

POLICY

Board of Education Riverside Unified School District

Uniform Complaint

PURPOSE: The purpose of this policy is to ensure compliance for specific programs and activities for which state and/or federal funding is provided to school districts and for which school districts are required to establish a uniform system of complaint processing.

POSITION: The Board of Education recognizes the need to use uniform complaint procedures to investigate and resolve complaints.

1. The Governing Board recognizes that the district has primary responsibility for ensuring that it complies with state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

UNIFORM COMPLAINT PROCEDURES

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

- a. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR [4610](#))
(cf. [3553](#) - Free and Reduced Price Meals)
(cf. [3555](#) - Nutrition Program Compliance)
(cf. [5141.4](#) - Child Abuse Prevention and Reporting)
(cf. [5148](#) - Child Care and Development)
(cf. [6159](#) - Individualized Education Program)
(cf. [6171](#) - Title I Programs)
(cf. [6174](#) - Education for English Language Learners)
(cf. [6175](#) - Migrant Education Program)
(cf. [6178](#) - Career Technical Education)
(cf. [6178.1](#) - Work-Based Learning)
(cf. [6178.2](#) - Regional Occupational Center/Program)
(cf. [6200](#) - Adult Education)
- b. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any person, based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, 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 his/her association with a person or group with one or more of these actual or perceived characteristics, in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR [4610](#))

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [4030](#) - Nondiscrimination in Employment)

(cf. [4031](#) - Complaints Concerning Discrimination in Employment)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

- c. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR [4610](#))
 - (cf. [3260](#) - Fees and Charges)
 - (cf. [3320](#) - Claims and Actions Against the District)
 - d. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code [52075](#))
 - (cf. [0460](#) - Local Control and Accountability Plan)
 - e. Any complaint alleging that the district has not complied with legal requirements related to providing reasonable accommodations for lactating pupils on a school campus. (EC 222)
 - f. Any complaint alleging that the district has not complied with legal requirements related foster and homeless youth (EC 48853 and 48853.5)
 - g. Any complaint alleging that the district has not complied with legal requirements related the assigning of students in grades 9 – 12 in any course period without educational content for more than one week (EC 51228.1 and 58228.2)
 - h. Any complaint alleging that the district has not complied with legal requirements related instructional minutes for physical education in grades 1 through 6 (EC 51210 and 51223)
 - i. 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
 - j. Any other complaint as specified in a district policy
2. The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which shall 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.
 3. The Board acknowledges and respects student and employee rights to privacy. Complaints shall be investigated in a manner that protects these rights. The identity of any complainant alleging discrimination shall be kept confidential as appropriate.
 4. The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate 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 he/she is different from the complainant, 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)

5. 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.
6. The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, 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)

7. The Superintendent or designee shall ensure that employees designated to receive and investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.
8. The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.
(cf. [3580](#) - District Records)

NON-UCP Complaints

9. The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)
 - a. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
 - b. 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.
 - c. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
 - d. Any complaint alleging fraud shall be referred to the California Department of Education.
 - e. In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve 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. (Education Code [35186](#))
(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

LEGAL REFERENCES:

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 procedures
[35186](#) Williams uniform complaint procedures
[48985](#) Notices in language other than English
[49010-49013](#) Student fees
[49060-49079](#) Student records
[49490-49590](#) Child nutrition programs
[52060-52077](#) Local control and accountability plan, especially
[52075](#) Complaint for lack of compliance with local control and accountability plan requirements
[52160-52178](#) Bilingual education programs
[52300-52490](#) Career technical education
[52500-52616.24](#) Adult schools
[52800-52870](#) School-based program coordination
[54400-54425](#) Compensatory education programs
[54440-54445](#) Migrant education
[54460-54529](#) Compensatory education programs
[56000-56867](#) Special education programs
[59000-59300](#) Special schools and centers
[64000-64001](#) Consolidated application process

GOVERNMENT CODE

[11135](#) Nondiscrimination in programs or activities funded by state
[12900-12996](#) Fair Employment and Housing Act

PENAL CODE

[422.55](#) Hate crime; definition
[422.6](#) Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

[3080](#) Application of section
[4600-4687](#) Uniform complaint procedures
[4900-4965](#) Nondiscrimination in elementary and secondary education programs

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
[6301-6577](#) Title I basic programs
[6801-6871](#) Title III language instruction for limited English proficient and immigrant students
[7101-7184](#) Safe and Drug-Free Schools and Communities Act
[7201-7283g](#) Title V promoting informed parental choice and innovative programs
[7301-7372](#) Title V rural and low-income school programs
 12101-12213 Title II equal opportunity for individuals with disabilities

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

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

[106.8](#) 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:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

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>

Family Policy Compliance Office: <http://familypolicy.ed.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice: <http://www.justice.gov>

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Readopted: January 2016