



# **Uniform Complaint Procedures (UCP) Annual Notice 2026-2027**

*East Side Union High School District*

The *East Side Union High School District* annually notifies our students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of our Uniform Complaint Procedures (UCP) process. The UCP Annual Notice is available on our website.

We are primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

## **Programs and Activities Subject to the UCP**

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under California *Education Code (EC)* sections 200 and 220 and *Government Code* Section 11135, including any actual or perceived characteristic as set forth in *Penal Code* Section 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational

institution, as defined in *EC* Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.

- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program.
- Every Student Succeeds Act (ESSA)
- Instructional Materials and Curriculum Diversity
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School site Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

*The programs and activities subject to the UCP in which the East Side Union High School District operates are:*

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs

- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under California *Education Code (EC)* sections 200 and 220 and *Government Code* Section 11135, including any actual or perceived characteristic as set forth in *Penal Code* Section 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in *EC* Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance.
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- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
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- School Plans for Student Achievement
- School site Councils
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.

## **Filing a UCP Complaint**

A UCP complaint shall be filed no later than one year from the date the alleged violation occurred.

For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by our agency.

A pupil enrolled in any of our public schools shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint may be filed with the principal of a school or our superintendent or their designee.

A pupil fee or LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

## **Contact Information**

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints

*UCP Compliance Officer*  
*Martha Brazil, Director of Human Resources*  
*830 N. Capitol Avenue, San Jose, CA 95133*  
*408-347-5000*  
[UCP@esuhsd.org](mailto:UCP@esuhsd.org)

The above contact is knowledgeable about the laws and programs that they are assigned to investigate in *East Side Union High School District*.

## **Responsibilities of the *East Side Union High School District***

We shall post a standardized notice, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program.

We advise complainants of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the California Department of Education (CDE).

We advise complainants of civil law remedies, including injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

Copies of our UCP procedures shall be available free of charge.

**For UCP Complaints Regarding State Preschool Health and Safety Issues  
Pursuant to Section 1596.7925 of the California *Health and Safety Code (HSC)***

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code (HSC)* a notice shall be posted in each California state preschool program classroom in each school in our agency.

The notice is in addition to this UCP annual notice and addresses parents, guardians, pupils, and teachers of (1) the health and safety requirements under *California Code of Regulations*, Title 5 (5 *CCR*) that apply to California state preschool programs pursuant to *HSC* Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.



Preparing every student to thrive in a global society.

|                     |                                                                                                                                                                                 |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Book                | BOARD POLICIES / ADMINISTRATIVE REGULATIONS                                                                                                                                     |
| Section             | 1000 COMMUNITY RELATIONS                                                                                                                                                        |
| Title               | Uniform Complaint Procedures                                                                                                                                                    |
| Code                | 1312.3 BP                                                                                                                                                                       |
| Status              | Active                                                                                                                                                                          |
| Adopted             | November 6, 1985                                                                                                                                                                |
| Last Revised        | September 5, 2024                                                                                                                                                               |
| Last Reviewed       | September 5, 2024                                                                                                                                                               |
| Prior Revised Dates | Adopted: 11/06/85 Amended: 07/18/91; 09/17/92; 07/22/93; 01/18/01; 03/11/04; 11/19/09; 08/23/12; 01/17/13; 06/19/14; 06/18/15; 10/20/16; 05/18/17; 11/03/22; 04/20/23; 09/05/24 |

## **Board Policy: Uniform Complaint Procedures**

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, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal 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. Accommodation 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 education and training programs and regional occupational centers and programs (Education Code 52300-52462)
6. Child Care and Development Programs (Education Code 8200-8498)
7. Compensatory education (Education Code 54400)
8. Consolidated Categorical Aid Programs (Education Code 33315)
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 the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital or parental status, pregnancy, 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 his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
11. 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, 244)  
The UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

12. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
13. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
14. Local control and accountability plan (Education Code 52075)
15. Migrant Education (Education Code 54440-54445)
16. Physical education instructional minutes. (Education Code 51210, 51222, 51223)
17. Students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
18. Reasonable accommodations to a lactating student on school campus to express breast milk, breastfeed an infant child, or other breastfeeding-related needs of the student (Education Code 222)
19. Regional occupational centers and programs (Education Code 52300-52334.7)
20. School plans for student achievement as required for consolidated application for specified federal and/or state categorical funding (Education Code 64001)
21. School safety plans (Education Code 32280-32289)
22. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
23. State preschool programs (Education Code 8207-8225)
24. State preschool health and safety issues in license-exempt programs (Education Code 8212)
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 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. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint if he/she is different from the complainant, 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 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: (5 CCR 4611)

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 was subjected to conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.2 34

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 AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44)

4. 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 AR 4030 – Nondiscrimination in Employment, including the right to file the complaint with 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 AR 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 BP 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 BP 3555 – Nutrition Program Compliance.
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 AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

| 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 200-262.4       | 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 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 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 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 52500-52617     | Adult schools                                                                                                      |
| Ed. Code 54400-54425     | Compensatory education programs                                                                                    |
| Ed. Code 54440-54445     | Migrant education                                                                                                  |



|                       |                                                                       |
|-----------------------|-----------------------------------------------------------------------|
| Ed. Code 54460-54529  | Compensatory education programs                                       |
| Ed. Code 59000-59300  | Special schools and centers                                           |
| Ed. Code 64000-64001  | Consolidated application process; school plan for student achievement |
| Ed. Code 65000-65001  | School site councils                                                  |
| Ed. Code 8200-8488    | Child care and development programs                                   |
| Ed. Code 8500-8538    | Adult basic education                                                 |
| Gov. Code 11135       | Prohibition of discrimination                                         |
| Gov. Code 12900-12996 | Fair Employment and Housing Act                                       |
| H&S Code 1596.792     | California Child Day Care Act; general provisions and definitions     |
| H&S Code 1596.7925    | California Child Day Care Act; health and safety regulations          |
| Pen. Code 422.55      | Definition of hate crime                                              |
| Pen. Code 422.6       | Crimes; harassment                                                    |

#### **Federal References**

|                        |                                                                                           |
|------------------------|-------------------------------------------------------------------------------------------|
| 20 USC 1221            | Application of laws                                                                       |
| 20 USC 1232g           | Family Educational Rights and Privacy Act (FERPA) of 1974                                 |
| 20 USC 1681-1688       | Title IX of the Education Amendments of 1972; discrimination based on sex                 |
| 20 USC 6301-6576       | Title I Improving the Academic Achievement of the Disadvantaged                           |
| 20 USC 6801-7014       | Title III language instruction for limited English proficient and immigrant students      |
| 28 CFR 35.107          | Nondiscrimination on basis of disability; complaints                                      |
| 29 USC 794             | Rehabilitation Act of 1973; Section 504                                                   |
| 34 CFR 100.3           | Prohibition of discrimination on basis of race, color or national origin                  |
| 34 CFR 104.7           | Section 504; Designation of responsible employee and adoption of grievances procedures    |
| 34 CFR 106.1-106.82    | Nondiscrimination on the basis of sex in education programs                               |
| 34 CFR 106.30          | Discrimination on the basis of sex in education programs and activities; definitions      |
| 34 CFR 106.44          | Recipient's response to sexual harassment                                                 |
| 34 CFR 106.45          | Grievance process for formal complaints of sexual harassment                              |
| 34 CFR 106.8           | Designation of coordinator; dissemination of policy, and adoption of grievance procedures |
| 34 CFR 110.25          | Notification of nondiscrimination on the basis of age                                     |
| 34 CFR 99.1-99.67      | Family Educational Rights and Privacy                                                     |
| 42 USC 11431-11435     | McKinney-Vento Homeless Assistance Act                                                    |
| 42 USC 12101-12213     | Americans with Disabilities Act                                                           |
| 42 USC 2000d-2000e-17  | Title VI and Title VII Civil Rights Act of 1964, as amended                               |
| 42 USC 2000h-2-2000h-6 | Title IX of the Civil Rights Act of 1964                                                  |
| 42 USC 6101-6107       | Age Discrimination Act of 1975                                                            |

