

OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Ombudsperson
 Marcus A. Foster Leadership Center
 1011 Union Street, Suite 906, Oakland, CA 94607
 (510) 879-4281; FAX (510) 879-3678
 Email: gabriel.valenzuela@ousd.org

FOR OFFICE USE ONLY

Date Received: _____
 Received by: _____
 Log No.: _____
 Mailed to: _____
 Date Mailed: _____
 Copy filed by: _____
 Response Due: _____

UNIFORM COMPLAINT FORM

Unlawful discrimination complaints and student suspension/expulsion complaints must be filed within six (6) months of the alleged violation. All other complaints alleging a State or Federal Program violation must be filed within (1) one year of the alleged violation. Only Pupil Fees and LCAP complaints may be filed anonymously. Please submit this complaint form to the District Ombudsperson. Please expect a response within **sixty (60)** calendar days.

1. Person filing the complaint:

Please check one:	☐ Parent/Guardian	☐ Student	☐ Employee/Staff Job site: _____	☐ Other
-------------------	--	----------------------------------	--	--------------------------------

2. Complainant

Name			
Name of Child (grade and school)			
Address, City, Zip			
Telephone(s)		Email:	

3. Respondent

Filing a complaint against - Name(s)	
Job Title(s)	
School/Department	

4. Nature of Concerns (Please check the box(es) that apply and please explain why you checked the box(es):

***A Pupil Fee or LCAP complaint may be filed anonymously.. Note: Copies of discrimination complaints will not be shared with the accused party.*

Program Requirements for:		Program Requirements for:		Unlawful discrimination on the basis of actual or perceived characteristics of:
Adult Education	☐	Student Suspension	☐	Age (age 40+ in employment)
Education of English Learners	☐	Student Expulsion	☐	Ancestry / Nationality / National Origin
Career Technical Education	☐	Student Bullying	☐	Color / Race
Child Care and Development	☐	Pupil Fees/Deposits/Charges**	☐	Ethnicity / Ethnicity Group Identification
Every Student Succeeds Act (ESSA) - Title I	☐	Reasonable Accommodation to a Lactating Pupil	☐	Gender / Gender Identity / Gender Expression
Consolidated Categorical Aid Programs	☐	Course Periods without Educational Content for Pupils	☐	Parental, Marital or Family Status
Local Control Accountability Plan (LCAP)**	☐	Education & Graduation Requirements for Pupils in Foster Care, Homeless & Military Families	☐	Disability or Medical Condition
Compensatory Education	☐	Physical Education (PE) Minutes	☐	Immigration Status
Accommodations for pregnant & parenting pupils	☐	After School Education & Safety	☐	Religion / Religious Creed
School Safety Plan	☐	Instructional Materials & Curriculum Diversity	☐	Sex / Sex Stereotypes / Sexual Orientation
School Site Councils (SSC)	☐	Plans for Student Achievement	☐	Sexual Harassment
Agricultural Career Tech Ed.	☐	OTHER:	☐	Pregnancy / Childbirth/ False Pregnancy

5. Date(s) and location of event(s)

Date(s)		Location(s): (classroom, hallway, playground, gym, after school, etc.)	
---------	--	--	--

6. Nature of Concerns: (Please describe what happened. Please attach additional pages, if necessary).

7. Were there any witnesses? (Someone who saw what happened)

Name of Witness 1	
Name of Witness 2	

8. Did you discuss your concerns with the Principal or Supervisor? Yes; No

To whom have you spoken?		Date(s)	
--------------------------	--	---------	--

9. What was the result of the discussion? (what did they say)

10. Requested Remedy – If you desire a remedy or wish the District to take a particular course of action, please specify:

***Note:** A copy the written complaint filed against an employee will be provided to the employee except for discrimination and sexual harassment complaints.*

I understand that the District will maintain this information confidential, to the extent provided by law or collective bargaining agreement; that I will be protected from retaliation for filing this complaint; that the District may request further information about this matter; and if such information is available, I agree to present it upon request.

I understand that unlawful discrimination complaints must be filed within six (6) months of the alleged violation; all other complaints alleging a state or federal program violation must be filed within one (1) year of the alleged violation. Pupil Fees and LCAP complaints may be filed anonymously. I believe that the foregoing is true and correct.

Signature	Today's Date

Additional page for complaint details (complete this part if needed only):

[illegible]

OAKLAND UNIFIED SCHOOL DISTRICT

BP 1312.3

Uniform Complaint Procedures

Community Relations

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 the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint process specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The District's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

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 8200-8488).
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 District programs and 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, physical or mental disability, medical condition, or genetic information, or genetic information, or any other characteristic identified in Education Code section 200 or 220, Government Code section 11135, or Penal Code section 422.5, or based upon his/her association with a person or group with one or more of these actual or perceived characteristics. (5CCR4610).

