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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 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
2. Adult education programs
3. After School Education and Safety programs
4. Agricultural career technical education
5. Career technical and technical education and career technical and technical training programs
6. Child care and development programs
7. Compensatory education
8. Consolidated categorical aid programs
9. Course periods without educational content, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has previously satisfactorily completed, unless specified conditions are met
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 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 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
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program
12. Every Student Succeeds Act
13. Local control and accountability plan
14. Migrant education
15. Physical education instructional minutes
16. Student fees
17. Reasonable accommodations to a lactating student
18. Regional occupational centers and programs
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding

20. School safety plans
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding
22. State preschool programs
23. State preschool health and safety issues in license-exempt programs
24. 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
25. Any other state or federal educational program the Superintendent of Public Instruction 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 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 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 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 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 Department of Social Services.
3. 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.

4. 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, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education.
5. 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 BP 3555 - Nutrition Program Compliance.
6. 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 BP 3555 - Nutrition Program Compliance.
7. 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 AR 1312.4 - Williams Uniform Complaint Procedures.

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.

| <u>State</u> | <u>Description</u> |
|--------------------------|--|
| 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 education programs |
| Ed. Code 200-262.4 | Educational equity; prohibition of discrimination on the basis of sex |
| Ed. Code 18100-18203 | School libraries |
| Ed. Code 32221.5 | Insurance for athletic team members |
| Ed. Code 32280-32289 | School safety plans |
| Ed. Code 35186 | Complaints concerning deficiencies in instructional materials and facilities |
| Ed. Code 46015 | Accommodations for pregnant and parenting students; parental leave |
| Ed. Code 48853-48853.5 | Foster youth |
| Ed. Code 48985 | Notices in language other than English |
| Ed. Code 49010-49014 | 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 | Flexibility in enrollment of children of military families |
| Ed. Code 51210 | Areas of study |
| Ed. Code 51222 | Physical education |
| Ed. Code 51223 | Physical education, elementary schools |
| Ed. Code 51225.1-51225.2 | Exemption from local graduation requirements; acceptance of coursework |
| Ed. Code 51226-51226.1 | Career technical education |
| Ed. Code 51228.1-51228.3 | Course periods without educational content |
| Ed. Code 52059.5 | Statewide system of support |
| Ed. Code 52060-52077 | 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 |

Ed. Code 52500-52616.24
 Ed. Code 54400-54425
 Ed. Code 54440-54445
 Ed. Code 54460-54529
 Ed. Code 59000-59300
 Ed. Code 64000-64001
 Ed. Code 65000-65001
 Ed. Code 8200-8498
 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

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 106.8

 34 CFR 106.9
 34 CFR 110.25
 34 CFR 99.1-99.67
 42 USC 11431-11435
 42 USC 12101-12213
 42 USC 2000d-2000e-17
 42 USC 2000h-2-2000h-6
 42 USC 6101-6107

Management Resources

CA DOE Publication

 California Department of Education Publication

 U.S. DOE, Office for Civil Rights Publication

 U.S. DOJ Publication

 Website

Cross References

Code
 0410
 0420
 0420
 0420.41
 0420.41-E (1)

Adult schools
 Compensatory education programs
 Migrant children
 Compensatory education programs
 Special schools and centers
 Consolidated application
 School site councils
 Child care and development programs
 Adult basic education
 Discrimination
 Fair Employment and Housing Act
 California Child Day Care Act; general provisions and definitions
 California Child Day Care Act; health and safety regulations
 Definition of hate crime
 Crimes, harassment

Description

Application of laws
 Family Educational Rights and Privacy Act (FERPA) of 1974
 Discrimination based on sex or blindness, Title IX
 Title I Improving the Academic Achievement of the Disadvantaged
 Limited English proficient and immigrant students
 Nondiscrimination on basis of disability; complaints
 Rehabilitation Act of 1973, Section 504
 Discrimination prohibited
 Designation of responsible employee for Section 504
 Nondiscrimination on the basis of sex in education programs
 Designation of responsible employee and adoption of grievance procedures
 Dissemination of policy
 Notification of nondiscrimination on the basis of age
 Family Educational Rights and Privacy
 McKinney-Vento Homeless Assistance Act
 Americans with Disabilities Act
 Title VI and Title VII Civil Rights Act of 1964, as amended
 Title IX of the Civil Rights Act of 1964
 Age Discrimination Act of 1975

