

**Uniform Complaint Procedures (UCP)**

The Marin County Board of Education (MCBOE) recognizes that the Marin County Office of Education (MCOE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing its educational programs. The MCBOE encourages the early resolution of complaints whenever possible. To resolve complaints that may require a more formal process, the MCBOE adopts the uniform system of complaint processes specified in 5 CCR 4600- 4670 and any related procedures approved by the County Superintendent of Schools.

**Complaints Subject to Uniform Complaint Procedures (UCP)**

MCOE's 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. Childcare and development programs (Education Code 8200-8488)
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. Discrimination, harassment, intimidation, or bullying in MCOE 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 (5 CCR 4610)

Discrimination includes the MCBOE's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with MCOE, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243)

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and students participating in a newcomer program (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 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 site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

21. State preschool programs (Education Code 8207-8225)

22. State preschool health and safety issues in license-exempt programs (Education Code 8212)

23. 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

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

At its discretion, MCOE may use the UCP for any other type of complaint as specified in an MCOE policy or regulation. (5 CCR 4610)

The UCP shall also be used to address any complaint alleging MCOE's noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. MCOE will attempt, in good faith, to engage in reasonable efforts 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. (5 CCR 4600(u)) A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5 CCR 4630(c)(2))

The MCBOE encourages the early, informal resolution of complaints at the site level whenever possible. To resolve complaints which cannot be resolved through such informal process, the MCBOE shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670.

The MCBOE 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 use of ADR shall be consistent with state and federal laws and regulations.

All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the identity of the complainant, and/or the subject of the complaint if different from the complainant, shall remain confidential when appropriate and as long as the integrity of the complaint process is maintained.

The MCBOE acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation, and bullying complaints shall be investigated in a manner consistent with applicable due process that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as

appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the County Superintendent of Schools or designee, on a case-by-case basis.

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent of Schools policies and procedures.

### **Non-UCP Complaints**

The following complaints shall not be subject to MCOE'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 the Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which MCOE 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 Exhibit(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be referred to the County Superintendent of Schools for investigation using MCOE procedures, including the right to file the complaint with the California Civil Rights Department.
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 MCOE is subject, or a physical safety concern that interferes with MCOE's provision of a FAPE shall be submitted to the California Department of Education (CDE). (5 CCR 3200-3205)
6. Any complaint alleging noncompliance of MCOE'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 California Department of Education (CDE) in accordance with

Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15580 - 15584)

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in MCOE's food service program shall be referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582)

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 Policy 1312.4 - Williams Uniform Complaint Procedures and applicable administrative regulations. (Education Code 35186)

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

Status: Adopted  
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