Discrimination includes, but is not limited to, the Board'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. Additionally, discrimination includes, but is not limited to, the Board's adoption or approval of 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 if the use would subject a student to unlawful discrimination pursuant to Education Code 220. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243,244).

The UCP shall not be used to investigate and resolve employment discrimination complaints. (5CCR4611)

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 newcomer students. (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 section 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).

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving the complaint in a manner that is acceptable to all parties. An ADR process such as mediation, 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 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 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, 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 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 the 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 allegations(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 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 District'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, County Protective Services Division, or the appropriate law enforcement agency. (5CCR4611)

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, was subjected to conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.2.

Discrimination on the basis of sex includes sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Such a complaint shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2,106.10,106.11,106.44).

4. Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.

Employment complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 -Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

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 the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205).

6. Any complaint alleging noncompliance of the district'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 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 the district's food service program shall be filed with or 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 the sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186).

9. Any complaint alleging fraud shall be referred to the California Department of Education. (Board Policy 4144.5).

10. As per Board Policy 5144.1 - Suspension and Expulsion / Due Process, the Superintendent shall develop a complaint form to allow members of the school community and public to raise concerns if restorative justice or another restorative approach is not available at a school site as an alternative to suspension. The complaint form will be available on the District's website, the District Discipline Office, and the District Ombudsperson's Office. The Ombudsperson shall investigate such complaints and within 90 days of complaint submission develop a plan with the school site for addressing the complaint and provide a written response to the complaining party.

Legal Reference:

EDUCATION CODE

200-270 Educational Equity

222 Reasonable accommodations; lactating students

8200-8488 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

33315 Consolidated categorical aid programs

35186 Williams uniform complaint procedures

46015 pregnant and parenting students

48853-48853.5 Foster and homeless youth
 48645.7 Juvenile Court Schools
 49010-49013 Student fees
 49060-49079 Student records
 49069.5 Rights of parents
 49490-49590 Child nutrition programs
 51204.5 Required Courses of Study
 51210 Courses of study grades 1-6
 51222 - 51223 Physical education, elementary schools
 51225,1-51225,2 Foster youth and homeless education; course credits; graduation requirements
 51228.1-51228.3 Course periods without educational content 52060-52077 Local control accountability plan, especially
 51501 Prohibited Instruction
 52059.5 52077 Local control accountability plan
 52300-52462 Career technical education
 52300-52334.7 Regional occupational centers and programs
 52460-52462 Agricultural career technical education
 52500-52617 Adult schools
 52800-52870 School-based program coordination
 54400 Compensatory education
 54440-54445 Migrant education
 60040 Required Instructional Materials
 60044 Prohibited Instructional Materials
 64001, Code 65000 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

3200-3205 Special Education

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

15580-15584 Child Nutrition 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 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

UNITED STATES CODE, TITLE 34

299.10-299.12 Consolidated categorical aid programs
106.1-106.9 Title IX

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/ocr>

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

11/17/04, 11/18/09A; 10/26/11A; 05/22/13A; 1/27/16A; 5/24/17A; 2/24/21A, 6/25/25A

OAKLAND UNIFIED SCHOOL DISTRICT

Administrative Regulation

Community Relations

AR 1312.3 **Uniform Complaint Procedures**

Except as the Governing Board may otherwise specifically provide in other District policies, these uniform complaint procedures (UCP) shall be used only to investigate and resolve only the complaints specified in BP 1312.3.

I. Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for receiving, coordinating and investigating complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officers) specified in the AR 5145.3 Nondiscrimination/Harassment as the responsible employee to handle complaints alleging unlawful discrimination (harassment, intimidation, or bullying); and in Administrative Regulation (AR) 5145.7- Sex Discrimination and Sex-Based Harassment for handling complaints regarding sex discrimination and sex-based harassment . The individual(s) shall receive and coordinate the investigation of complaints and shall ensure compliance with the law.

(cf.5145.3 - Nondiscrimination/ Harassment)

(cf. 5145.7 - Sexual Harassment)

Gabriel Valenzuela

Ombudsperson / Title IX Coordinator

Office of the Ombudsperson

1011 Union Street, Suite 906

Oakland, CA 94607

Office: (510) 879-4281

FAX: (510) 879-3678

Email: gabriel.valenzuela@ousd.org

The Ombudsperson is responsible for the intake and monitoring of all Uniform Complaints. The Ombudsperson is also responsible for investigating complaints regarding discrimination (filed by a parent or students) as well as Uniform Complaints concerning the program for English Language Learners (ELL) and retaliation for, or interference with, ELL Program advocacy.

As per Board Policy 5144.1 - Suspension and Expulsion / Due Process, as of July 1, 2016, the Superintendent shall develop a complaint form to allow members of the school community and public to raise concerns, if restorative justice or another restorative approach is not available at a school site as an alternative to suspension. The complaint form will be available on the District's website, the District Discipline Office and the District Ombudsperson's Office. The Ombudsperson shall investigate such complaints and within 90 days of complaint submission develop a plan with the school site for addressing the complaint and provide a written response to the complaining party.

