.

*California Education Code* (*EC*) sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 243, 260, 8200–8488, 8500–8538, 12030, 17002, 17592.72, 33126, 33315, 35161, 46015, 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 48987, 49010–49013, 49069.5, 51210, 51222, 51223, 51225.1–51225.3, 51228.1–51228.3, 52059.5, 52075, 52300–52462, 52500–52616.18, 54440–54445, 64000, 64001, 65000.

*California Government Code* (*GC*) sections 11135, 11136.

*California Penal Code* (*PC*) Section 422.55.

5 *California Code of Regulations* (*CCR*) sections 4600–4640, 4690–4694.

Evidence Requests

UCP Policies and Procedures

Abbreviation:	UCPCmplntPlcsPrcdrs
Description:	Document that explains the UCP process regarding filing, investigation and resolution of a UCP complaint according to 5 <i>CCR</i> Sections 4600–4670 as directed by the 2024–25 UCP Instrument.
Item Instructions:	UCP 01: (1) Study the 2024–25 UCP Instrument; (2) May use sample in CMT resources; (3) Revise document if necessary; (4) Submit for governing board approval; and (5) Upload, link, and certify document.
Related Items:	UCP 01

## Uniform Complaint Procedures 2024–25 Program Instrument

### UCP 02: Annual Notice

LEA annually notified its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the LEA's UCP process.

2.0 Annual written notice of the complaint procedures shall be in English, and when necessary, in the primary language, pursuant to section 48985 of the *EC* or mode of communication of the recipient of the notice.

(a) The UCP Annual Notice may be made available on the LEA's website.

2.1 The annual notice includes the following:

(b) A statement that the LEA is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP:

- Accommodations for Pregnant and Parenting Pupils (California *Education Code [EC]* Section 46015)
- Adult Education (*EC* sections 8500–8538, 52334.7, 52500–52616.18)
- After School Education and Safety (*EC* sections 8482–8484.65)
- Agricultural Career Technical Education (*EC* sections 52460–52462)
- Career Technical and Technical Education and Career Technical and Technical Training Programs (*EC* sections 52300–52462)
- Child Care and Development Programs (*EC* sections 8200–8488)
- Compensatory Education (*EC* Section 54400)
- Consolidated Categorical Aid Programs (34 *CFR* sections 299.10–13, *EC* Section 33315)
- Course Periods without Educational Content (*EC* sections 51228.1–51228.3)
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an

## Uniform Complaint Procedures 2024–25 Program Instrument

educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.

- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program. (*EC* sections 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2)
  - Every Student Succeeds Act (*ESSA*) (20 *United States Code* [20 *U.S.C.*] Section 6301 et seq.; *EC* sections 12030, 52059.5, 64000)
  - Instructional Materials and Curriculum: Diversity (*EC* Section 243)
  - Local Control and Accountability Plans (LCAP) (*EC* Section 52075)
  - Migrant Education (*EC* sections 54440–54445)
  - Physical Education Instructional Minutes (*EC* sections 51210, 51222, 51223)
  - Pupil Fees (*EC* sections 49010–49013)
  - Reasonable Accommodations to a Lactating Pupil (*EC* Section 222)
  - Regional Occupational Centers and Programs (*EC* sections 52300–52334.7)
  - School Plans for Student Achievement (*EC* Section 64001)
  - Schoolsite Councils (*EC* Section 65000)
  - State Preschool (*EC* sections 8200-8488, 33315)
  - State Preschool Health and Safety Issues in LEAs Exempt from Licensing (*EC* Section 8212)
  - And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.
- (c) A statement that a pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.
- (d) A statement that a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.



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- (e) A statement that a UCP complaint shall be filed no later than one year from the date the alleged violation occurred.
- (f) A statement that the LEA shall post a standardized notice with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program (*EC* sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2) The notice shall include complaint process information, as applicable.
- (g) A statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code (HSC)* a notice shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of both of the following:
  - i. The health and safety requirements under Title 5 of the California *Code of Regulations (5 CCR)* apply to California state preschool programs pursuant to HSC Section 1596.7925.
  - ii. The location at which to obtain a form to file a complaint. Posting a notice downloadable from the California Department of Education (CDE) website shall satisfy this requirement.
- (h) The title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known.
- (i) A statement advising the complainant of the opportunity to appeal the LEA's Investigation Report to the CDE of complaints regarding programs within the scope of the UCP.
- (j) A statement advising the complainant of 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.
- (k) A statement that copies of the local educational agency complaint procedures shall be available free of charge.

