

## **Community Relations**

BP 1312.3(a)

### **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 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 processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

#### **Complaints Subject to UCP**

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the 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 and 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 229.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, 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)

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11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school (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 safety plans (Education Code 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
22. State preschool programs (Education Code 8207-8225)
23. State preschool health and safety issues in license-exempt programs (Education Code 8212)
24. 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
25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board 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

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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.

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.

When an allegation that is not subject to 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.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the 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 Protective Services Division and 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 Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the district 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 AR 5145.71 – Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be investigated

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and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

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 AR 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 BP 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 BP 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 AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

*Legal References:*

***State References:***

- 2 CCR 11023 Harassment and discrimination prevention and correction*
- 5 CCR 15580-15584 Child nutrition programs complaint procedures*
- 5 CCR 3200-3205 Special education compliance complaints*
- 5 CCR 4600-4670 Uniform complaint procedures*
- 5 CCR 4680-4687 Williams uniform complaint procedures*
- 5 CCR 4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs*
- 5 CCR 4900-4965 Nondiscrimination in elementary and secondary education programs*

***EDUCATION CODE***

- 200-262.4 Educational equity: Prohibition of discrimination on the basis of sex -*
- 18100-18203 School libraries*
- 32221.5 Insurance for athletic team members*
- 32280-32289 School safety plans*

**UNIFORM COMPLAINT PROCEDURES (continued)**

*35186 Williams uniform complaint procedures*  
*46015 Parental leave for students*  
*48853-48853.5 Foster youth*  
*48985 Notices in language other than English*  
*49010-49014 Student fees*  
*49060-49079 Student records*  
*49069.5 Records of foster youth*  
*49490-49590 Child nutrition programs*  
*49701 Interstate Compact on Educational Opportunity for Military Children*  
*51210 Courses of study grades 1-6*  
*51222 Physical education*  
*51223 Physical education, elementary schools*  
*51225.1-51225.2 Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements*  
*51226-51226.1 Career technical education*  
*51228.1-51228.3 Course periods without educational content*  
*52060-52077 Local control and accountability plan*  
*52075 Complaint for lack of compliance with local control and accountability plan requirements*  
*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 process; school plan for student achievement*  
*65000-65001 School site councils*  
*8200- 8498 Child care and development programs*  
*8500-8538 Adult basic education*

**GOVERNMENT CODE**

*11135 Nondiscrimination in programs or activities funded by state; Discrimination*  
*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 Definition of hate crime*  
*422.6 Civil rights; crimes*

**UNITED STATES CODE, TITLE 20**

*1221 Application of laws*  
*1232g Family Educational Rights and Privacy Act (FERPA) of 1974*  
*1681-1688 Title IX of the Education Amendments of 1972*  
*6301-6576 Title I Improving the Academic Achievement of the Disadvantaged*  
*6801-7014 Title III language instruction for limited English proficient and immigrant students*

**UNIFORM COMPLAINT PROCEDURES (continued)**

*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*

*106.1-106.85 Nondiscrimination on the basis of sex in education programs*

*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*

*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: <https://www2.ed.gov/policy/gen/guid/fpco>*

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

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