



**FRANKLIN-MCKINLEY SCHOOL DISTRICT
Uniform Complaint Procedures**

UCP Overview

The Franklin-McKinley School District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations, and shall investigate complaints alleging failure to comply with those laws and regulations alleging discrimination, harassment, intimidation, and/or bullying and unauthorized charging of pupil fees for educational activities, or alleging failure to comply with legal requirements under the Local Control and Accountability Plan (LCAP). The District shall seek to resolve those complaints in accordance with the procedures set out in Sections 4600-4687 of the Title 5 Regulations and the policies and procedures of the District.

The Uniform Complaint Procedure (UCP) may be used to report noncompliance of applicable state and federal laws and regulations; file complaints alleging discrimination, harassment, intimidation, bullying; or, unauthorized charging of pupil fees for educational activities, failure to comply with legal requirements under the LCAP, and/or to appeal District decisions regarding such complaints. UCP notices are available at all school sites in the primary languages of that school community. Complainants are encouraged, where possible, to try to resolve their complaints directly at the school or work site or with their Educational Service Center (ESC).

A written notice regarding UCP must be disseminated annually to staff, students, parents/guardians, appropriate private school officials or representatives, District advisory committees, school advisory committees, and other interested school parties. Distribution may be in any form (brochure, newsletter, memorandum, staff/parent/student handbook, etc.) that will reach the school community.

How to submit a complaint

Any individual, public agency or organization may file a written complaint alleging a matter which, if true, would constitute a violation by the District of federal or state laws or regulations governing the programs and activities as well as allegations of unlawful discrimination identified above. UCP complaints are to be submitted in writing to:

Dr. Tracy Rohlfing, Director
State & Federal Projects and Assessment
Franklin-McKinley School District
645 Wool Creek Drive
San Jose, CA 95112

Any person with a disability or who is unable to prepare a written complaint can receive assistance from the site-administrator/designee or by calling 408.283.6048.



Franklin-McKinley School District

PREPARING ALL CHILDREN AS GLOBAL LEARNERS

The District assures confidentiality to the maximum extent possible. The District prohibits retaliation against anyone who files a complaint or anyone who participates in the complaint investigation process. Complainants are advised that civil law remedies may also be available to them.

The sixty (60) day timeline for the investigation and District response shall begin when the written complaint is received by Office of State & Federal Projects and Assessment.

Related District Policy & Publications

Uniform Complaint Procedures & Guidelines

UCP Complaint Form – English

UCP Complaint Form – Spanish

UCP Complaint Form – Vietnamese



FRANKLIN-MCCKINLEY SCHOOL DISTRICT

Uniform Complaint Procedures Form

Last Name _____ First Name _____ Student Name
(if applicable) _____ Grade _____ Date of Birth _____ Address
Apt. # _____ City _____ State _____ Zip Code
Home Phone _____ Cell Phone _____ Work Phone _____ Date of Alleged
Violation _____ School/Office of Alleged Violation

For allegations of noncompliance, please check the program or activity referred to in your complaint, if applicable:

- Adult Education Consolidated Categorical Aid Migrant Education
- Career/Technical Education Child Care & Development Child Nutrition
- Special Education Pupil Fees for Educational Activities
- Local Control Accountability Plan

For complaints of discrimination, harassment, intimidation and/or bullying (employee-to-student, student-to-student and third party to student), please check the protected classes (actual or perceived), upon which the alleged conduct was based, listed below:

- Actual or Perceived Sex Sexual Orientation Gender
- Gender Identity Gender Expression Ancestry
- Ethnic Group Identification Race or Ethnicity Religion
- Nationality National Origin Age
- Color Mental or Physical Disability
- Association with a person or group with one or more of the actual or perceived categories listed above

For complaints of bullying that are not based on the above listed protected classes, and other complaints not listed on this form, please contact the School Principal.

If you have contacted your School Principal and but still need assistance, referrals, or resources, please phone the Department of State & Federal Projects and Assessment at 408.283.6048 and ask to speak with an administrator.

1. Please give the facts about your complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that may be helpful to the complaint investigator.
2. Have you attempted to discuss your complaint with any Franklin-McKinley School District personnel? If so, with whom and what was the result?
3. Please provide copies of any written documents that may be relevant or supportive of your complaint.

I have attached supporting documents. Yes ___ No

Signature _____ Date _____ Mail or fax your
complaint/documents to:

**Dr. Tracy Rohlfing, Director
State & Federal Projects and Assessment
Franklin-McKinley School District
645 Wool Creek Drive**



**WILLIAMS UNIFORM COMPLAINT PROCEDURES NOTICE TO
PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:
COMPLAINT RIGHTS**

San Jose, CA 95112

Phone: 408.283.6048 Fax: 408.283.6482

Parents/Guardians, Students, and Teachers

Pursuant to Education Code 35186, you are hereby notified that;

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including certification required to teach English learners, if present.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated 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 to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

4. A complaint form may be obtained at the school office or district office, or downloaded from the school or district website at <http://www.fmsd.org>. You may also download a copy of the California Department of Education complaint form from the following website at <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.