

## **Using the Uniform Complaint Procedure to Contest Suspensions for Disruption and Defiance**

A Uniform Complaint Procedure (UCP) is one way to respond if a student is illegally suspended for “disrupting school” or “willful defiance” in violation of new law created by the California legislature through SB 274. Within six months of a suspension, a student can file a UCP with their school district, either on their own or through their parent, guardian, or education rights holder. If the school district does not rule in favor of the student, the student can appeal their UCP decision to the California Department of Education. This is a helpful way to document and make noise about violations of SB 274 in your school district. For some additional information on filing a UCP complaint, visit this [webpage](#).

This document provides guidance on how to navigate the process, information to include, and a rough template for a UCP complaint that may be filled out and submitted to the school district.

It is important to note that you must file a UCP complaint with a school district within **6 months of the incident (the suspension)**. Afterwards, the right to file has expired.

### **Guidance for Filing and Following Up on a UCP Complaint:**

1. Find the complaint form. You can use the template form included with this guidance or the one supplied by your principal or school. Most districts have a page on their website explaining the UCP process where such a form may be located. You can try searching for it online by searching “Uniform Complaint Procedures” and the name of the school district.
2. Gather documentation. Collect any relevant documentation, including suspension notices, records of incidents, and communication with the school. When you submit the complaint to the principal or superintendent, be sure to include this documentation along with it.
3. Write a detailed complaint. This is elaborated on in the template below. Make a copy for yourself of the complaint and make copies of all supporting documentation.
4. Submit the complaint and supporting documentation. Send it directly to the principal of the student’s school or to the superintendent of the school district via email or by delivering or mailing a hard copy. It may be preferable to send via email if possible to ensure there is a record of the date it was sent.
5. Record the date you sent the complaint and when you receive a response. The district must reply to your complaint within 60 days.
6. Observe and participate in the school district’s investigation and response. The district must (1) investigate the complaint and allow you to collect evidence about the problem, (2) resolve the problem and report back to you within 60 calendar days of receiving your complaint, AND (3) notify you of your right to appeal the district’s decision to the California Department of Education within 30 days. The district also must protect your rights by (1) identifying a staff member who knows the law to receive, investigate, and resolve your complaint, (2) protect you from retaliation regarding your complaint, and (3) ensure the district follows California and federal laws. Someone from the district will likely interview you as part of the investigation they conduct, and you have the right to take an advocate, support person, or lawyer with you to that interview. If the district is not following this process, make sure to inform your lawyer or advocate.
7. If you have an advocate or support person who has helped connect you with resources, be sure to let them know any other concerns you have in the meantime.
8. If you feel comfortable doing so, please let EBCLC know that this was the basis of the suspension and that you are filing a UCP complaint. This will help our organization in partnership with a statewide coalition, track the illegal use of willful defiance suspensions across the state and how this tool is being used.

Remember, as a parent, guardian, or education rights holder, you have the right to advocate for fair and equitable treatment for a student in the educational system. The UCP process is a tool designed to address these concerns and ensure compliance with state laws and regulations.

**Template UCP Complaint Form:**

**I. Contact Information:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Work or Cell Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**II. Complainant**

I am filing this complaint on behalf of: \_\_\_\_\_  
 myself       my child or a (student) for whom I am the education rights holder  
 another student    a group

**III. School Information**

School Name: \_\_\_\_\_  
Principal's Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_

**IV. Basis of Complaint**

I am filing a Uniform Complaint Procedures (UCP) complaint in response to a "willful defiance" suspension. Under Senate Bill No. 274, "willful defiance" suspensions are no longer allowed under the amended sections of California Education §§ 48900 and 48901.1. The suspension described in this complaint violates this law.

**A. Discrimination or Harassment:**

I would like to file a uniform complaint based on discrimination, harassment, intimidation, or bullying:  
 Yes  
 No

If yes, please check the following box(s), based on the type(s) of harassment the student experienced, (Education Code §§ 200 and 220, Government Code §11135):

- Sexual orientation
- Gender \*
- Ethnicity
- Race

- National origin
- Religion
- Color
- Ancestry
- Mental or physical disability
- Age
- Association with any of these categories
- Sexual Harassment
- Sex (Title IX)

\*According to state law, “Gender’ means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.” CA Education Code § 210.7 & CA Penal Code § 422.56(c).

Willful defiance suspensions were eliminated by law in part based on the disproportionate and discriminatory impact of these suspensions on protected classes of students. SB 274, Section 1(e)-(g), (l). The suspension described in this complaint of a student from the above marked protected class(es) for willful defiance is both illegal and discriminatory.

