

Community Relations

Uniform Complaint Procedures

The Board of Education 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 shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to the UCP

The District's uniform complaint procedure (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging District violation of applicable state or federal law or regulations governing adult education; After School Education and Safety programs; agricultural career technical education; consolidated categorical aid programs; federal career technical education; child care and development programs; compensatory education; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; School Plans for Student Achievement; school safety plans; California State Preschool Programs; State Preschool Health & Safety Issues in LEAs Exempt from Licensing; and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000(a).
2. Any complaint, by a student, employee, or other person participating in a District program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory 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 the 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 the Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or on the basis of his/her association with a person or group with one or more of these actual or perceived characteristics. (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)

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4. Any complaint alleging District noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements. (Education Code 46015)
5. 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)
6. Any complaint alleging District noncompliance with applicable requirements (Education Code 52060-52077) related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians. (Education Code 52075)
7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 64000-64001, 65000-65001)
8. Any complaint, by or on behalf of any student who is a foster youth as defined in Education Code 51225.2, alleging District noncompliance with any 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, district or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
9. Any complaint, by or on behalf of a student who transfers into the District after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the District, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging District noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements. (Education Code 51225.1)

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10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging District noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school district or country. (Education Code 51225.2)
11. Any complaint alleging District noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 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)
12. Any complaint alleging District noncompliance with the physical education instructional minutes requirement. (Education Code 51210, 51223)
13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations.
14. 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.
15. Any other complaint as specified in a District policy.

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 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,

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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 the 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 regulations.

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 referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to the Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any special education complaint alleging denial of a free appropriate public education based on services called for in a settlement agreement, even if the settlement agreement was not incorporated into the individualized educational program shall be investigated by the California Department of Education. (5 CCR 3080, 3200-3204; Education Code Section 33315(a)(2))

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Any complaints relating to child nutrition involving meal counting, reimbursable meals, and eligibility of children and adults shall be investigated and responded to directly by the California Department of Education as addressed in 5 CCR sections 15580-15584.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

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 the procedures in AR 1312.4 – Williams Uniform Complaint Procedures. (Education Code 35186)

Legal References: Education Code Sections 200-262.4; 8200-8498; 8500-8538; 18100-18203; 32280-32289; 33380-33384; 35186; 44500-44508; 46015; 48853-48853.5; 48985; 49010-4901; 49060-49079; 49069.5; 49490-49590; 49701; 51210; 51223; 51225.1-51225.2; 51226-51226.1; 51228.1-51228.3; 52060-52077, 52075; 52160-52178; 52300-52462; 52500-52616.24; 54000-54029; 54400-54425; 54440-54445; 54460-54529; 56000-56865; 59000-59300; 64000-64001; 65000-65001
Government Code Sections 11135; 12900-12996
Health and Safety Code Section 104420
Penal Code 422.55; 422.6
Code of Regulations, Title 2, Section 11023
Code of Regulations, Title 5, Sections 3080; 4600-4687; 4900-4965
United States Code, Title 20, Sections 1221; 1232g; 1681-1688; 6301-6576; 6801-7014; 7101-7184; 7201-7283g; 7301-7372; 12101-1221
United States Code, Title 29, Section 794
United States Code Title 42, Sections 2000d-2000e-17; 2000h-2-2000h-6; 6101-6107
Code of Federal Regulations, Title 28, Section 35.107
Code of Federal Regulations, Title 34, Sections 99.1-99.67; 100.3; 104.7; 106.8; 106.9; 110.25

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06/04/2019; 07/14/2020

(Formerly BP 1312)