#### **Description**

#### **Cross References**

|              |                                                       |
|--------------|-------------------------------------------------------|
| 410 BP       | Nondiscrimination In District Programs And Activities |
| 420 BP       | School Plans/Site Councils                            |
| 420 AR       | School Plans/Site Councils                            |
| 420.41       | Charter School Oversight                              |
| 0420.41-E(1) | Charter School Oversight                              |
| 430 BP       | Comprehensive Local Plan For Special Education        |
| 430 AR       | Comprehensive Local Plan For Special Education        |
| 450 BP       | Comprehensive Safety Plan                             |
| 450 AR       | Comprehensive Safety Plan                             |
| 460 BP       | Local Control And Accountability Plan                 |
| 460 AR       | Local Control And Accountability Plan                 |
| 470 BP       | COVID-19 Mitigation Plan                              |
| 1100 BP      | Communication With The Public                         |
| 1113 BP      | District And School Web Sites                         |
| 1113 AR      | District And School Web Sites                         |
| 1113-E(1)    | District And School Web Sites                         |
| 1114 BP      | District-Sponsored Social Media                       |
| 1114 AR      | District-Sponsored Social Media                       |
| 1220 BP      | Citizen Advisory Committees                           |
| 1220 AR      | Citizen Advisory Committees                           |
| 1250 BP      | Visitors/Outsiders                                    |
| 1250 AR      | Visitors/Outsiders                                    |
| 1312.1 BP    | Complaints Concerning District Employees              |
| 1312.1 AR    | Complaints Concerning District Employees              |
| 1312.2 BP    | Complaints Concerning Instructional Materials         |

#### **Description**

|             |                                                             |
|-------------|-------------------------------------------------------------|
| 1312.2 AR   | Complaints Concerning Instructional Materials               |
| 1312.2-E(1) | Complaints Concerning Instructional Materials               |
| 1312.4 AR   | Williams Uniform Complaint Procedures                       |
| 1312.4-E(1) | Williams Uniform Complaint Procedures                       |
| 1312.4-E(2) | Williams Uniform Complaint Procedures                       |
| 1313 BP     | Civility                                                    |
| 1340 BP     | Access To District Records                                  |
| 1340 AR     | Access To District Records                                  |
| 3260 BP     | Fees And Charges                                            |
| 3260 AR     | Fees And Charges                                            |
| 3555 BP     | Nutrition Program Compliance                                |
| 3555-E(1)   | Nutrition Program Compliance                                |
| 3580 BP     | District Records                                            |
| 3580 AR     | District Records                                            |
| 4030 BP     | Nondiscrimination In Employment                             |
| 4030 AR     | Nondiscrimination In Employment                             |
| 4112.23 AR  | Special Education Staff                                     |
| 4112.9 BP   | Employee Notifications                                      |
| 4112.9-E(1) | Employee Notifications                                      |
| 4118 BP     | Dismissal/Suspension/Disciplinary Action                    |
| 4118 AR     | Dismissal/Suspension/Disciplinary Action                    |
| 4119.1 BP   | Civil And Legal Rights                                      |
| 4119.11 BP  | Sexual Harassment                                           |
| 4119.11 AR  | Sexual Harassment                                           |
| 4119.23 BP  | Unauthorized Release Of Confidential/Privileged Information |
| 4131 BP     | Staff Development                                           |
| 4212.9 BP   | Employee Notifications                                      |
| 4212.9-E(1) | Employee Notifications                                      |
| 4218 BP     | Dismissal/Suspension/Disciplinary Action                    |
| 4218 AR     | Dismissal/Suspension/Disciplinary Action                    |
| 4219.1 BP   | Civil And Legal Rights                                      |
| 4219.11 BP  | Sexual Harassment                                           |
| 4219.11 AR  | Sexual Harassment                                           |
| 4219.23 BP  | Unauthorized Release Of Confidential/Privileged Information |
| 4231 BP     | Staff Development                                           |
| 4244 BP     | Complaints                                                  |
| 4244 AR     | Complaints                                                  |
| 4312.9 BP   | Employee Notifications                                      |
| 4312.9-E(1) | Employee Notifications                                      |
| 4319.1 BP   | Civil And Legal Rights                                      |
| 4319.11 BP  | Sexual Harassment                                           |
| 4319.11 AR  | Sexual Harassment                                           |
| 4319.23 BP  | Unauthorized Release Of Confidential/Privileged Information |
| 4331 BP     | Staff Development                                           |
| 4344 BP     | Complaints                                                  |
| 4344 AR     | Complaints                                                  |
| 5116.1 BP   | Intradistrict Open Enrollment                               |
| 5116.1 AR   | Intradistrict Open Enrollment                               |
| 5117 BP     | Interdistrict Attendance                                    |
| 5117 AR     | Interdistrict Attendance                                    |
| 5125 BP     | Student Records                                             |
| 5125 AR     | Student Records                                             |
| 5131.62 BP  | Tobacco                                                     |
| 5131.62 AR  | Tobacco                                                     |
| 5137 BP     | Positive School Climate                                     |
| 5141.22 BP  | Infectious Diseases                                         |
| 5141.22 AR  | Infectious Diseases                                         |
| 5141.4 BP   | Child Abuse Prevention And Reporting                        |
| 5141.4 AR   | Child Abuse Prevention And Reporting                        |
| 5144 BP     | Discipline                                                  |
| 5144 AR     | Discipline                                                  |
| 5144.1 BP   | Suspension And Expulsion/Due Process                        |