### **B. School Plan for Student Achievement**

I would like to file a uniform complaint based on failure to comply with the School’s School Plan for Student Achievement:

- Yes
- No

Section 64001 of the California Education Code mandates that LEAs develop and implement plans to improve student outcomes at each school site. "Willful defiance" suspensions contradict this aim and hinder a school's ability to fulfill its commitments outlined in its School Plan for Student Achievement. Suspensions for willful defiance have numerous negative impacts on student outcomes including learning loss and other negative impacts on “students’ abilities to learn, grow and thrive.” SB 274, Section 1(h)-(l). The suspension for willful defiance described in this complaint was therefore both illegal and violated the School Plan for Student Achievement.

### **V. Details of Complaint**

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of harassment or discrimination that the student experienced, including the events or actions, in as much detail as possible:

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List the **people** involved in harassing or discriminating against the student:

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List any **witnesses** of the incident:

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Describe the **location where** the harassment/discrimination occurred:

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Please list **all the date(s) and times** when the harassment/discrimination occurred or when the alleged harassment/discrimination first came to your attention:

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**What goals in the District's School Plan for Student Achievement** has the school/district violated by suspending the student for willful defiance?

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**What steps**, if any, have you have taken to resolve this issue before filing a complaint?

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Have you attached any **supporting documents**?

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What **actions** do you request that the district take to **resolve this UCP Complaint?**

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**I look forward to receiving a written response within 60 days. Please also provide a copy to: \_\_\_\_\_.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Received by:  
Date Filed:  
Title:

**Example UCP Complaint and Commented Guidance for Writing Your Own**

**I. Contact Information:**

Name: Erica Smith  
Address: 123 Chesnut St  
City: Oakland Zip: 94501  
Home Phone: 510-123-5555 Work or Cell Phone: \_\_\_\_\_  
Email: erica.smith@gmail.com

**II. Complainant**

I am filing this complaint on behalf of: Henry Smith  
 myself       my child or a (student) for whom I am the education rights holder  
 another student     a group

**III. School Information**

School Name: Smithfield High School  
Principal's Name: Tamara Fields  
Address: 123 Main St City: Oakland

**IV. Basis of Complaint**

I am filing a Uniform Complaint Procedures (UCP) complaint in response to a "willful defiance" suspension. Under Senate Bill No. 274, "willful defiance" suspensions are no longer allowed under the amended sections of California Education §§48900 and 48901.1. The suspension I describe below violates this law.

**A. Discrimination or Harassment:**

I would like to file a uniform complaint based on discrimination, harassment, intimidation, or bullying:  
 Yes  
 No

If yes, please check the following box(s), based on the type(s) of harassment the student experienced, (Education Code §§ 200 and 220, Government Code §11135):

- Sexual orientation
- Gender \*
- Ethnicity
- Race
- National origin
- Religion

- Color
- Ancestry
- Mental or physical disability
- Age
- Association with any of these categories
- Sexual Harassment
- Sex (Title IX)

Willful defiance suspensions were eliminated by law in part based on the disproportionate and discriminatory impact of these suspensions on protected classes of students. SB 274, Section 1(e)-(g), (l). The suspension described in this complaint of a student from the above marked protected class(es) for willful defiance is both illegal and discriminatory.

## **B. School Plan for Student Achievement**

I would like to file a uniform complaint based on failure to comply with the School's School Plan for Student Achievement:

- Yes
- No

Section 64001 of the California Education Code mandates that LEAs develop and implement plans to improve student outcomes at each school site. "Willful defiance" suspensions contradict this aim and hinder a school's ability to fulfill its commitments outlined in its School Plan for Student Achievement. Suspensions for willful defiance have numerous negative impacts on student outcomes including learning loss and other negative impacts on "students' abilities to learn, grow and thrive." SB 274, Section 1(h)-(l). The suspension for willful defiance described in this complaint was therefore both illegal and violated the School Plan for Student Achievement.

## **V. Details of Complaint**

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of harassment or discrimination that the student experienced, including the events or actions, in as much detail as possible:

*On January 29th my son, Henry Smith, talked back to his English teacher, Mr. Rodgers. Henry was subsequently suspended for 5 days for "willful defiance". Mr. Rodgers constantly picks on him. Mr. Rodgers also picks on Henry's best friend, Will. Both Henry and Will are some of only a few Black students in the class. Mr. Rodgers has a history of goading Henry and Will, implying that Henry is dumb, and humiliating him in front of*



*the rest of the class. Henry and I both feel like he is being discriminated against by his teacher because of his race.*

*Henry has been telling me this for the past three months, beginning in October. This was about a month after school started and Henry was put in Mr. Rodger's English class. A few weeks ago, on January 8th, I contacted the school counselor, Ms. Wick. I told her that Henry hates going to Mr. Rodger's class and dreads dealing with more harassment. I gave her a detailed description of multiple instances where Mr. Rodgers harassed Henry and put him down. Ms. Wick told me she would discuss it with Mr. Rodgers and flag it to the Vice Principal. I hadn't heard back from her since, and that was 23 days ago.*

