

COMMUNITY RELATIONS

BOARD POLICY – UNIFORM COMPLAINT PROCEDURE

BP 2006

The County Board recognizes that the County Education Office has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The County Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the County Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging County Education Office violation of applicable state or federal law or regulations governing any program subject to UCP which is offered by the County Education Office and any other County Education Office-implemented program which is listed in Education Code 64000(a) including:
 - Accommodations for Pregnant and Parenting Pupils
 - Adult Education
 - After School Education and Safety
 - Agricultural Career Technical Education
 - American Indian Education Centers and Early Childhood Education Program Assessments
 - Bilingual Education
 - California Peer Assistance and Review Programs for Teachers
 - State Career Technical and Technical Education; Career Technical; and; Technical Training
 - Federal Career Technical Education
 - Child Care and Development
 - Child Nutrition
 - Compensatory Education
 - Consolidated Categorical Aid
 - Course Periods without Educational Content (for grades nine through twelve)
 - Economic Impact Aid
 - Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school County Education Office and Children of Military Families
 - English Learner Programs
 - Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
 - Local Control and Accountability Plans (LCAP)
 - Migrant Education

- Physical Education Instructional Minutes (for grades one through six)
 - Pupil Fees
 - Reasonable Accommodations to a Lactating Pupil
 - Regional Occupational Centers and Programs
 - School Plans for Student Achievement
 - School Safety Plans
 - Schoolsite Councils
 - Special Education
 - State Preschool
 - State Preschool Health and Safety Issues in LEAs Exempt from Licensing
 - Tobacco-Use Prevention Education
2. Any complaint, by a student, employee, or other person participating in a County Education Office program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in County Education Office 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, 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. (5CCR 4610)
 3. Any complaint alleging County Education Office noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student. (Education Code 222)
 4. Any complaint alleging County Education Office noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right to return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements. (Education Code 46015)
 5. Any complaint alleging County Education Office noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (5 CCR 4610)
 6. Any complaint alleging County Education Office noncompliance with applicable requirement of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local

control funding formula budget overview for parents/guardians. (Education Code 52075)

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)
8. Any complaint, by or on behalf of any student who is a foster youth as defined in Education Code 51225.2 alleging County Education Office noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the County Education Office's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or, district, or country; school or records transfer, or the grant of an exemption from County Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless student or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the County Education Office, a child of a military family as defined in Education Code 49701, or a migrant students as defined in Education Code 54441, or by or behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging County Education Office noncompliance with any requirement applicable to the student regarding the grant of an exemption from County Board-imposed graduation requirements. (Education Code 51225.1)
10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in the newcomer program as defined in Education Code 51225.2, alleging County Education Office noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country. (Education Code 51225.2)
11. Any complaint alleging County Education Office noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibits the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions. (Education Code 51228.3)
12. Any complaint alleging County Education Office noncompliance with the physical education instructional minutes requirement for students in elementary

school. (Education Code 51210, 51223)

13. 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.
14. Any other complaint as specified in a County Education Office policy.

The County Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR 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 County Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The County Education Office 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 County Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if the person is 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 County Education Office 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 County Education Office's UCP.

The County Superintendent or designee shall provide training to County Education Office 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 County 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 County Education Office's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the County Education Office in accordance with the procedures specified in AR 5001 – Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
4. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

In addition, the County Education Office's Williams Uniform Complaint Procedures, AR 2006.1, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
 8200-8498 Child care and development programs
 8500-8538 Adult basic education
 18100-18203 School libraries
 32280-32289 School safety plan, uniform complaint procedures
 33380-33384 California Indian Education Centers
 35186 Williams uniform complaint procedures
 44500-44508 California Peer Assistance and Review Program for Teachers
 48853-48853.5 Foster youth
 48985 Notices in language other than English
 49010-49014 Student fees
 49060-49079 Student records, especially
 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
 51223 Physical education, elementary schools
 51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; migrant students, and newly arrived immigrant 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, especially:
 52075 Complaint for lack of compliance with local control and accountability plan requirements
 52160-52178 Bilingual education programs
 52300-52462 Career technical education
 52500-52616.24 Adult schools
 54000-54029 Economic Impact Aid
 54400-54425 Compensatory education programs

54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56865 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process; school plan for student achievement
65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
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 Care Act; health and safety regulations
104420 Tobacco-Use Prevention Education

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

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

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
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
106.8 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

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>

ADOPTED BY COUNTY BOARD: October 1, 1992

REVISED: April 7, 1994, November 7, 2002, February 2, 2006, February 2, 2012, December 13, 2013, June 13, 2014, September 7, 2017, January 10, 2019, November 7, 2019