

Policy 1312.3: Uniform Complaint Procedures

Status: DRAFT

Original Adopted Date: 09/22/2021 | Last Revised Date: 01/17/2024

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 C.C.R. §§ 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP:

According to state and federal codes and regulations, the programs and activities subject to the Uniform Complaint Procedures are (Education Code § 33315).

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 (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 §§ 8200-8498)
7. Compensatory education (Education Code § 54400)
8. Consolidated categorical aid programs (Education Code §§ 33315; 34 C.F.R. §§ 299.10-299.12)
9. Courses of study pursuant to Education Code § 51228.3 Course periods without educational content.
10. Discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code §§ 200 and 220 and Government Code § 11135, including any actual or perceived characteristic as set forth in Penal Code § 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Education Code § 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance
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) 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. 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)
11. 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 students who are migratory, participating in a newcomer program (Education Code §§ 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code § 52059; 20 U.S.C. §§ 6301 *et seq.*) Courses of study pursuant to Education Code §§ 51228.3
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)

School safety plans (Education Code 32280-32289)

20. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code § 65000)
21. State preschool programs (Education Code §§ 8207 - 8225)
22. State preschool health and safety issues in license-exempt programs (Education Code § 8235.5)
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 of the California Department of Education or designee deems appropriate

The District's Responsibilities

The Governing Board recognizes that the District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such an informal process, the District shall investigate and seek to resolve, in accordance with the District's approved UCP process.

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 local laws and regulations.

The District shall investigate and seek to resolve, in accordance with the UCP, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the district that are subject to the UCP.

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.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. All individuals who file a complaint in accordance with the District's Uniform Complaint Procedure are advised of the right to pursue civil law remedies under state or federal discrimination harassment, intimidation or bullying laws, including, but not limited to injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

Complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

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 uniform complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 C.C.R. §§ 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 or the appropriate law enforcement agency. (5 C.C.R. §§ 4611)
 2. Allegations of fraud may be referred to the General Counsel or the District's internal auditor.
 3. Personnel complaints may be referred to the responsible administrator.
 4. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 C.C.R. § 4611)
 5. Any complaint alleging that a student, while in an education program conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 C.F.R. §§ 106.302. 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) 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. If a student complaint does not fall under Title IX Sex Discrimination or Sex-Based Harassment, then such a complaint shall be processed through either the UCP or Board Policy/Administrative Regulation 5131.2, as applicable.
 6. Allegations of employment/work, employee-to-employee, and/or student-to-employee discrimination, harassment, intimidation and/or bullying of protected groups may be referred to Human Resources and to the State Department of Fair Employment and Housing. Except for complaints alleging sex discrimination, including sex-based harassment, aAny complaint alleging employment discrimination or harassment shall be investigated and resolved by the Ddistrict in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights DepartmentDepartment of Fair Employment and Housing. 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.
 7. 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 Ddistrict is subject, or a physical safety concern that interferes with the Ddistrict'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 C.C.R. §§ 3200-3205)
 8. Any complaint alleging noncompliance of the Ddistrict'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 C.C.R. §§ CCR 15580-15584)
 9. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the Ddistrict'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 C.C.R. §§ CCR 15582)
 10. 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).
 11. Bullying complaints not based on a protected status may be referred to principal.
-