

**Policy 1312.3: Uniform Complaint Procedures**

**Status:** ADOPTED

**Original Adopted Date:** 05/01/2017 | **Last Revised Date:** 7/24/2023 | **Last Reviewed Date:** 8/17/2023

The Board of Trustees recognizes that the District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

**Complaints Subject to UCP**

The District's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8498)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. The filing of complaints that allege unlawful discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 and 220, and Government Code 11135, including any actual or perceived characteristic set forth by Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)
14. Migrant child education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)
17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School safety plans (Education Code 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
22. State preschool programs (Education Code 8207-8225)
23. State preschool health and safety deficiencies in license-exempt programs (Education Code 8212)
24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult or employee. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The District shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the

subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to UCP is included in a UCP complaint, the District shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the District's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

(cf. 3580 - District Records)

### **Non-UCP Complaints**

The following complaints shall not be subject to the District's UCP but shall be referred to the appropriate agency listed below: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

4. Any complaint alleging a violation in special education programs shall be referred to the California Department of Education. (5 CCR 4610; 5 CCR 3230)
5. Any complaint involving meal counting and claiming, reimbursable meals, eligibility of child or adult and violations of Education code sections 49550 to 49564.5.
6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the District's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)
7. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and mis-assignments shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the District in accordance with the procedures specified in AR 4030 – Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department or AR 4119.11 – Title IX Sexual Harassment Complaint Procedures.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
2 CCR 11023	<a href="#">Harassment and discrimination prevention and correction</a>
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students

Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8488	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>

Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes; harassment
<b>Federal</b>	<b>Description</b>
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 110.25	Notification of nondiscrimination on the basis of age
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended

42 USC 2000h-2-2000h-6

42 USC 6101-6107

### Management Resources

California Department of Education  
Publication

California Department of Education  
Publication

U.S. DOE, Office for Civil Rights  
Publication

U.S. DOE, Office for Civil Rights  
Publication

U.S. DOE, Office for Civil Rights  
Publication

U.S. DOJ Publication

Website

Website

Website

Website

Website

Website

Website

Website

Website

Title IX of the Civil Rights Act of 1964

Age Discrimination Act of 1975

### Description

Uniform Complaint Procedure 2021-22 Program Instrument

Sample UCP Board Policies and Procedures

Part 1: Questions and Answers Regarding the Department's  
Title IX Regulations, January 2021

Questions and Answers on the Title IX Regulations on Sexual  
Harassment, July 2021

Dear Colleague Letter: Responding to Bullying of Students  
with Disabilities, October 2014

Guidance to Federal Financial Assistance Recipients  
Regarding Title VI Prohibition Against National Origin  
Discrimination Affecting Limited English Proficient Persons,  
2007

[CSBA District and County Office of Education Legal Services](#)

[Student Privacy Policy Office](#)

[U.S. Department of Agriculture](#)

[California Department of Social Services](#)

[U.S. Department of Justice](#)

[California Department of Education](#)

[CSBA](#)

[U.S. Department of Education, Office for Civil Rights](#)

[California Civil Rights Department](#)

### Cross References

#### Code

0410

0420

0420

0420.41

0420.41-E(1)

0430

#### Description

[Nondiscrimination In District Programs And Activities](#)

[School Plans/Site Councils](#)

[School Plans/Site Councils](#)

[Charter School Oversight](#)

[Charter School Oversight](#)

[Comprehensive Local Plan For Special Education](#)

0430	<a href="#"><u>Comprehensive Local Plan For Special Education</u></a>
0450	<a href="#"><u>Comprehensive Safety Plan</u></a>
0450	<a href="#"><u>Comprehensive Safety Plan</u></a>
0460	<a href="#"><u>Local Control And Accountability Plan</u></a>
0460	<a href="#"><u>Local Control And Accountability Plan</u></a>
0470	<a href="#"><u>COVID-19 Mitigation Plan</u></a>
1100	<a href="#"><u>Communication With The Public</u></a>
1113	<a href="#"><u>District And School Web Sites</u></a>
1113	<a href="#"><u>District And School Web Sites</u></a>
1113-E(1)	<a href="#"><u>District And School Web Sites</u></a>
1114	<a href="#"><u>District-Sponsored Social Media</u></a>
1114	<a href="#"><u>District-Sponsored Social Media</u></a>
1220	<a href="#"><u>Citizen Advisory Committees</u></a>
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1250	<a href="#"><u>Visitors/Outsiders</u></a>
1250	<a href="#"><u>Visitors/Outsiders</u></a>
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1312.2	<a href="#"><u>Complaints Concerning Instructional Materials</u></a>
1312.2	<a href="#"><u>Complaints Concerning Instructional Materials</u></a>
1312.2-E(1)	<a href="#"><u>Complaints Concerning Instructional Materials</u></a>
1312.4	<a href="#"><u>Williams Uniform Complaint Procedures</u></a>
1312.4-E(1)	<a href="#"><u>Williams Uniform Complaint Procedures</u></a>
1312.4-E(2)	<a href="#"><u>Williams Uniform Complaint Procedures</u></a>
1313	<a href="#"><u>Civility</u></a>
1340	<a href="#"><u>Access To District Records</u></a>
1340	<a href="#"><u>Access To District Records</u></a>
3260	<a href="#"><u>Fees And Charges</u></a>
3260	<a href="#"><u>Fees And Charges</u></a>
3555	<a href="#"><u>Nutrition Program Compliance</u></a>
3555-E(1)	<a href="#"><u>Nutrition Program Compliance</u></a>



3580	<a href="#">District Records</a>
3580	<a href="#">District Records</a>
4030	<a href="#">Nondiscrimination In Employment</a>
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4112.23	<a href="#">Special Education Staff</a>
4112.9	<a href="#">Employee Notifications</a>
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4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
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4119.1	<a href="#">Civil And Legal Rights</a>
4119.11	<a href="#">Sexual Harassment</a>
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5125	<a href="#"><u>Student Records</u></a>
5131.62	<a href="#"><u>Tobacco</u></a>
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5137	<a href="#"><u>Positive School Climate</u></a>
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5145.71	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
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