



Uniform Complaint Procedures

Pupil Fee Complaints

Training for
Local Educational Agencies

Categorical Programs Complaint Management Office

2015



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Module Presenter



Kerri Ruzicka



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UCP Contacts

The information provided in this training applies broadly to all complaints within the scope of the UCP and specifically to complaints in the jurisdiction of the Categorical Programs Complaints Management (CPCM) Office.

For program information, please contact the appropriate CDE program office.

Program or Service	Phone Number	Program or Service	Phone Number
Adult Education	916-322-2175	Local Control Funding Formula (LCFF)- Fiscal	916-322-3024
Agricultural Vocational Education	916-319-0887	Migrant Education	916-319-0851
Career Technical Education	916-322-5050	NCLB: Titles I- VII	916-319-0926
Child Care and Development (including State Preschool)	916-322-6233	Nutrition Services (including child nutrition)	916-445-0850
Educational Equity (Discrimination, Harassment, Intimidation, Bullying and Civil Rights Guarantees)	916-445-9174	Regional Occupational Centers and Programs	916-322-5050
Facilities	916-322-2470	Special Education	800-926-0648
Federal Class Size Reduction Initiative (K-3)	916-324-4533	Tobacco-Use Prevention Education	916-319-0914
Local Control Funding Formula (LCFF)- Content or Procedures	916-319-0809		



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Purpose

To gain an understanding of:

- History and purpose
- Statutory basis
- Legal definitions
- Critical questions
- Process summary
- Key concerns
- Frequent allegations
- Related updates
- Resources and contacts



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History and Purpose

- On September 29, 2012, Governor Jerry Brown signed into law Assembly Bill 1575, Pupil Fees, which restates existing law prohibiting a school from requiring a pupil to pay a fee, deposit or other charge not specifically authorized by law, for participation in an educational activity (California *Education Code* [EC] sections 49010–49013).
- AB 1575 provides that a complaint regarding pupil fees may be filed with the principal of a school under the UCP.
- Regulations took effect January 1, 2014.



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Statutory Basis

(EC Section 49013)

- (a) A complaint of noncompliance with the requirements of this article may be filed with the principal of a school under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the *California Code of Regulations*.
- (b) A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article.
- (c) A complainant not satisfied with the decision of a public school may appeal the decision to the department and shall receive a written appeal decision within 60 days of the department's receipt of the appeal.
- (d) If a public school finds merit in a complaint, or the department finds merit in an appeal, the public school shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.
- (e) Information regarding the requirements of this article shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the *California Code of Regulations*.
- (f) Public schools shall establish local policies and procedures to implement the provisions of this section on or before March 1, 2013.



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Legal Definitions

(5 CCR Section 4600)

“Complainant” - 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.



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Legal Definitions (Cont.)

(5 CCR Section 4600)

“Complaint” - 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. If the complainant is unable to put the complaint in writing, due to conditions such as disability or illiteracy, the public agency shall assist the complainant in the filing of the complaint.



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Legal Definitions (Cont.)

(5 CCR Section 4600)

- **“Appeal”** - a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration of a reinvestigation of the lower adjudicating body’s decision.
- **“Days”** - calendar days unless designated otherwise.



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Legal Definitions (Cont.)

(EC sections 49010–49013)

A “pupil fee” is a **fee**, **deposit**, or other **charge** imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require **educational activities** to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers.



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Legal Definitions (Cont.)

(EC sections 49010–49013)

“Educational activities” are those **offered** by a school, school district, charter school, or county office of education that constitute a **fundamental part of education**, including, but not limited to, curricular and extracurricular activities.



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Legal Definitions (Cont.)

(EC sections 49010–49013)

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.



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Legal Definitions (Cont.)

(5 CCR Section 4600)

“Reasonable efforts” - a public school’s good faith attempts 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”



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Critical Questions

- Is the activity offered by a school, school district, charter school, or county office of education?
- Is the activity an integral, fundamental part of education?
- Is the fee charged as a condition for registering or a condition for participation in a class or extracurricular activity?
- Is the fee otherwise authorized by statute?



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Example 1

A letter is received by mail. There is a sender's name and address. It states: "I want to let you know that I disagree with the email that I got from the Mr. Jones after I let him know that the band teacher was telling the kids' parents that they should volunteer 3 hours a month selling drinks during the football games to raise funds to buy instruments. I can't go because I have to work. The principal said the funds need to be raised somehow. What do I do? I can't attend and I don't want the possibility that my child would be without an instrument to play in the band."

