



RUSD

RIVERSIDE UNIFIED
SCHOOL DISTRICT



UNIFORM COMPLAINT PROCEDURES

Raúl Ayala, Director IV
Pupil Services
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WHAT IS THE UCP?

Topic	Details
<i>Law & Policy</i>	5 CCR 4600-4694; BP/AR 1312.3
<i>Purpose</i>	Provide a formal process to address violations of state/federal laws and regulations governing certain educational programs
<i>Timeframe</i>	Completion within 60 calendar days of receipt of the complaint unless extended by complainant
<i>Compliance Officer</i>	Resolution Manager & Director of Pupil Services
<i>Enforcement Agency</i>	California Department of Education (CDE)

NOTIFICATION REQUIREMENTS

To ensure everyone is aware of the list of programs & activities subject to the UCP, the identity and contact information of the compliance officer(s), how to file a complaint, the process for investigating and resolving a complaint, and appeal procedures.

Posting of the UCP Annual Notice:

- Schools and offices
- Staff lounges
- Student government meeting rooms
- District and school websites

Written notice provided to:

- Students & parents
- District employees
- District and school advisory committee members
- Private school officials/ and representatives
- Other interested parties

SCOPE OF THE UCP (1)

<i>Programs & Activities</i>	<i>Legal Reference</i>
Accommodations for pregnant & parenting students	EC 46015
Adult education programs	EC 8500-8538, 52334.7, 52500-52617
Afterschool Education & Safety programs	EC 8482-8484.65
Agricultural career technical education	EC 52460-52462
Career technical and technical education and career technical and technical training programs	EC 52300-52462
Child care and development programs	EC 8200-8488
Compensatory education	EC 54400
Consolidated categorical aid programs	EC 54400
Course periods without educational content	EC 51228.1-51228.3

SCOPE OF THE UCP (2)

Discrimination, harassment, intimidation, or [bullying](#) in district programs and activities based on a person's actual or perceived characteristics, 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, but is not limited to, the Board's refusal to approve the use or prohibit the use of any of the following on the basis that it includes a study of the role and contributions of any individual or group: (EC 243, 244)

- Textbook
- Instructional material
- Supplemental instructional material
- Other curriculum for classroom instruction
- Any book or other resource in a school library

Characteristics

race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, physical or mental disability, medical condition, sex, gender, gender identity, gender expression, sexual orientation, marital status, or genetic information

SCOPE OF THE UCP (3)

Programs & Activities	Legal Reference
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 newcomer students	EC 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2
Every Student Succeeds Act	EC 52059.5; 20 USC 6301 <i>et seq.</i>
Local control and accountability plan	EC 52075
Migrant education	EC 54440-54445
Physical education instructional minutes	EC 51210, 51222, 51223
Student fees	EC 49010 -49013
Reasonable accommodations to a lactating student	EC 222

SCOPE OF THE UCP (4)

<i>Programs & Activities</i>	<i>Legal Reference</i>
Regional occupational centers and programs	EC 52300-52334.7
School plans for student achievement	EC 64001
School site councils	EC 65000
State preschool programs	EC 8207-8225
State preschool health and safety issues in license-exempt programs	EC 8212
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 the UCP	N/A
Any other state or federal educational program the State Superintendent or designee deems appropriate	N/A

NON-UCP COMPLAINTS

<i>Subject</i>	<i>Agency/Process</i>
Child abuse or neglect	County Department of Social Services Protective Services Division
Health & safety violations by a licensed child development program	Department of Social Services
Sexual discrimination under Title IX	AR 5145.71; Office for Civil Rights
Employment discrimination or harassment	AR 4030, 4119.12, 4219.12, 4319.12; CA Civil Rights Department
Special education-related issues	AR 6159.1; CA Department of Education
Food service program	BP 3555; CA Department of Education
Discrimination in the food service program	U.S. Department of Agriculture

NON-UCP COMPLAINTS: WILLIAMS



Instructional
Materials



Teacher
Vacancy/
Misassignments



Facility
Conditions

AR 1312.4

FILING OF COMPLAINTS: RULES

- ***Programs & activities:*** Can be filed by an individual, public agency or organization.
- **Student fees & LCAP:** May be filed anonymously if supporting evidence or information leading to evidence can be provided. Must be filed within one year from the date the alleged violation occurred.
- ***Discrimination, harassment, intimidation, bullying:*** Must be initiated within 6 months from the date that it allegedly occurred, or from when the complainant first obtained knowledge of the alleged violation. Timeline can be extended up to 90 days for good cause. May be filed anonymously, which triggers certain notifications to the complainant.

SPECIAL CIRCUMSTANCES

Anonymous Complaint

The compliance officer must still pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegations.

Request for Confidentiality

The complainant or alleged victim must be informed that the request may limit the district's ability to investigate or take other necessary action, but still take all reasonable steps to investigate and resolve/respond to the complaint.

Refusal to Cooperate or Provide Evidence

If complainant, it may result in the dismissal of the complaint due to lack of evidence.

If respondent, may result in a finding, based on evidence, that a violation has occurred and in the imposition of a remedy in favor of the complainant.

APPEAL TO THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE)

Any complainant who is dissatisfied with the District's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the District's investigation report.

- ❖ The District failed to follow its complaint procedures
- ❖ Relative to the allegations of the complaint, the District's investigation report lacks material findings of fact necessary to reach a conclusion of law
- ❖ The material findings of fact in the District's investigation report are not supported by substantial evidence
- ❖ The legal conclusion in the District's investigation report is inconsistent with the law
- ❖ In a case in which the District found noncompliance, the corrective actions fail to provide a proper remedy

COMPLIANCE OFFICERS

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Resolution Officer

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