## Legal References for UCP 2

20 *United States Code (20 U.S.C.)* Section 6301 et seq.

34 *Code of Federal Regulations (34 CFR)* sections 106.8, 299.10–13.



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California *Education Code (EC)* sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 243, 260, 8200–8488, 8500–8538, 12030, 17002, 17592.72, 33126, 33315, 35161, 46015, 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 48987, 49010–49013, 49069.5, 51210, 51222, 51223, 51225.1–51225.3, 51228.1–51228.3, 52059.5, 52075, 52300–52462, 52500–52616.18, 54440–54445, 64000, 64001, 65000.

California *Government Code (GC)* sections 11135, 11136.

California *Penal Code (PC)* Section 422.55.

5 California *Code of Regulations (CCR)* sections 4600–4640, 4690–4694.

## Evidence Requests

### UCP Annual Notice

Abbreviation: UCPAnINtc

Description: A written document informing LEA employees, students, parents, school and district advisory committee members, private school officials, and other interested parties of the UCP process.

Item Instructions: UCP 02: (1) Study UCP Instrument; (2) Revise document if necessary; (3) Distribute to employees, students, parents, advisory committees, private school officials, and other interested parties; and (4) Upload, link, and certify document.

Related Items: UCP 02

### UCP Annual Notice Form for UCP 2

Abbreviation: UCPAnINtcFrm

Description: Confirms required actions: contains language, provided to employees, students, parents, advisory committees, private school officials, and interested parties in accessible format, provided in English and primary language.

Item Instructions: UCP 02: (1) Print blank form from CMT Resources; (2) Fill in with correct information; and (3) Upload, link, and certify document.

Related Items: UCP 02

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### UCP 03: Investigation of Complaints

- 3.0 In accordance with the UCP of the LEA, the LEA investigated and resolved complaints alleging discrimination, harassment, intimidation, bullying, or alleging a violation by the LEA of a federal or state law or regulation governing the following programs or activities:
- Accommodations for Pregnant and Parenting Pupils (California *Education Code [EC]* Section 46015)
  - Adult Education (*EC* sections 8500–8538, 52334.7, 52500–52616.18)
  - After School Education and Safety (*EC* sections 8482–8484.65)
  - Agricultural Career Technical Education (*EC* sections 52460–52462)
  - Career Technical and Technical Education and Career Technical and Technical Training Programs (*EC* sections 52300–52462)
  - Child Care and Development Programs (*EC* sections 8200–8488)
  - Compensatory Education (*EC* Section 54400)
  - Consolidated Categorical Aid Programs (34 *CFR* sections 299.10–13, *EC* Section 33315)
  - Course Periods without Educational Content (*EC* sections 51228.1–51228.3)
  - Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
  - Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program (*EC* sections 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2)
  - Every Student Succeeds Act (*ESSA*) (20 *United States Code* [20 *U.S.C.*] Section 6301 et seq.; *EC* sections 12030, 52059.5, 64000)

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- Instructional Materials and Curriculum: Diversity (*EC* Section 243)
  - Local Control and Accountability Plans (LCAP) (*EC* Section 52075)
  - Migrant Education (*EC* sections 54440–54445)
  - Physical Education Instructional Minutes (*EC* sections 51210, 51222, 51223)
  - Pupil Fees (*EC* sections 49010–49013)
  - Reasonable Accommodations to a Lactating Pupil (*EC* Section 222)
  - Regional Occupational Centers and Programs (*EC* sections 52300–52334.7)
  - School Plans for Student Achievement (*EC* Section 64001)
  - Schoolsite Councils (*EC* Section 65000)
  - State Preschool (*EC* sections 8200–8488, 33315)
  - State Preschool Health and Safety Issues in LEAs Exempt from Licensing (*EC* Section 8212)
  - And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.
- 3.1 Review of proper implementation of the investigation process:
- 3.2 The LEA certifies whether or not it received any UCP complaints in the 12 months before the upload deadline of their scheduled Federal Program Monitoring (FPM) review. If no complaints were received, no additional steps are necessary.
- 3.3 The LEA certifies, within the 30-Calendar day upload period prior to their FPM review that complaints were received by the LEA, and uploads on the California Department of Education Monitoring Tool (CMT) its UCP Complaint Log that includes complaints received by the LEA in the previous 12 months.
- 3.4 A random selection of UCP complaints from the LEA's Complaint Log, including a minimum of 10 percent or 10 files, whichever is greater, will be reviewed to determine whether:
- (a) The investigative process allowed the complainants and/or representatives the opportunity to present evidence or information.