*The incident that occurred a few days ago, on January 29th, where Henry talked back. Mr. Rodgers was asking him "why he can't understand anything basic," and asked Henry that three times in front of his classmates. This was after Mr. Rodgers had acted similarly in the past. It is extremely difficult for a 15-year-old to take constant pestering and humiliation and never talk back. Henry was suspended for 5 days under a "willful defiance" suspension.*

*The suspension has put Henry quite behind in school. He missed two exams and a quiz while he was out, and his grades dropped from a B to a C in Math and Social Studies. With the quarter ending at the end of February, there is very little time for Henry to get his grades up, which will impact his long-term success.*

***Suspending Henry for this incident was discriminatory. It was also illegal under California Law which prohibits suspensions for willful defiance.***

List the **people** involved in harassing or discriminating against the student:

*Mr. Rodgers, the 9<sup>th</sup> grade English teacher at Smithfield High School.  
Principal Tamara Fields at Smithfield High School, who approved the suspension.  
The school board for the district for not requiring that school staff and administrators follow the law against willful defiance suspensions.*

List any **witnesses** of the incident:

*Will Whitman and all the other students in Mr. Rodgers 3<sup>rd</sup> period English class.  
Ms. Wick, Smithfield High School's school counselor, who I told about the discrimination but who did not witness that incident.  
Possibly also the Vice Principal at Smithfield High School.*

Describe the **location** where the harassment/discrimination occurred:

*In Mr. Rodgers classroom. Where his 3<sup>rd</sup> period English class takes place for 9<sup>th</sup> graders. I do not know the specific classroom number.*

Please list all the **date(s) and times** when the harassment/discrimination occurred or when the alleged harassment/discrimination first came to your attention:

- *October 10<sup>th</sup>, around 11am, when Mr. Rodgers told Henry and Will no more comments from the "peanut gallery," when they were whispering quietly in the back of the classroom.*
- *October 30<sup>th</sup>, around 11:30am, when Mr. Rodgers made Henry go into detail on Macbeth, asking him very specific and difficult questions in an interrogating manner, until the situation escalated when Henry said he didn't know and Mr. Rodgers said "of course you don't. Did you forget how to read?"*
- *November 26<sup>th</sup>, when Mr. Rodgers sent Henry and Will outside of the classroom, missing the entirety of class, after they asked him when the upcoming quiz was. He remarked that they were being "disruptive and defiant, because he had already told the class when the date of the quiz would be."*
- *December 16<sup>th</sup>, when Mr. Rodgers asked Henry how he "Could have possibly passed 8<sup>th</sup> grade English?" in front of the entire class.*
- *On January 29<sup>th</sup>, the incident which culminated in the "willful defiance" suspension, in which Mr. Rodgers was continually pestering Henry by goading him and asking him "why he can't understand anything basic." He did this three times in front of Henry's entire class, and after months of this taunting, Henry talked back using a swear word. While I do not condone swearing in my household, and have taught Henry that, he had been pushed to his limits by a grown man, who is supposed to support his learning and development.*

**What goals in the school's School Plan for Student Achievement** has the school/district violated by suspending the student for willful defiance?

*I found Smithfield High School's Plan for Student Achievement on the website. It includes a goal that the school will reduce absenteeism and create an inclusive school environment. After Henry's suspension he has felt more disconnected and less motivated to go to school. The discrimination from his teacher and the way that played out in the illegal suspension go against the commitment of the school to help students attend and feel included at Smithfield.*

**What steps**, if any, have you taken to resolve this issue before filing a complaint?

*I reached out to Ms. Wick, the school counselor, on January 8<sup>th</sup>. As I mentioned before, she said she would alert the Vice Principal and report back to me. However, I never heard from her after that.*

Have you attached any **supporting documents**?

*Yes, I've attached the notification of suspension packet that was sent to my home, and I've also attached the counseling report from the conversation I had with Ms. Wick on January 8<sup>th</sup>.*

What **actions** do you request that the district take to **resolve this UCP Complaint**?

*I am requesting that:*

- 1. The school overturn the suspension immediately and expunge it from Henry's disciplinary and attendance records.*
- 2. Henry be permitted to make up or do extra credit to balance out the exams and quiz he missed while suspended.*
- 3. Henry be removed from Mr. Rodgers' class for the remainder of the school year.*
- 4. Mr. Rodgers be placed on probation and given training on racial bias.*
- 5. The district make sure that the law against willful defiance suspensions is followed going forward.*

**I look forward to receiving a written response within 60 days. Please also provide a copy to:** \_\_\_\_\_

*Erica Smith*

\_\_\_\_\_  
Signature

2/1/2024  
Date

Received by:

Date Filed:

Title: