

UNIFORM COMPLAINT PROCEDURES

Original Adopted Date: 06/10/1980 | **Last Revised Date:** 10/03/2023

The Board of Education recognizes that the district has primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages 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 Uniform Complaint Procedures

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

1. Accommodations for pregnant and parenting students
2. Adult education programs
3. After School Education and Safety programs
4. Agricultural career technical education
5. Career technical and technical education and career technical and technical training programs
6. Childcare and development programs
7. Compensatory education
8. Consolidated categorical aid programs
9. Course periods without educational content
10. 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 or 220, Government Code 11135, or 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
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school
12. Every Student Succeeds Act
13. Local Control and Accountability Plan
14. Migrant education
15. Physical education instructional minutes
16. Student fees

17. Reasonable accommodations to a lactating student
18. Regional occupational centers and programs
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding
20. School safety plans
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding
22. State preschool programs
23. State preschool health and safety issues in license-exempt programs
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. 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 confidential the identity of the complainant and/or the subject of the complaint if they are different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to the 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 Board Rule.

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.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

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.
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 employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Board Rule 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Board Rule 6159.1 - Procedural Safeguards and Complaints for Special Education.
6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance.
7. 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 Board Policy 3555 - Nutrition Program Compliance.
8. 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 misassignments shall be investigated and resolved in accordance with Board Rule 1312.4 - Williams Uniform Complaint Procedures.

Legal Reference: 2 CCR 11023 Harassment and discrimination prevention and correction
 5 CCR 15580-15584 Child nutrition programs complaint procedures
 5CCR 3200-3205 Special education compliance complaints
 5 CCR 4600-4670 Uniform complaint procedures
 5 CCR 4600-4687 Uniform complaint procedures and Williams complaints
 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
EDUCATION CODE:
 200-262.4 Prohibition of discrimination

8200-8488 Childcare and development programs
 8500-8538 Adult basic education
 18100-18203 School libraries
 32280-32289.5 School safety plans
 35186 Williams Uniform Complaint Procedures
 46015 Parental leave for students
 48853-48853.5 Foster youth
 48985 Notices in language other than English
 49010-49013 Student fees
 49060-49079 Student records
 49069.5 Records of foster youth
 49490-49590 Child nutrition programs
 49701 Provisions of the Interstate Compact on Educational Opportunity for Military Children
 51210 Courses of study for grades 1-6
 51222 Physical education
 51223 Physical education, elementary schools
 51225.1-51225.2 Foster youth, homeless children, former juvenile court school students course credits; graduation requirements
 51226-51226.1 Career technical education
 51228.1-51228.3 Course periods without educational content
 52059.5 Statewide system of support
 52060-52077 Local control and accountability plan
 52075 Complaint for lack of compliance with local control and accountability plan requirements
 52300-52462 Career technical education
 52500-52617 Adult schools
 54400-54425 Compensatory education programs
 54440-54445 Migrant education
 54460-54529 Compensatory education programs
 59000-59300 Special schools and centers
 64000-64001 Consolidated application process; school plan for student achievement
 65000-65001 School site councils
GOVERNMENT CODE:
 11135 Prohibition of discrimination
 12900-12996 Fair Employment and Housing Act
HEALTH AND SAFETY CODE
 1596.792 California Child Day Care Act; general provisions and definitions
 1596.7925 California Child Day Care Act; health and safety regulations
PENAL CODE:
 422.55 Definition of hate crime
 422.6 Crimes; harassment
UNITED STATES CODE, TITLE 20
 1221 Application of laws
 1232g Family Educational Rights and Privacy Act (FERPA) of 1972
 1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex
 6301-6576 Title I, Improving the Academic Achievement of the Disadvantaged
 6801-7014 Title III language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29
 794 Section 504 of Rehabilitation Act of 1973
 UNITED STATES CODE, TITLE 42
 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
 6101-6107 Age Discrimination Act of 1975
 11431-11435 McKinney-Vento Homeless Assistance Act
 12101-12213 Americans with Disabilities Act
 CODE OF FEDERAL REGULATIONS, TITLE 28
 35.107 Nondiscrimination on basis of disability; complaints
 CODE OF FEDERAL REGULATIONS, TITLE 34
 99.1-99.67 Family Educational Rights and Privacy Act
 100.3 Prohibition of discrimination on basis of race, color, or national origin
 104.7 Section 504 Designation of responsible employee and adoption of grievances procedures
 106.1-106.82 Nondiscrimination on the basis of sex in education programs
 106.30 Discrimination on the basis of sex in education programs and activities; definitions
 106.44 Recipient's response to sexual harassment
 106.45 Grievance process for formal complaints of sexual harassment
 106.8 Designation of coordinator; dissemination of policy, and adoption of grievance procedures
 110.25 Notification of nondiscrimination on the basis of age
MANAGEMENT RESOURCES:
 CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
 Uniform Complaint Procedure 2020-21 Program Instrument
 Sample UCP Board Policies and Procedures
 U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
 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: Bullying of Students with Disabilities, October 2014
 U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007
WEBSITES:
 CSBA: <http://www.csba.org>
 California Department of Education: <http://www.cde.ca.gov>
 Family Policy Compliance Office: <http://familypolicy.ed.gov>
 U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>
 U.S. Department of Justice: <http://www.justice.gov>

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Revised: 09/02/14
Revised: 05/19/15
Revised: 07/14/15 (technical revision)
Revised: 08/15/17
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