

Policy 1312.3: Uniform Complaint Procedures

Status: DRAFT

Original Adopted Date: 03/05/2020

The Governing Board recognizes that the Eden Area Regional Occupational Program (Eden Area ROP) has the 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 UCP

The Eden Area ROP'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 (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. Discrimination, harassment, intimidation, or bullying in Eden Area ROP programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the 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 (5 CCR 4610)
9. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
10. Migrant education (Education Code 54440-54445)
11. Student fees (Education Code 49010-49013)
12. Reasonable accommodations to a lactating student (Education Code 222)
13. Regional occupational centers and programs (Education Code 52300-52334.7)
14. School safety plans (Education Code 32280-32289)
15. 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
16. 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 Eden Area ROP 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.

When an allegation that is not subject to UCP is included in a UCP complaint, the Eden Area ROP 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.

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 Eden Area ROP'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. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the Eden Area ROP in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
4. 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, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
5. 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 AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

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.

State References

2 CCR 11023

5 CCR 15580-15584

Description

Harassment and discrimination prevention and correction - <https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbsh34hY5zslsh5Q==>

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 education programs
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 18100-18203	School libraries
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32280-32289	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices in language other than English
Ed. Code 49010-49014	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	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51210	Courses of study 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 52500-52616.24	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 8200-8498	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Nondiscrimination in programs or activities funded by state

Gov. Code 11135
Gov. Code 12900-12996
H&S Code 1596.792
H&S Code 1596.7925
Pen. Code 422.55
Pen. Code 422.6

Federal References

20 USC 1221
20 USC 1232g
20 USC 1681-1688
20 USC 6301-6576
20 USC 6801-7014
28 CFR 35.107
29 USC 794
34 CFR 100.3
34 CFR 104.7
34 CFR 106.1-106.82
34 CFR 106.8
34 CFR 106.9
34 CFR 110.25
34 CFR 99.1-99.67
42 USC 11431-11435
42 USC 12101-12213
42 USC 2000d-2000e-17
42 USC 2000h-2-2000h-6
42 USC 6101-6107

Management Resources References

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. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOJ Publication
Website

Discrimination -
<https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKALOEtfQ==>
Fair Employment and Housing Act
California Child Day Care Act; general provisions and definitions
California Child Day Care Act; health and safety regulations
Definition of hate crime
Civil rights; crimes

Description

Application of laws
Family Educational Rights and Privacy Act (FERPA) of 1974
Title IX of the Education Amendments of 1972
Title I Improving the Academic Achievement of the Disadvantaged
Title III language instruction for limited English proficient and immigrant students
Nondiscrimination on basis of disability; complaints
Rehabilitation Act of 1973, Section 504
Prohibition of discrimination on basis of race, color or national origin
Designation of responsible employee for Section 504
Nondiscrimination on the basis of sex in education programs
Designation of responsible employee for Title IX
Notification of nondiscrimination on basis of sex
Notification of nondiscrimination on the basis of age
Family Educational Rights and Privacy Act
McKinney-Vento Homeless Assistance Act
Title II equal opportunity for individuals with disabilities
Title VI and Title VII Civil Rights Act of 1964, as amended
Title IX of the Civil Rights Act of 1964
Age Discrimination Act of 1975

Description

Uniform Complaint Procedure 2020-21 Program Instrument
Sample UCP Board Policies and Procedures
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Harassment and Bullying, October 2010
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
Guidance to Federal Financial Assistance Recipients Regarding Title VI, 2002
U.S. Department of Justice -
<https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==>

Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==

Cross References

Description

0430	Comprehensive Local Plan For Special Education - https://simbli.eboardsolutions.com/SU/e71MVNX06aDGjvR9BjRH0Q==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/XYF8itC2cfEX1xwveJLDCQ==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/r97Rsu8M6iVBGFQk72Bvplusg==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/lozntKyUEVTuEwcqK7gFTw==
1312.4	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/vAN6YBtFhu4n57iYVTCEPA==
1312.4-E(1)	Williams Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/VFSWz7BTK4slshMqMdJvAsMplusw==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/GBmLyqzfcSckfJHelqrNEQ==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/zPs9HLtSlshppqbH6809dB9Ew==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8Nrx4fwhdPnt5IFP14w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/6Cx1vmlZzL4v17kBX0UMmQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/DEDQMTcIL2LReSslshUbwCFuA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIz40DSa1c7mTns8w==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XNvDKoMKzeSET7e8lu7odQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMSD28thd0bsVO5A==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/b2kd8gTslshr11dls6OdyxU4g==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/eF8CtslshRzbrmrzVc4fT29FNg==
4119.11-E(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3i8ZiJCD1P9ag==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGf9vm10iQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/gS6nQM3taplus7KNq7ROsEJdQ==

4212.9 Employee Notifications -
<https://simbli.eboardsolutions.com/SU/4A0tshXyXIJvP6B6ft5plusnng==>

4218 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==>

4218 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==>

4219.1 Civil And Legal Rights -
<https://simbli.eboardsolutions.com/SU/slshiMtmDG5HwlomoOxm8JnSQ==>

4219.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/4gkr2olplus5nNrAYmUovOIGA==>

4219.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/IRPC1EalM3FZbpiYMgcFdg==>

4219.11-E(1) Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==>

4219.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==>

4244 Complaints -
<https://simbli.eboardsolutions.com/SU/aQNldGubKpluslPfZH0rpluskBQQ==>

4244 Complaints -
<https://simbli.eboardsolutions.com/SU/Ojld2dnxGjxfwG6RsewdNg==>

4312.9 Employee Notifications -
<https://simbli.eboardsolutions.com/SU/jjOvCL3R0BslshFhOudlvslshXEA==>

4312.9 Employee Notifications -
<https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==>

4319.1 Civil And Legal Rights -
<https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==>

4319.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/AXmklslhE6ESRrrr2slpOw==>

4319.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/RNPrp89iWr75pMkO30qU4A==>

4319.11-E(1) Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==>

4319.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFFrA==>

4331 Staff Development -
<https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/81islshPFcSeJaoFtslshzpmvsRg==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykw5uttqlw==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/wdXKiPstB2P6JfsSrlNglg==>

5131.62 Tobacco -
<https://simbli.eboardsolutions.com/SU/nKXslshbqgJyyDvAupl0BVblQ==>

5137 Positive School Climate -
<https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==>

5141.4 Child Abuse Prevention And Reporting -
<https://simbli.eboardsolutions.com/SU/7STRMkdHP8yGDLmNZ7ZZTw==>

5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/kCgXddEBjkf9hFwJDlhUw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/KVzyk1B2oqZCSfZin1Rgdw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/k7xftZvOPpi977gdgTbxvA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/PueKjozLssXslshPISDP0PuoQ==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/VRKrIMnKplusJ7zJ6slshslshg7zylQ==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/UQX96fxRaaUxplus1yWrFeH0w==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4hsSCpmzggBRzyCdRgcBmA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/EblCvCot44XBu1Vz7xwzdA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/cx09lvoiKmDu69FhPQToow==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/GVslshTRdIRBkNoSFjBOVDBXg==
9011	Disclosure Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusFernMK4TDjaWmZ9vAOBbw==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/FEannZ2vlSzoFWOG1sbNw==
9124	Attorney - https://simbli.eboardsolutions.com/SU/SCAmkZbczLQXtdc2JZUDkg==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/lplusspjGanwlwaeN2Z1XBIMA==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/PplusdNMSVOXcjS490DMe4c0w==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/Ghjg3tjvplumGe9joApcsNig==