- **Is the activity offered by a school, school district, charter school, or county office of education?**
- **Is the activity an integral, fundamental part of education?**
- **Is the fee charged as a condition for registering or a condition for participation in a class or extracurricular activity?**
- **Is the fee otherwise authorized by statute?**



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Example 2

An email from bethandjohnmyers@aol.com is sent to the PE teacher saying “Our son Tim is in your class. The other day you didn’t let him wear his regular jacket even though it was freezing because you said he should be wearing a school jacket. He had to run outside without a jacket and he got a nasty cold and had to miss five days of school and his grade was lowered. You can’t keep treating kids this way. We want to file a complaint with the department of education.”

- **Is the activity offered by a school, school district, charter school, or county office of education?**
- **Is the activity an integral, fundamental part of education?**
- **Is the fee charged as a condition for registering or a condition for participation in a class or extracurricular activity?**
- **Is the fee otherwise authorized by statute?**



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Example 3

A school administrator receives an email from an unidentified person which states, “Grad Night Field Trip Fees Are Illegal.” The complainant alleges that the Grad Night is a school field trip and all students must be allowed to attend without having to pay a fee. The email contains a flyer about Grad Night which requires a \$75 payment to “High School Grad Night.” The flyer states that permission slips are available in the school office.

- **Is the activity offered by a school, school district, charter school, or county office of education?**
- **Is the activity an integral, fundamental part of education?**
- **Is the fee charged as a condition for registering or a condition for participation in a class or extracurricular activity?**
- **Is the fee otherwise authorized by statute?**



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Process Summary

- **How to file:**
 - In writing.
- **Where/with whom the complaint is originally filed:**
 - School principal or district superintendent/UCP designated coordinator.
- **Who can file:**
 - Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization alleging violation of federal or state laws or regulations (for definitions, consult the LEA's legal counsel). May be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with *EC* sections 49010–49011 regarding pupil fees.
- **Complaint Timelines:**
 - **Filing:** Within one year of the date the alleged fee was imposed.
 - **Response:** LEA must respond within 60 calendar days. Non-extendable.



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Process Summary (Cont.)

- **Qualify for appeal?**
 - Yes
- **Where to appeal?**
 - CDE, CPCM Office.
- **How to appeal:**
 - In writing, with signature.
 - Must identify the basis for the appeal by identifying: (1) which facts are incorrect; or (2) which law is being misapplied; or (3) if the self-imposed corrective action does not meet the “reasonable effort” definition.
 - Appeal packet must contain a copy of the original complaint as well as a copy of the school district’s final decision on the complaint (if received).
- **Appeal Timelines:**
 - **Filing:** May appeal a Decision to the Department by filing a written appeal within 15 calendar days of receiving an LEA’s Decision.
 - **Response:** The CDE must respond within 60 calendar days. Non-extendable.



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Key Concerns

- Correct identification of pupil fee complaints
- 60-day timeline not eligible for extension
- Non-compliant Web sites and handouts
- LEA compliance with “reasonable efforts”
- Public Records Act requests may be involved. Be sure you know how to handle them!



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Frequent Allegations

- Lack of reimbursement
- Outdated LEA Web sites not reflecting appropriate pupil fee policies
- Charges for caps and gowns
- Summer school fees
- Procedural defects in LEA Decisions



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Consequences of Failing to Comply with UCP

5 CCR, Section 4670(a)

- The withholding of all or part of the local agency's relevant state or federal fiscal support in accordance with state or federal statutes or regulations;
- Probationary eligibility for future state or federal support, conditional on compliance with specified conditions;
- Proceeding in a court of competent jurisdiction for an appropriate order compelling compliance.



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Related Updates

AB 1575: New Pupil Fee Regulations

http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1551-1600/ab_1575_bill_20120831_enrolled.html



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Resources and Contacts

- **UCP Brochure and samples**
<http://www.cde.ca.gov/re/cp/uc>
- **AB 1575 Implementation Letter from the CDE to LEAs:**
<http://www.cde.ca.gov/re/cp/uc/ab1575letter20121116.asp>
- **AB1575 Brochure**
<http://www.cde.ca.gov/re/cp/uc>
- **Pupil Fee Fiscal Management Advisories**
<http://www.cde.ca.gov/re/lr/fm/index.asp>
- **Categorical Programs Complaints Management Office**
Celina Arias-Romero, Administrator
CAriasRomero@cde.ca.gov; 916-319-0929



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Training Evaluation Survey

Please complete the training
evaluation survey at:

<http://surveys2.cde.ca.gov/go/ucptrainingeval.asp>



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**This concludes the current
module.**