

## 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 vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs; child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code 64000(a), including career technical education, school-based coordinated categorical programs, Miller-Unruh Basic Reading Act, programs providing assistance to disadvantaged, neglected or delinquent students who are at risk of dropping out of school, capital expenses funding, professional development programs, Innovative Program Strategies programs, programs established under the federal Class Size Reduction Initiative, school safety and violence prevention programs, and Safe and Drug Free Schools and Communities programs (5 CCR 4610).
2. Any complaints alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in District programs and activities, including, but not limited to, 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, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in the Education Code 200 or 220,

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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)
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)
5. Any complaint alleging District noncompliance with legal requirements related to the implementation of the local control and accountability plan. (Education Code 52075)
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)
7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 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 another school or district or the grant of an exemption from Board-imposed graduation requirements. (Education Code 51225.1, 51225.2)
8. 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)
9. Any complaint alleging District noncompliance with the physical education instructional minutes requirement for students in elementary school. (Education Code 51210, 51223)

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10. 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.
11. 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 to reach a resolution to the complaint that is acceptable to all parties. ADR 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, 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.

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 related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulations.

The Superintendent or designee shall maintain all records of all UCP complaints and the investigation of those complaints in accordance with applicable state law and District policy.

### 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)

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1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County 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 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.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health and 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)

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Legal References: Education Code Sections 200-262.4; 222; 8200-8498; 8500-8538; 18100-18203; 32280-32289; 33380-33384; 35186; 44500-44508; 48853-48853.5; 48985; 49010-49013; 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; 54400-54425; 54440-54445; 54460-54529; 56000-56865; 59000-59300; 64000-64001  
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; 12101-12213  
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

Policy Adopted: 11/17/1992  
Policy Amended: 12/17/2002; 11/03/2010; 03/11/2014; 04/15/2014; 05/06/2014; 04/05/2016; 10/18/2016; 08/15/2017; 02/06/2018; 05/01/2018

(Formerly BP 1312)