Community Relations BP 1312.3

UNIFORM COMPLAINT PROCEDURES

The Governing Board 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 early resolution of complaints whenever possible. To resolve complaints that cannot be resolved through an informal process, the Board adopts the uniform system of compliant processes specified in this policy and associated administrative regulation, in accordance with 5 CCR 4600-4670.

Compliance Officer

The district identifies the individual identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual also serves as the Title IX Coordinator specified in BP 5145.3 – Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in BP 5145.7 – Sexual Harassment for handling complaints regarding sexual harassment. The compliance officer shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

Associate Superintendent of Personnel Services
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The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

Complaints Subject to Uniform Complaint Procedures (UCP)

The district's uniform complaint procedures shall be used to investigate and resolve complaints regarding the following:

- 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 the person's actual or perceived characteristics of sex, sexual orientation, gender, gender expression, gender identity, or genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, immigration status, religion, color, mental or physical disability, medical condition, age, marital status, pregnancy, parental status, or any other characteristic identified in Education Code 200 or 220, Government Code 111325, or Penal Code 422.55,

or based on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 – Nondiscrimination/Harassment
(cf. 5145.7 – Sexual Harassment
(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)

- Complaints related to adult education programs, after school education and safety programs, consolidated categorical aid programs, compensatory education, migrant education, career technical and technical education and career technical and technical training programs, physical education instructional minutes, agricultural career technical education, student fees, state preschool programs, child care and development programs, accommodations for pregnant and parenting students, and reasonable accommodations for lactating students. ,

(cf. 3260 – Fees and charges)
(cf. 5146 – Married/Pregnant/Parenting Students)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 – Before/After School Programs)
(cf. 5148.3 – Preschool/Early Childhood Education)
(cf. 6142.7 – Physical Education and Activity)
(cf. 6171 - Title I Programs)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 – Work-Based Learning)
(cf. 6200 – Adult Education)

- Complaints regarding 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)

(cf. 6173 – Education for Homeless Children)
(cf. 6173.1 – Education for Foster Youth
(cf. 6173.2 – Education for Children of Military Families)
(cf. 6173.3 – Education for Juvenile Court School Students)

- Complaints regarding the Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.), local control and accountability plan (Education Code 52075), school safety plans (Education Code 32280-32289), and school plans for student achievement and school site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Codes 64001 and 65000).

cf. 0420 – School Plans/Site Councils)

cf. 0450 – Comprehensive Safety Plan)
cf. 0460 – Local Control and Accountability Plan)

- 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.

- Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate.

Non-UCP Allegations and Complaints

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 for further processing.

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:

- Allegations of child abuse shall be referred to the County Department of Social Services, Protective Services Division or appropriate law enforcement agency.

- Health and safety complaints regarding a child development program shall be referred to the Department of Social Services for licensed facilities.

- Complaints alleging unlawful discrimination, sexual harassment or related retaliation in employment shall be processed in accordance with Board Policy 4030 – Nondiscrimination in Employment and Board Policy and Administrative Regulations 4119.11 – Sexual Harassment.

Complaints 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, and teacher vacancies and misassignments shall be investigated and resolved in accordance with AR 1312.4 - Williams uniform complaint procedures. (Education Code 35186)

- Complaints 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 in accordance with AR 6159.1 – Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

- Complaints regarding child nutrition programs shall be filed with or referred to the California Department of Education in accordance with BP 3555 – Nutrition Program Compliance. (5 CCR 15580-15584)

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. (5 CCR 4621)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board recognizes that alternative dispute resolution 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 alternative dispute resolution 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 alternative dispute resolution is consistent with state and federal laws and regulations. (5 CCR 4631)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedure
35186 Williams uniform complaint procedures
46015 Parental leave for students
48853-48853.5 Foster youth
49010-49014 Student fees

49060-49079 Student records
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements
52059.5 Statewide system of support
52060-52077 Local control and accountability plan
52300-52462 Career technical education
52500-52616.24 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 progress; school plan for student achievement
64000-64001 Consolidated application process
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
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 Hate crime; definition
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 2
11023 Harassment and discrimination prevention and correction
CODE OF REGULATIONS, TITLE 5
3200-3205 Special education compliance complaints
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs
4900-4965 Nondiscrimination in elementary and secondary education programs
15580-15584 Child nutrition programs complaint procedures
UNITED STATES CODE, TITLE 20
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged
6601-6777 Title II preparing and recruiting high quality teachers and principals
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 Title II equal opportunity for individuals with disabilities
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 Designation of responsible employee for Section 504
106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
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, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Dear Colleague Letter: Harassment and Bullying, October 2010
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
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, 2002
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/offices/OCR
Student Privacy Policy Office:
http://www2.ed.gov/about/offices/list/opepd/sppo
U.S. Department of Justice: http://www.justice.gov

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