

POLICY 1312.3 UNIFORM COMPLAINT PROCEDURES**Original Adoption:** 10/26/1992**Revised:** 10/9/1995, 8/21/2000, 11/19/2001, 7/15/2002, 6/16/2003, 1/24/2005, 7/10/2006, 7/30/2013, 10/13/2015, 10/10/2017, 11/13/2018, 10/08/2019, 9/08/2020, 6/08/2021, 3/08/2022

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 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 complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students
2. Adult education programs
3. After School Education and Safety programs
4. Agricultural career technical education
5. Career technical and technical education and career technical and technical training programs
6. Child care and development programs
7. Compensatory education
8. Consolidated categorical aid programs
9. Course periods without educational content
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 the 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
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school
12. Every Student Succeeds Act
13. Local control and accountability plan
14. Migrant education
15. Physical education instructional minutes
16. Student fees
17. Reasonable accommodations to a lactating student
18. Regional occupational centers and programs
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding
20. School safety plans
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding

22. State preschool programs
23. State preschool health and safety issues in license-exempt programs
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 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 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.

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.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services.
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 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.
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.
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.
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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<u>State</u>	<u>Description</u>
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
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 18100-18203	School libraries
Ed. Code 32221.5	Insurance for athletic team members
Ed. Code 32280-32289	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices in language other than English
Ed. Code 49010-49014	Student fees
Ed. code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements

Ed. Code 51226-51226.1
Ed. Code 51228.1-51228.3
Ed. Code 52059.5
Ed. Code 52060-52077
Ed. Code 52075

Ed. Code 52300-52462
Ed. Code 52500-52616.24
Ed. Code 54400-54425
Ed. Code 54440-54445
Ed. Code 54460-54529
Ed. Code 59000-59300
Ed. Code 64000-64001
Ed. Code 65000-65001
Ed. Code 8200-8498
Ed. Code 8500-8538
Gov. Code 11135
Gov. Code 11135
Gov. Code 12900-12996
H&S Code 1596.792
H&S Code 1596.7925
Pen. Code 422.55
Pen. Code 422.6

Federal

20 USC 1221
20 USC 1232g
20 USC 1681-1688
20 USC 6301-6576
20 USC 6801-7014

28 CFR 35.107
29 USC 794
34 CFR 100.3
34 CFR 104.7
34 CFR 106.1-106.82
34 CFR 106.8
34 CFR 106.9
34 CFR 110.25
34 CFR 99.1-99.67
42 USC 11431-11435
42 USC 12101-12213
42 USC 2000d-2000e-17
42 USC 2000h-2-2000h-6
42 USC 6101-6107

Management Resources

California Department of Education Publication
California Department of Education Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
October 2014
U.S. DOE, Office for Civil Rights Publication

Career technical education
Course periods without educational content
Statewide system of support
Local control and accountability plan
Complaint for lack of compliance with local control and accountability plan requirements
Career technical education
Adult schools
Compensatory education programs
Migrant education
Compensatory education programs
Special schools and centers
Consolidated application process; school plan for student achievement
School site councils
Child care and development programs
Adult basic education
Nondiscrimination in programs or activities funded by state
Discrimination
Fair Employment and Housing Act
California Child Day Care Act; general provisions and definitions
California Child Day Care Act; health and safety regulations
Definition of hate crime
Civil rights; crimes

Description

Application of laws
Family Educational Rights and Privacy Act (FERPA) of 1974
Title IX of the Education Amendments of 1972
Title I Improving the Academic Achievement of the Disadvantaged
Title III language instruction for limited English proficient and immigrant students
Nondiscrimination on basis of disability; complaints
Rehabilitation Act of 1973, Section 504
Prohibition of discrimination on basis of race, color or national origin
Designation of responsible employee for Section 504
Nondiscrimination on the basis of sex in education programs
Designation of responsible employee for Title IX
Notification of nondiscrimination on basis of sex
Notification of nondiscrimination on the basis of age
Family Educational Rights and Privacy Act
McKinney-Vento Homeless Assistance Act
Title II equal opportunity for individuals with disabilities
Title VI and Title VII Civil Rights Act of 1964, as amended
Title IX of the Civil Rights Act of 1964
Age Discrimination Act of 1975