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- (b) A written LEA Investigation Report was sent to the complainant within the 60-Calendar-day time line or the time was extended by written agreement of the complainant.
- (c) A random selection of LEA Investigation Reports that contain the following:
  - i. The findings of fact based on the evidence gathered;
  - ii. a conclusion that provides a clear determination for each allegation as to whether the LEA is in compliance with the relevant law;
  - iii. corrective actions if the LEA finds merit in a complaint:
    - 1. pertaining to complaints of Pupil Fees; LCAP; Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians;
    - 2. for all other complaints within the scope of the Uniform Complaint Procedures, the remedy shall go to the affected pupil;
    - 3. with respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, an attempt to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
  - iv. a notice of the complainant's right to appeal the LEA Investigation Report to the CDE; and
  - v. the procedures to be followed for initiating an appeal to the CDE.

## Legal References for UCP 3

*20 United States Code (20 U.S.C.)* Section 6301 et seq.

*34 Code of Federal Regulations (34 CFR)* sections 106.8, 299.10–13.

*California Education Code (EC)* sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 243, 260, 8200–8488, 8500–8538, 12030, 17002, 17592.72, 33126, 33315, 35161, 46015, 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 48987, 49010–49013, 49069.5, 51210, 51222, 51223, 51225.1–51225.3, 51228.1–51228.3, 52059.5, 52075, 52300–52462, 52500–52616.18, 54440–54445, 64000, 64001, 65000.

*California Government Code (GC)* sections 11135, 11136.

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California *Penal Code (PC)* Section 422.55.

5 California *Code of Regulations (CCR)* sections 4600–4640, 4690–4694.

### Evidence Requests

#### Sample UCP Complaint Log

Abbreviation: UCPCmplntLg

Description: Structured list of UCP complaints filed, investigated and resolved. Will discuss with UCP Consultant during online reviews or Review Lead during on-site reviews. Not a Williams Complaint Quarterly Report.

Item Instructions: UCP 03: (1) Determine UCP complaints received 12 months before Evidence Deadline; and (2) Upload, link, and certify log (if online review), or provide to Review Lead (if On-site review.)

Related Items: UCP 03

#### UCP Self-certification Form for UCP 3

Abbreviation: UCPSlf-CrtfctnFrm

Description: Form certifying either no UCP complaints filed or proper implementation of the UCP process of UCP complaints investigated and resolved in past 12 months. Not a Williams Complaint Quarterly Report.

Item Instructions: UCP 03: Online reviews only: (1) If no UCP complaints in LEA, print blank form (2) Check 'A' square; (3) Superintendent or designee sign and date; and (4) Upload, link, and certify document.

Related Items: UCP 03

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### UCP 04: Williams Complaint Policies and Procedures

The LEA adopted the UCP process in accordance with California *EC* 35186 and Chapter 5.1 (commencing with Section 4680) of 5 CCR, to help identify and resolve Williams Complaints regarding alleged deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or missassignment. The LEA is required to have local policies and procedures that enable Williams Complaints to be handled through its UCP process.

- 4.0 LEA policies and procedures were adopted by the LEA's governing board or authorized designee and include the following:
- (a) Williams Complaints shall be filed with the principal of the school or his or her designee, in which the complaint arises.
  - (b) A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate school district official for resolution.
  - (c) Williams Complaints may be filed anonymously.
  - (d) If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint.
  - (e) If Section 48985 of the *EC* is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.
  - (f) The school shall have a complaint form available for such Williams Complaints.
  - (g) The Williams Complaints form shall identify the place for filing the complaint.
  - (h) The Williams Complaints form will include a space to indicate whether a response is requested.
  - (i) The complainant need not use the Williams Complaint form to file a complaint.
  - (j) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority.
  - (k) The principal, or, where applicable, district superintendent or his or her designee shall remedy a valid complaint within a reasonable time period

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but not to exceed 30 working days from the date the complaint was received.

- (l) The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response.
  - (m) The principal makes this report; the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.
  - (n) A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the governing board.
  - (o) The school district shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the school district.
  - (p) The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district.
  - (q) The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.
  - (r) The complaints and responses shall be available as public records.
- 4.1 LEA policies and procedures include the following statements on how to file an appeal regarding facilities complaints to the SSPI.
- (s) A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of *EC* Section 17592.72, has the right to file an appeal to the SSPI within 15 Calendar days of receiving the report.
  - (t) The complainant shall comply with the appeal requirements of 5 *CCR* Section 4632.

