

**Community Relations
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 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 the 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 (Education Code 46015)
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. 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 (5 CCR [4610](#))
10. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program
11. Every Student Succeeds Act
12. Local control and accountability plan

13. Migrant education
14. Physical education instructional minutes
15. Student fees
16. Reasonable accommodations to a lactating student
17. Regional occupational centers and programs
18. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding
19. School safety plans
20. School site councils as required for the consolidated application for specified federal and/or state categorical funding
21. State preschool programs
22. State preschool health and safety issues in license-exempt programs
23. 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
24. 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 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 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, 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.

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, the County Protective Services Division, or 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 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.
4. 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, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education.
5. 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.
6. 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.
7. 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.

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

[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, 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

[51222](#) Physical education, secondary schools

[51223](#) Physical education, elementary schools

[51225.1-51225.2](#) Foster youth, homeless children, former juvenile court school students, 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

[52059.5](#) Statewide system of support

[52060-52077](#) Local control and accountability plan, especially:

[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

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 Day Care Act; health and safety regulations

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

3200-3205 Special education compliance complaints

[4600-4670](#) Uniform complaint procedures

[4680-4687](#) Williams uniform complaint procedures

4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs

900-[4965](#) Nondiscrimination in elementary and secondary education programs

15580-15584 Child nutrition programs complaint procedures

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

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](#)-106.82 Nondiscrimination on the basis of sex in education programs, especially:

[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

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

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>

Student Privacy Policy Office: <http://www2.ed.gov/about/offices/list/oepd/sppo>

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

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

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