

Office of the Riverside County Superintendent of Schools
Administrative Regulation 1312.3 Uniform Complaint Procedures

COMMUNITY RELATIONS

SUBJECT: Uniform Complaint Procedures (UCP)

Except as the County Board of Education (County Board) may otherwise specifically provide in other County Office of Education (County Office) policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning County Office of Education's Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

The County Office designates the individual, position, and unit identified below as responsible for coordinating the County Office's response to complaints and for complying with state and federal civil rights laws. The individual will also serve as the compliance officer specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in Administrative Regulation 5145.7 - Sex Discrimination and Sex-Based Harassment for handling complaints regarding sex discrimination and sex-based harassment. The compliance officer shall receive and coordinate the investigation of complaints and shall ensure County Office's compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaints Procedures)

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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 the compliance officer has a bias or conflict of interest that would prohibit fairly investigating or resolving the complaint. Any complaint against or implicating a compliance officer may be filed with the Riverside County Superintendent of Schools or designee (County Superintendent or designee) who shall determine how the complaint will be investigated. The County Superintendent or designee ensures that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and

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regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying, applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the County Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

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 County Superintendent or 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 issues its final written decision, whichever comes first.

Notifications

The County Office's UCP policy and administrative regulation shall be posted in all County Office schools and offices, including staff lounges and student government meeting rooms.

(Education Code 234.1)

The County Office shall annually provide written notification of the County Office students, employees, parents or guardians, the County Office advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of the UCP process.

(5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

The notice shall include:

1. A statement that the County Office is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying County Board policy.
2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

(cf. 0460 - Local Control and Accountability Plan)

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(cf. 3260 - Fees and Charges)

3. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the County Board. (5 CCR 4630)

4. A statement that the County Office will post a standardized notice of the educational rights and graduation requirements of foster youth, homeless students, former juvenile court school students now enrolled in the County Office, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code §48853, §48853.5, §49069.5, §51225.1, and §51225.2, and the complaint process.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

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

(cf. 6175 - Migrant Education Program)

5. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate.
6. A statement that complaints will be investigated in accordance with the County Office's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.
7. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable.
8. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred.
9. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct.
10. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the County Office's educational program, including curricular and extracurricular activities.

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11. A statement that, for programs within the scope of the UCP as specified in the accompanying County Board policy, the complainant has a right to appeal the County Office's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the County Office's decision, within 30 calendar days of receiving the County Office's decision.
12. A statement that copies of the County Office's UCP are available free of charge.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code §221.61 shall be posted on the County Office web site and may be provided through the County Office -supported social media, published in handbooks, catalogs, announcements, bulletins, and application forms if available.

(cf. 1113 - County Office of Education and School Web Sites)
 (cf. 1114 - County Office of Education -Sponsored Social Media)

The County Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the County Office's policy, regulation, forms, and notices concerning the UCP.

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination 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 County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

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

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

If 15 percent or more of students enrolled in a particular County Office school speak a single primary language other than English, the County Office's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code §234.1 and §48985. In all other instances, the County Office shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

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

The complaint shall be presented to the compliance officer who shall maintain a log of

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complaints received, providing each with a code number and a date stamp.

All complaints, except for those that allege sex discrimination, including sex-based harassment, shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, County Office staff shall assist in the filing of the complaint.

(5 CCR 4600)

All complaints shall be filed in accordance with the following rules, as applicable:

1. A complaint alleging County Office violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization.

(5 CCR 4630)

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 principal of the school or with the County Superintendent or designee.
3. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that they 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 County 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, 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.
5. When the complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the County Office's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the County Office shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

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6. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred (5 CCR 4630). For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR)

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. Mediation shall 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 an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the County Office's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the County Office shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the County Office shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

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To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

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. Similarly, a respondent's refusal to provide the County Office's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant.

(5 CCR 4631)

In accordance with law, the County Office shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the County Office to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant.

(5 CCR 4631)

Timeline for Final Decision

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the County Office's receipt of the complaint.

(5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the County Office's final written decision at the same time it is provided to the complainant.

Investigation Report

For all complaints, the County Office's investigation report shall include (5 CCR 4631):

1. The findings of fact based on the evidence gathered.
2. A conclusion providing a clear determination for each allegation as to whether the County Office is in compliance with the relevant law.
3. Corrective action(s) whenever the County Office finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a

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student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600.

4. Notice of the complainant's right to appeal the County Office's investigation report to CDE, except when the County Office has used the UCP to address a complaint not specified in 5 CCR 4610.
5. Procedures to be followed for initiating an appeal to CDE.

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with County Office's legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the County Office 's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code §48985. In all other instances, the County Office shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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

1. The complainant may pursue available civil law remedies outside of the County Office'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.

Corrective Actions

If the County Office finds merit in a complaint, the compliance officer shall provide any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the

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larger school or County Office's environment may include, but are not limited to, actions to reinforce County Office policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

(cf. 5137 - Positive School Climate)

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the County Office 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)

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
(cf. 6164.2 - Guidance/Counseling Services)
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination, discriminatory harassment, intimidation, or bullying, appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
(cf. 6164.5 - Student Success Teams)
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

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(cf. 6145 - Extracurricular and Cocurricular Activities)

7. Disciplinary action, such as suspension or expulsion, as permitted by law
 (cf. 5144 - Discipline)
 (cf. 5144.1 - Suspension and Expulsion/Due Process)

When an employee is found to have committed retaliation or unlawful discrimination, discriminatory harassment, intimidation, or bullying the County Office shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
 (cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The County Office may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, discriminatory harassment, intimidation, or bullying, that the County Office does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

For complaints alleging noncompliance with the laws regarding student fees, the County Office shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint.

(Education Code §49013; 5 CCR 4600)

Appeals to the California Department of Education (CDE)

Any complainant who is dissatisfied with the County Office's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the County Office's investigation report.

(5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the County Office's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including as least one of the following: (5 CCR 4632)

1. The County Office failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the County Office's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the County Office's investigation report are not supported by substantial evidence.

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4. The legal conclusion in the County Office's investigation report is inconsistent with the law.
5. In a case in which the County Office found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the County Office's decision has been appealed, the County Superintendent or designee shall forward the following documents to CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the County Office's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A copy of the County Office's UCP
5. Other relevant information requested by CDE

If notified by CDE that the County Office's investigation report failed to address allegation(s) raised by the complaint, the County Office shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Health and Safety Complaints in California State Preschool Program (CSPP)

Any complaint regarding health or safety issues in a license-exempt CSPP program shall be addressed through the procedures described in 5 CCR 4690-4694.

In each license-exempt CSPP classroom, a notice shall be posted notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code §1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements.

(Education Code §8235.5, 5 CCR 4690)

The County Office's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations.

(5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee and may be filed anonymously. The complaint form shall specify the location for filing the complaint, and shall contain a space to indicate whether the complainant desires a response to the complaint. If it is

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determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the County Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution.

(Education Code §8235.5, 5 CCR 4690)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint.

(Education Code §8235.5, 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or County Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the preschool administrator makes this report, the information shall be reported at the same time to the County Superintendent or designee.

(Education Code §8235.5; 5 CCR 4692)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the County Superintendent of Schools or designee within 30 days of the date of the written report, may file a written appeal of the County Office's decision to the County Superintendent of Public Instruction in accordance with 5 CCR 4632.

(Education Code §8235.5; 5 CCR 4693, 4694)

On a quarterly basis, the County Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the County Board at a regularly scheduled Board meeting. The complaints and written responses shall be available as public records. In addition, school districts and charter schools shall report the same summarized data on a quarterly basis to the County Superintendent of Schools. (5 CCR 4693)