## Legal References for UCP 4

California *Education Code (EC)* sections 1240, 17592.72, 35186, 35292.5, 48985.

5 California *Code of Regulations (CCR)*, sections 4680–4687.

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**Evidence Requests**

**Williams Complaint Policies and Procedures**

Abbreviation:	WlmsCmpltPlcysPrcdrs
Description:	Document that explains the UCP process regarding filing, investigation and resolution of a Williams Complaint according to 5 CCR sections 4680–4687 as directed by the 2024–25 UCP Instrument.
Item Instructions:	UCP 04: (1) Study the 2024–25 UCP Instrument; (2) May use sample provided in CMT Resources; (3) Revise policies and procedures as necessary; and (4) Upload, link, and certify document.
Related Items:	UCP 04



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### UCP 05: Williams Complaint Classroom Notice

The LEA provided a UCP process in accordance with California *EC* 35186 and Chapter 5.1 (commencing with Section 4680) of 5 *CCR*, to help identify and resolve Williams Complaints by posting a Williams Complaint Classroom Notice notifying parents, guardians, pupils, and teachers in each classroom in each school in each district regarding alleged deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment.

The LEA's Williams Complaint Classroom Notice will be reviewed by the FPM Review Lead during an on-site review or by a Consultant in the CDE Categorical Programs Complaints Management Office during an online review.

- 5.0 A notice shall be posted in each classroom in each school in the school district, and include the following statements:
  - (a) The notice shall address parents, guardians, pupils, and teachers.
  - (b) There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
  - (c) School facilities must be clean, safe, and maintained in good repair.
  - (d) There should be no teacher vacancies or misassignments.
  - (e) The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the internet website of the department shall satisfy this requirement.
- 5.1 Each Williams Complaint Classroom notice must be exactly the same as in each classroom and must be exactly the same as the sample that is posted on CMT.

### Legal References for UCP 5

California *Education Code (EC)* sections 1240, 17592.72, 35186, 35292.5, 48985.

5 California *Code of Regulations (CCR)* sections 4600–4687.

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### Evidence Requests

#### Williams Complaint Classroom Notice

Abbreviation: WlmsCmpltClsrmNtc

Description: Notice that is posted according to *EC* Section 35186(f) alerting right to file complaints alleging deficiencies in instructional materials, condition of a facility, and teacher vacancy or misassignment.

Item Instructions: UCP 05: (1) Study the 2024–25 UCP Instrument; (2) May use sample provided in CMT resources; (3) Revise notice as necessary; and (4) Upload, link, and certify document.

Related Items: UCP 05

#### Williams Complaint Self-certification Form for UCP 5

Abbreviation: WlmsCmpltSlf-Crtfctn

Description: Form certifying the Williams Complaint Classroom Notice is posted in each classroom in each school in the LEA according to *EC* Section 35186(f).

Item Instructions: UCP 05: Online reviews only: (1) Print blank form; (2) Check applicable squares; (3) Superintendent or designee sign and date; and (4) Upload, link, and certify document.

Related Items: UCP 05

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### UCP 06: Williams Complaint Form

The LEA provided a UCP process in accordance with California *EC* 35186 and Chapter 5.1 (commencing with Section 4680) of 5 *CCR*, to provide a Williams Complaints form for helping to identify and resolve complaints regarding alleged deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment.

6.0 The LEA Williams Complaint form shall include the following:

- (a) A space to mark to indicate whether a response is requested.
- (b) A space to include contact information, including mailing address, if the complainant indicates that a response is requested.
- (c) A space to identify the location. where the complaint took place.
- (d) A space to identify the course or grade level, if applicable.
- (e) A space where the complainant describes the specific nature of the complaint in detail.
- (f) A statement that the complainant may add as much text to explain the complaint as the complainant wishes.
- (g) A statement specifying the location for filing a complaint.

