

COMMUNITY RELATIONS

SUBJECT: Uniform Complaint Procedures (UCP)

This document applies to the filing, investigation, and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by a local agency of federal or state law or regulations governing educational programs, including allegations of discrimination, harassment, intimidation, unlawful pupil fees, and bullying.

This document presents information about how the Riverside County Office of Education processes UCP complaints concerning particular programs or activities in which the County Office of Education receives state or federal funding. A complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of discrimination, harassment, intimidation, unlawful pupil fees, and bullying. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of discrimination, harassment, intimidation, unlawful pupil fees, and bullying in programs and activities funded directly by the state or receiving any financial assistance from the state. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the County Office of Education shall assist the complainant in the filing of the complaint.

Programs or activities in which the County Office of Education receives state or federal funding are:

Adult Education	Career Technical Education
After School Education	Child Care and Development Programs
LCFF and LCAP	Physical Education: Instructional Minutes
Migrant Education	Pupil Instruction: Previously Completed Courses
Unlawful Pupil Fees	Pupil Instruction: Courses without Educational Content
Special Education	Accommodations for Lactating Students
Child Nutrition	Foster and Homeless Students

This document also applies to the filing of complaints which allege discrimination, harassment, intimidation, unlawful pupil fees, and bullying against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including those with actual or perceived characteristics such as age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, race or ethnicity, religion, sex, or sexual orientation, 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 the County Office of Education which is funded directly by, or that receives or benefits from, any state financial assistance.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to the County Office of Education UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Dept of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Dept of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination complaints shall be sent to the State Dept of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

Responsibilities of the Riverside County Office of Education

The Riverside County Office of Education has the primary responsibility to insure compliance with applicable state and federal laws and regulations. The County Office of Education shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation, unlawful pupil fees, and bullying and seek to resolve those complaints in accordance with its UCP procedures.

The County Office of Education UCP policy shall ensure that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, unlawful pupil fees, and bullying remain confidential as appropriate.

The staff person responsible for receiving and investigating complaints and ensuring compliance with state and federal laws and regulations is:

Name or title: Executive Director, Personnel Services
Address: Riverside County Office of Education
3939 Thirteenth Street, P. O. Box 868
Riverside, CA 92501
Phone Number: (951) 826-6673

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may be filed with the Superintendent or designee.

The County Superintendent of Schools ensures that the staff person above, who is responsible for compliance and/or investigations, is knowledgeable about the laws/programs that he/she is assigned to investigate.

The compliance officer or, if necessary any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site administrator to implement, if possible, one or more interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the County Office of Education issues its final written decision, whichever comes first.

Notifications

The County Office of Education shall annually notify in writing County Office of Education students, employees, parents or guardians, the County Office of Education advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of the UCP process, including the The notice shall also include information about the opportunity to appeal to the County Board of Education and the provisions of this document by disseminating the UCP Annual Notice to all of the above required groups each school year. An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

The complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

The complainant has a right to appeal the County Office of Education’s decision to the CDE by filing a written appeal within 15 calendar days of receiving the County Office of Education’s decision.

The appeal to the CDE must include a copy of the complaint filed with the County Office of Education and a copy of the County Office of Education’s decision.

The UCP Annual Notice shall also advise the recipient of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation, unlawful pupil fees, and bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3. The UCP Annual Notice shall be in English and in the primary language if 15 percent or more of students enrolled in a particular County Office of Education school speak a single primary language other than English, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

A copy of the UCP complaint policy and procedures documents shall be available free of charge.

Filing a complaint with the Riverside County Office of Education

Except for Williams Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, and complaints that allege discrimination, harassment, intimidation, unlawful pupil fees, and bullying, any individual, public agency or organization may file a written complaint with the County Superintendent of Schools or his or her designee alleging a matter which, if true, would constitute a violation by the County Office of Education of federal or state law or regulation governing a program.

An investigation of alleged discrimination, harassment, intimidation, unlawful pupil fees, and bullying shall be initiated by filing a complaint no later than six months from the date the alleged discrimination, harassment, intimidation, unlawful pupil fees, or bullying occurred, or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, unlawful pupil fees, and bullying. The time for filing may be extended in writing by the County Superintendent of Schools or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing may be extended by the County Superintendent of Schools or his or her designee for good cause for a period not to exceed 90 calendar days following the expiration of the six month time period. The County Superintendent of Schools shall respond immediately upon a receipt of a request for extension.

A complaint regarding unlawful pupil fees may be filed directly with the site administrator of a school as well as anonymously. Pupil fee complaints shall be filed no later than one year from the date the alleged violation occurred.

The compliance officer 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.

All complaints shall be filed in accordance with the following:

1. A written complaint alleging County Office of Education violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization.
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the site administrator of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630).
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when

disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Except for Williams Complaints, within 60 calendar days from the date of the receipt of the complaint, the County Office of Education shall conduct and complete an investigation of the complaint in accordance with the UCP policy and procedures and prepare a written Decision; also known as a final report. This time period may be extended by written agreement of the complainant.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the County Office of Education to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

The compliance officer shall apply a “preponderance of the evidence” standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

The County Office of Education shall issue a Decision based on the evidence. The Decision shall be in writing and sent to the complainant within 60 calendar days from receipt of the complaint by the County Office of Education. The Decision should contain:

1. The findings of fact based on the evidence gathered,
2. conclusion of law,
3. disposition of the complaint,
4. the rationale for such disposition,
5. corrective actions, if any are warranted,

6. notice of the complainant's right to appeal the County Office of Education's Decision to the CDE, within 15 calendar days, and procedures to be followed for initiating such an appeal.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the County Office of Education's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr with 180 days of the alleged discrimination.

If the County Office of Education finds merit in a complaint, or the CDE finds merit in an appeal, the County Office of Education shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the County Office of Education to ensure full reimbursement to all affected pupils, parents and guardians, subject to procedures established through regulations adopted by the State Board of Education may include, but are not limited to, actions to reinforce County Office of Education policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the County Office of Education shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor is the County Office of Education prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties in resolving the complaint.

State and Federal Laws cited:

1. 34 Code of Federal Regulations [CFR] §§ 300.510-511
2. California Code of Regulations [CCR] Title 5 §§ 4600–4687
3. California Code of Regulations [CCR] Title 5 § 4610(b)
4. California Code of Regulations [CCR] Title 5 § 4622
5. California Code of Regulations [CCR] Title 5 §§ 4630–4631
6. California Education Code [EC] §§ 200, 220, 262.3
7. California Education Code [EC] § 262.3(d)
8. California Education Code [EC] § 35186
9. Government Code [GC] §§ 11135, 11138