Tara Gard, Chief Talent Officer

Talent Division

1011 Union Street, Suite 944

Oakland, CA 94607

Office: (510) 879-8000, Ext. 52542

FAX :(510) 879-0228

Email: tara.gard@ousd.org

The Chief Talent Officer or his/her designee, is responsible for investigating complaints alleging discrimination in employment in accordance with BP/AR 4030 Nondiscrimination in Employment and AR 4031 Complaints Concerning Discrimination in Employment. School personnel shall take immediate steps to intervene, when it is safe to do so, and when he or she witnesses an act of discrimination, harassment, intimidation or bullying. The Chief Talent Officer or his/her designee, is also responsible for investigating complaints alleging sexual harassment in accordance with Title IX.

Alondra Rios
Title IX Coordinator & Investigator
Office of the Ombudsperson
1011 Union Street, Site 906
Oakland, CA 94607
Office: (510) 879-1051
FAX (510) 879-3678
Email: alondra.rios@ousd.org

The Title IX Coordinator & Investigator or his/her designee is responsible for investigating complaints alleging sexual harassment in accordance with Title IX.

Justin Anderson, Director
Health Services and Section 504 Program Services
Special Education Department
Santa Fe Campus
915-54th Street Oakland, CA 94607
Office (510) 879-5003
FAX (510) 627-9468
Email: Justin.Anderson@ousd.org
Email: 504@ousd.org

The Section 504 Coordinator is responsible for coordinating program modifications for students with disabilities covered under Section 504 of the Rehabilitation Act of 1973 and also investigates complaints concerning Section 504.

The compliance officer who received a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or

resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated

Other complaints will be routed to the appropriate school site administrator, department director or to the Superintendent's designee for investigation.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, (harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending . If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, one or more of the interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

II. Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures (UCP), including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code sections 262.3, 48853. 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

The annual notification and complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on the district and district school websites published in handbooks, catalogs, announcements, bulletins, and application forms, and may be, if available, provided through

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parent/ guardians, including students and parents/ guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code sections 234.1 and 438985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall include:

1. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
2. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable.
3. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy

of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision.

4. The district is primarily responsible for compliance with applicable state and federal laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in "Complaints Subject to UCP" in the accompanying Board policy.
5. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.
6. A statement that a UCP complaint alleging unlawful discrimination, (harassment, intimidation, or bullying) must be filed not later than six (6) months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct.
7. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
8. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's education program, including curricular and extracurricular activities.
9. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, students who are migratory, and newcomer students as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
10. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, The complainant has a right to appeal the district's investigation report to the CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
11. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one (1) year from the date the alleged violation occurred.
12. A statement that copies of the district's UCP are available free of charge.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on the district and district school websites, published in handbooks, catalogs, announcements, bulletins, and application forms, and may be provided through district-supported social media, if available.

IV. Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints, except for those that allege sex discrimination, including sex-based harassment, shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against students fees, deposits, and charges or any requirement related to the LCAP, may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one (1) year from the date the alleged violation occurred. (Education Code sections 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination, (harassment, intimidation, or bullying) may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying (5 CCR 4630). A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630).
4. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred (5 CCR 4630)

For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)

5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, (harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When the complainant of unlawful discrimination, (harassment, intimidation or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

V. Mediation

Within ten (10) business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation 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 where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is

successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

VI. Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within ten business days of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place.

To investigate a complaint alleging retaliation or unlawful discrimination, (harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the District to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

VII. Timeline for Investigation Report

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, a written investigation report, as described in the section "Investigation Report " below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

VIII. Investigation Report

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered.
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s), whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600.
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE
6. The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

7. For complaints alleging unlawful discrimination, (harassment, intimidation, or bullying), the investigation report shall also include a notice to the complainant that:
 - A. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including , but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
 - B. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
 - C. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

IX. Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies, training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, (harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim, but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no Retaliation

9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint.

For complaints of retaliation or unlawful discrimination, (harassment, intimidation, or bullying), involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination intimidation, or bullying}, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, (harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district , by engaging in reasonable efforts, shall attempt in good faith, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code section 49013; 5 CCR 4600)

X. Appeals 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 the CDE within thirty (30) calendar days of receiving the district's investigation report; 5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

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

Upon notification by the CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to the CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report.
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator.
4. A report of any action taken to resolve the complaint
5. A copy of the district's uniform complaint procedures
6. Other relevant information requested by the CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

XI. Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

XII. Health and Safety Complaints in License-Exempt California State Preschool Programs (CSPP)

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE website. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

XII. Health and Safety Complaints in License-Exempt California State Preschool Programs (CSPP) (continued)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled hearing and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent. (5 CCR 4693)

11/17/04A; 11/18/09A; 10/26/11A; 05/22/13A, 01/27/16A, 5/24/17A, 8/27/2025