6.1 The LEA Williams Complaint form shall include the following related to instructional materials:

- (h) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- (i) A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- (j) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- (k) A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

6.2 The LEA Williams Complaint form shall include the following related to teacher vacancy or missignment:

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- (l) A semester begins and a teacher vacancy exists. (A position to which a single designated certificate employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one - semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).
  - (m) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with one or more English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.
  - (n) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
- 6.3 The LEA Williams Complaint form should include the following related to emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff:
- (o) A condition that poses a threat to the health and safety of pupils or staff while at school. These projects may include, but are not limited to, the following types of facility repairs or replacements: including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupil or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
  - (p) A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
  - (q) The school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary (1) for a documented pupil safety concern, (2) for an immediate threat to pupil safety, or (3) to repair the facility.

## Legal References for UCP 6

California *Education Code (EC)* sections 1240, 17592.72, 35186, 35292.5, 48985.

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5 California *Code of Regulations* (CCR) sections 4600–4687.

**Evidence Requests**

**Williams Complaint Form**

Abbreviation:	WlmsCmpltFrm
Description:	Form to file a Williams Complaint with the principal of the school alleging possible deficiencies in instructional materials, unmaintained facility conditions, and teacher vacancy or misassignment.
Item Instructions:	UCP 06: (1) Study the 2024–25 UCP Instrument; (2) May use sample provided in CMT Resources; (3) Revise form as necessary; and (4) Upload, link, and certify document.
Related Items:	UCP 06

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### End Notes

- a. Regarding UCP 1, UCP 2, and UCP 3: There are currently twenty-three (23) state and federal programs and activities that are within the scope of the Uniform Complaint Procedures (UCP). Local educational agencies (LEA) that receive state and federal funding must include the list of the 23 UCP programs and activities in their UCP Policies and Procedures and in their Annual Notice pertaining to complaints to be investigated and resolved using their board-approved UCP process.

However, LEAs that receive state and federal funding for programs within the scope of the UCP, but do not operate one or more of these programs, may add a note to their UCP Policies and Procedures and Annual Notice indicating the programs not in operation by the LEA.

Additionally, if an LEA does not operate a state preschool, it must still list it as part of the 23 programs, however, it may remove the state preschool references/language from its UCP Policies and Procedures and Annual Notice. If an LEA removes this language, it is to confirm on CMT that it does not operate a state preschool.

- b. Regarding UCP 1 and UCP 4: According to 5 CCR Section 4621(a), each LEA shall adopt policies and procedures for the investigation and resolution of UCP complaints. School districts, County Offices of Education, and direct-funded charter schools shall submit their policies and procedures to the local governing board or authorized designee for adoption. For the FPM review, LEAs must indicate the date of governing board adoption on the policies and procedures document(s). If the word “revised” is used on these documents, the LEA must clearly write that their current policies and procedures were approved and adopted by their governing board or authorized designee on the “revised” date.
- c. Regarding UCP 1, UCP 2, and UCP 3: Course periods without educational content apply to LEAs maintaining any of grades nine through twelve.
- d. Regarding UCP 1, UCP 2, and UCP 3: Local Control and Accountability Plans (LCAP) include charter schools as described in *EC* sections 47606.5 and 47607.3.
- e. Regarding UCP 3: For an on-site review, the FPM Review Lead will select and review a sample of UCP complaints from the LEA’s complaint log, of a minimum of 10 percent or 10 files, whichever is greater. The FPM Review Lead will provide comments to CMT.

For an online review, the UCP consultant will select a sample of UCP complaints for the LEA’s review. From the LEA’s complaint log, the UCP consultant will select a minimum of 10 percent or 10 files whichever is

## **Uniform Complaint Procedures 2024–25 Program Instrument**

greater. LEAs will be required to review the complaint files on-site, and then complete the Self-certification Form for UCP 3 for each of the selected complaint files.; The LEA is to upload, link, and certify the completed Self-certification Form to CMT upon completion.

Note: The Self-certification Form for UCP 3 is only used during online reviews and not during on-site reviews.

- f. Regarding UCP 5: For both an on-site review and an online review, the LEA will upload, link, and certify the Williams Complaint Classroom Notice to CMT. CPCM staff will review the Williams Complaint Classroom Notice and provide comments to CMT.

For an on-site review, the FPM Review Lead will determine whether the Williams Complaint Classroom Notice has been posted in all classrooms. The Review Lead will provide comments to CMT.

For an online review, the LEA will upload, link, and certify the Williams Complaint Self-certification for UCP 5 to CMT. CPCM staff will review the Williams Complaint Self-certification and provide comments to CMT.

Note: The Self-certification Form for UCP 5 is only used during online reviews and not during on-site reviews.

- g. Regarding references to Superintendent or designee. A designee must be of appropriate executive/administrative management level.