



# Santa Ana Unified School District

Charles E. McCully  
Interim Superintendent

September 2013

## Annual Notice of *Uniform Complaint Procedures (UCP)*

**For parents/guardians, students, employees, district and school advisory committees, appropriate private school officials or representatives, and other interested parties**

The Santa Ana Unified School (SAUSD) has the primary responsibility to ensure compliance in the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by a local educational agency of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and unauthorized charging of pupil fees for participation in an educational activity.

### Complaints that fall under UCP

The SAUSD shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP). UCP includes complaints alleging unlawful discrimination, harassment, intimidation or bullying based on actual or perceived characteristics such as:

- age
- ancestry
- color
- ethnic group identification
- gender
- gender expression
- gender identity
- mental or physical disability
- marital or parental status
- nationality
- national origin
- race or ethnicity
- religion
- sex
- sexual orientation

or, on a person's association with a person or group with one or more of these actual or perceived characteristics; in any acts related to school activity, school attendance, or any program or activity that receives or benefits from state a/o federal financial assistance.

A complaint of noncompliance with laws relating to pupil fees may be filed pursuant to the local UCP. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee includes, but is not limited to, all of the following:

- A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
- A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
- A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in the following programs:

- Adult Education
- Career Technical and Technical Training
- Child Care and Development
- Consolidated Categorical Aid
- Migrant Education
- Nutrition Services
- Safety Planning Requirements
- Special Education

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1601 East Chestnut Avenue, Santa Ana, CA 92701-6322

### BOARD OF EDUCATION

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### **Filing a UCP complaint**

Complaints alleging discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying, unless the time for filing is extended by the superintendent or his or her designee.

A pupil fee complaint may be filed anonymously if the complaint provides evidence or information leading to support an allegation of noncompliance with laws relating to pupil fees. A complaint of noncompliance should be filed first with the principal of the school under the Uniform Complaint Procedures. A complainant not satisfied with the decision of the school may appeal the decision to the District's UCP Coordinator and shall receive a written appeal decision within 60 days of receipt of the school site complaint.

Complaints will be investigated and a written decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The District UCP compliance officer responsible for investigating the complaint shall conduct and complete the investigation in accordance with section 5 CCR 4680-4687 and in accordance with local procedures adopted under 5 CCR 4621.

The following district employee is designated as the UCP compliance officer to receive and investigate complaints that fall under the purview of UCP:

Associate Superintendent, Human Resources  
1601 E. Chestnut Avenue  
Santa Ana, CA 92701  
(714) 558-5860

### **Civil Law Remedies**

Civil law remedies may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of the LEA's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

### **Appeals to the California Department of Education**

The complainant has a right to appeal the LEA's Decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the LEA's Decision. The appeal must include a copy of the complaint filed with the LEA and a copy of the LEA's Decision. The complaint must specify the reason(s) for appealing the district's decision and whether the facts are incorrect and/or the law has been misapplied.

For unlawful discrimination complaints, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

**A COPY OF THE DISTRICT'S UCP POLICY AND COMPLAINT PROCEDURES SHALL BE AVAILABLE FREE OF CHARGE AT ANY DISTRICT SCHOOL.**