Description

Uniform Complaint Procedure 2020-21 Program Instrument
Sample UCP Board Policies and Procedures
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Harassment and Bullying, October 2010
Dear Colleague Letter: Responding to Bullying of Students with Disabilities,

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI, 2002
Website	U.S. Department of Justice
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code

Description

0410	Nondiscrimination in District Programs and Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E (1)	Charter School Oversight
0430	Comprehensive Local Plan for Special Education
0430	Comprehensive Local Plan for Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control and Accountability Plan
0460	Local Control and Accountability Plan
0470	COVID-19 Mitigation Plan
1100	Communication with The Public
1113	District and School Web Sites
1113	District and School Web Sites
1113-E (1)	District and School Web Sites
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E (1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E (1)	Williams Uniform Complaint Procedures
1312.4-E (2)	Williams Uniform Complaint Procedures
3260	Fees and Charges
3260	Fees and Charges
3580	District Records
3580	District Records
4030	Nondiscrimination in Employment
4030	Nondiscrimination in Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9-E (1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil and Legal Rights
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.23	Unauthorized Release of Confidential/Privileged Information
4212.9	Employee Notifications
4212.9-E (1)	Employee Notifications

4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil and Legal Rights
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.23	Unauthorized Release of Confidential/Privileged Information
4231	Staff Development
4244	Complaints
4244	Complaints
4312.9	Employee Notifications
4312.9-E (1)	Employee Notifications
4319.1	Civil and Legal Rights
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.23	Unauthorized Release of Confidential/Privileged Information
4331	Staff Development
4344	Complaints
4344	Complaints
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5131.62	Tobacco
5131.62	Tobacco
5137	Positive School Climate
5141.4	Child Abuse Prevention and Reporting
5141.4	Child Abuse Prevention and Reporting
5144	Discipline
5144	Discipline
5144.1	Suspension and Expulsion/Due Process
5144.1	Suspension and Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parental Notifications
5145.6-E (1)	Parental Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E (1)	Title IX Sexual Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students
5148	Child Care and Development
5148	Child Care and Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.1	Sexual Health and HIV/AIDS Prevention Instruction
6142.1	Sexual Health and HIV/AIDS Prevention Instruction
6142.7	Physical Education and Activity
6142.7	Physical Education and Activity
6145	Extracurricular and Cocurricular Activities
6145	Extracurricular and Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition

6146.1	High School Graduation Requirements
6146.1	High School Graduation Requirements
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards and Complaints for Special Education
6159.1	Procedural Safeguards and Complaints for Special Education
6159.2	Nonpublic, Nonsectarian School and Agency Services for Special Education
6159.2	Nonpublic, Nonsectarian School and Agency Services for Special Education
6159.3	Appointment of Surrogate Parent for Special Education Students
6159.3	Appointment of Surrogate Parent for Special Education Students
6164.4	Identification and Evaluation of Individuals for Special Education
6164.4	Identification and Evaluation of Individuals for Special Education
6171	Title I Programs
6171	Title I Programs
6173	Education for Homeless Children
6173	Education for Homeless Children
6173-E (1)	Education for Homeless Children
6173-E (2)	Education for Homeless Children
6173.1	Education for Foster Youth
6173.1	Education for Foster Youth
6173.2	Education of Children of Military Families
6173.2	Education of Children of Military Families
6173.3	Education for Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program
6178	Career Technical Education
6178	Career Technical Education
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6178.2	Regional Occupational Center/Program
6200	Adult Education
6200	Adult Education
9000	Role of The Board
9011	Disclosure of Confidential/Privileged Information
9012	Board Member Electronic Communications
9124	Attorney
9200	Limits of Board Member Authority
9321	Closed Session
9321-E (1)	Closed Session
9321-E (2)	Closed Session
9322	Agenda/Meeting Materials