Description

A Blueprint for Environmental Literacy: Educating Every Student in, About, and for the Environment, 2015
 01-05 Guidelines for Piloting Textbooks and Instructional Materials, rev. January 2015
 Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014
 Accessibility of State and Local Government Websites to People with Disabilities, June 2003
 AASA The School Superintendents Association

Description

Nondiscrimination in District Programs and Activities
 School Plans/Site Councils
 School Plans/Site Councils
 Charter School Oversight
 Charter School Oversight

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| 0430 | Comprehensive Local Plan for Special Education |
| 0430 | Comprehensive Local Plan for Special Education |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 0460 | Local Control and Accountability Plan |
| 0460 | Local Control and Accountability Plan |
| 0470 | COVID-19 Mitigation Plan |
| 1100 | Communication with The Public |
| 1113 | District and School Web Sites |
| 1113 | District and School Web Sites |
| 1113-E (1) | District and School Web Sites |
| 1114 | District-Sponsored Social Media |
| 1114 | District-Sponsored Social Media |
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| 1220 | Citizen Advisory Committees |
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| 1250 | Visitors/Outsiders |
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| 1312.1 | Complaints Concerning District Employees |
| 1312.2 | Complaints Concerning Instructional Materials |
| 1312.2 | Complaints Concerning Instructional Materials |
| 1312.2-E (1) | Complaints Concerning Instructional Materials |
| 1312.4 | Williams Uniform Complaint Procedures |
| 1312.4-E (1) | Williams Uniform Complaint Procedures |
| 1312.4-E (2) | Williams Uniform Complaint Procedures |
| 3260 | Fees and Charges |
| 3260 | Fees and Charges |
| 3580 | District Records |
| 3580 | District Records |
| 4030 | Nondiscrimination in Employment |
| 4030 | Nondiscrimination in Employment |
| 4112.23 | Special Education Staff |
| 4112.9 | Employee Notifications |
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| 4119.1 | Civil and Legal Rights |
| 4119.11 | Sexual Harassment |
| 4119.11 | Sexual Harassment |
| 4119.23 | Unauthorized Release of Confidential/Privileged Information |
| 4212.9 | Employee Notifications |
| 4212.9-E (1) | Employee Notifications |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4218 | Dismissal/Suspension/Disciplinary Action |
| 4219.1 | Civil and Legal Rights |
| 4219.11 | Sexual Harassment |
| 4219.11 | Sexual Harassment |
| 4219.23 | Unauthorized Release of Confidential/Privileged Information |
| 4231 | Staff Development |
| 4244 | Complaints |
| 4244 | Complaints |
| 4312.9 | Employee Notifications |
| 4312.9-E (1) | Employee Notifications |
| 4319.1 | Civil and Legal Rights |
| 4319.11 | Sexual Harassment |
| 4319.11 | Sexual Harassment |

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| 4319.23 | Unauthorized Release of Confidential/Privileged Information |
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| 4344 | Complaints |
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| 5116.1 | Intradistrict Open Enrollment |
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| 5117 | Interdistrict Attendance |
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| 5125 | Student Records |
| 5131.62 | Tobacco |
| 5131.62 | Tobacco |
| 5137 | Positive School Climate |
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| 5145.3 | Nondiscrimination/Harassment |
| 5145.6 | Parental Notifications |
| 5145.6-E (1) | Parental Notifications |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71-E (1) | Title IX Sexual Harassment Complaint Procedures |
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| 5148 | Child Care and Development |
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| 5148.2 | Before/After School Programs |
| 5148.3 | Preschool/Early Childhood Education |
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| 6142.1 | Sexual Health and HIV/AIDS Prevention Instruction |
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