

Policy 1312.3: Uniform Complaint Procedures

Status: DRAFT

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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 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to 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_(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 8200-8488)
7. Compensatory education_(Education Code 54400)
8. Consolidated categorical aid programs_(Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content_(Education Code 51228.1-51228.3)
10. 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. **Additionally, discrimination includes, but is not limited to, the Board's adoption or approval of 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 if the use would subject a student to unlawful discrimination pursuant to Education Code 220.** 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)(**Education Code 243, 244**)

The UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and ~~students participating in a newcomer program~~ **students**. (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act. (Education Code 52059.5; 20 USC 6301 et seq.)
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)
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 8212)
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 SPI 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 ~~federal, state, and federal~~ **local** 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 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 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 complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 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 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services: (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to **sexual conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment**, as defined in 34 CFR 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 Sexual Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44)

4. **Any** ~~Except for complaints alleging sex discrimination, including sex-based harassment,~~ any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department:

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.

5. 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 district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education: (5 CCR 3200-3205)
6. 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 Board Policy 3555 - Nutrition Program Compliance: (5 CCR 15580-15584)
7. 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 Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582)
8. 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 Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures: (Education Code 35186)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 18100-18203	School libraries
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48900.5	Suspension; other means of correction
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49013	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51204.5	Social sciences instruction; contributions of specified groups
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education; elementary schools
Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 52059.5	Statewide system of support
Ed. Code 52059.5-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education

State References

Ed. Code 52500-52617
 Ed. Code 54400-54425
 Ed. Code 54440-54445
 Ed. Code 54460-54529
 Ed. Code 59000-59300
 Ed. Code 60010
 Ed. Code 60040-60052
 Ed. Code 64000-64001
 Ed. Code 65000-65001
 Ed. Code 8200-8488
 Ed. Code 8500-8538
 Gov. Code 11135
 Gov. Code 12900-12996
 H&S Code 1596.792
 H&S Code 1596.7925
 Pen. Code 422.55
 Pen. Code 422.6

Federal References

20 USC 1221
 20 USC 1232g
 20 USC 1681-1688
 20 USC 6301-6576
 20 USC 6801-7014
 28 CFR 35.107
 29 USC 794
 34 CFR 100.3
 34 CFR 104.7
 34 CFR 106.1-106.82
 34 CFR 106.30
 34 CFR 106.44
 34 CFR 106.45
 34 CFR 106.8
 34 CFR 110.25
 34 CFR 99.1-99.67
 42 USC 11431-11435
 42 USC 12101-12213
 42 USC 2000d-2000d-7

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[Prohibition of discrimination](#)
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 Title I Improving the Academic Achievement of the Disadvantaged
 Title III language instruction for limited English proficient and immigrant students
 Nondiscrimination on basis of disability; complaints
 Rehabilitation Act of 1973; Section 504
 Prohibition of discrimination on basis of race, color or national origin
 Section 504; Designation of responsible employee and adoption of grievance procedures
 Nondiscrimination on the basis of sex in education programs
 Discrimination on the basis of sex in education programs and activities; definitions
 Recipient's response to sexual harassment
 Grievance process for formal complaints of sexual harassment
 Designation of coordinator; dissemination of policy, and adoption of grievance procedures
 Notification of nondiscrimination on the basis of age
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 McKinney-Vento Homeless Assistance Act
 Americans with Disabilities Act
 Title VI, Civil Rights Act of 1964

Federal References

42 USC 2000h-2-2000h-6
42 USC 6101-6107

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Title IX of the Civil Rights Act of 1964
Age Discrimination Act of 1975

Management Resources References

California Department of Education Publication
California Department of Education Publication
California Department of Justice Publication

CSBA Publication

CSBA Publication

CSBA Publication

Federal Register

U.S. DOE, Office for Civil Rights Publication

Description

Uniform Complaint Procedure 2021-22 Program Instrument
Sample UCP Board Policies and Procedures
[Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024](#)
[Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024](#)
[Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024](#)
[Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024](#)
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

U.S. DOJ Publication

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Student Privacy Policy Office](#)

Website

[U.S. Department of Agriculture](#)

Website

[California Department of Social Services](#)

Website

[U.S. Department of Justice](#)

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[California Department of Education](#)

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[CSBA](#)

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[U.S. Department of Education, Office for Civil Rights](#)

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[California Civil Rights Department](#)

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