

COMMUNITY RELATIONS

SUBJECT: Uniform Complaint Procedures

The County Superintendent of Schools and County Board of Education recognize that the County Office of Education is responsible for complying with applicable state and federal laws and regulations governing educational programs. The County Office of Education shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination, harassment, intimidation, unlawful pupil fees, and bullying and shall seek to resolve those complaints in accordance with the County Office of Education's uniform complaint procedures. (5 CCR 4600-4670)

The County Office of Education shall follow uniform complaint procedures when addressing complaints:

1. Alleging discrimination, harassment, intimidation, unlawful pupil fees, and bullying against any protected group as identified under Education Code 200 and 220 and Government Code 11135, 5 CCR 4610, PC 422.55, 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. (5 CCR 4610)
2. Alleging failure to comply with state and/or federal laws in after school education, adult education programs, consolidated categorical aid programs, migrant education, career technical education and technical training programs, child care and development programs, child nutrition programs, special education programs, and safety planning requirements. (5 CCR 4610)
3. Any complaint alleging district 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)

(cf. 5146 - Married/Pregnant/Parenting Students)
4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

Adopted: 9-16-92
revised: 10-18-95
revised: 3-20-02
revised: 7-9-03

revised: 4-20-05
revised: 4-11-07
revised: 4-9-08
revised: 2-13-13

revised: 6-12-13
revised: 6-28-17

(cf. 3320 - Claims and Actions Against the District)

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

8. Any complaint, by or on behalf of a former juvenile court school student who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173.3 - Education for Juvenile Court School Students)

9. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student 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)

(cf. 6152 - Class Assignment)

10. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education

Code 51210, 51223)
(cf. 6142.7 - Physical Education and Activity)

(cf. 0410.3 - Nondiscrimination in Programs and Activities)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 1312.1 - Complaints Concerning County Office of Education Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Vocational Education)
(cf. 6200 - Adult Education)

Complaints 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, teacher vacancies and misassignments, and intensive instruction and services to students who did not pass the exit exam by the end of grade 12 shall be investigated pursuant to the County Office of Education's Williams uniform complaint procedure (AR 1312.4).

(cf. 1312.4 - Williams Uniform Complaint Procedures)

The County Board of Education and County Superintendent of Schools encourage the early, informal resolution of complaints at the site level whenever possible.

The County Board of Education 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 he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The County Board of Education and County Superintendent of Schools prohibit

Adopted: 9-16-92
revised: 10-18-95
revised: 3-20-02
revised: 7-9-03

revised: 4-20-05
revised: 4-11-07
revised: 4-9-08
revised: 2-13-13

revised: 6-12-13
revised: 6-28-17

retaliation in any form for participating in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination, harassment, intimidation, unlawful pupil fees, and bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

The County Board of Education and County Superintendent of Schools recognize that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the County Superintendent or designee shall initiate mediation. The County Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

When an allegation that is not subject to the UCP is included in a UCP complaint, the County Office of Education 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 Office of Education's UCP.

The Superintendent or designee shall provide training to County Office of Education staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and County Office of Education policy.

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18172 School libraries
32289 School safety plan, uniform complaint procedure
35186 Alternative uniform complaint procedure
48985 Notices in language other than English
49010-49013 Pupil Fees
49060-49079 Student records
49490-49590 Child nutrition programs
52160-52178 Bilingual education programs

Adopted: 9-16-92
revised: 10-18-95
revised: 3-20-02
revised: 7-9-03

revised: 4-20-05
revised: 4-11-07
revised: 4-9-08
revised: 2-13-13

revised: 6-12-13
revised: 6-28-17

52300-52499.6 Vocational education
52500-52616.24 Adult schools
52800-52870 School-based coordinated programs
54000-54041 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56885 Special education programs
59000-59300 Special schools and centers
62000-62005.5 Evaluation and sunseting of programs
64000-64001 Consolidated application process
CODE OF REGULATIONS, TITLE 5
3080 Application of section
4600-4671 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
PENAL CODE
422.6 Interference with constitutional right or privilege
422.55 Chapter 1. definitions: Hate Crime
UNITED STATES CODE, TITLE 20
6301-6577 Title I Basic Programs
6601-6777 Title II Preparing and Recruiting High Quality Teachers and Principals
6801-6871 Title III, Language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act, including
7114 Local educational program, safety plans
7201-7283g Title V Promoting Informed Parental Choice and Innovative Programs
7301- 7372 Title VI Rural and Low-Income School Programs
Management Resources:
WEB SITES
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>