|              |                                                                          |
|--------------|--------------------------------------------------------------------------|
| 5144.1 AR    | Suspension And Expulsion/Due Process                                     |
| 5145.3 BP    | Nondiscrimination/Harassment                                             |
| 5145.3 AR    | Nondiscrimination/Harassment                                             |
| 5145.6 BP    | Parent/Guardian Notifications                                            |
| 5145.6-E(1)  | Parent/Guardian Notifications                                            |
| 5145.7 BP    | Sexual Harassment                                                        |
| 5145.7 AR    | Sexual Harassment                                                        |
| 5145.71 AR   | Title IX Sexual Harassment Complaint Procedures                          |
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures                          |
| 5145.9 BP    | Hate-Motivated Behavior                                                  |
| 5146 BP      | Married/Pregnant/Parenting Students                                      |
| 5148 BP      | Child Care And Development                                               |
| 5148 AR      | Child Care And Development                                               |
| 5148.2 BP    | Before/After School Programs                                             |
| 5148.2 AR    | Before/After School Programs                                             |
| 5148.3 BP    | Preschool/Early Childhood Education                                      |
| 5148.3 AR    | Preschool/Early Childhood Education                                      |
| 6142.1 BP    | Sexual Health And HIV/AIDS Prevention Instruction                        |
| 6142.1 AR    | Sexual Health And HIV/AIDS Prevention Instruction                        |
| 6142.7 BP    | Physical Education And Activity                                          |
| 6142.7 AR    | Physical Education And Activity                                          |
| 6145 BP      | Extracurricular And Cocurricular Activities                              |
| 6145 AR      | Extracurricular And Cocurricular Activities                              |
| 6145.2 BP    | Athletic Competition                                                     |
| 6145.2 AR    | Athletic Competition                                                     |
| 6146.1 BP    | High School Graduation Requirements                                      |
| 6152 BP      | Class Assignment                                                         |
| 6159 BP      | Individualized Education Program                                         |
| 6159 AR      | Individualized Education Program                                         |
| 6159.1 BP    | Procedural Safeguards And Complaints For Special Education               |
| 6159.1 AR    | Procedural Safeguards And Complaints For Special Education               |
| 6159.2 BP    | Nonpublic, Nonsectarian School And Agency Services For Special Education |
| 6159.2 AR    | Nonpublic, Nonsectarian School And Agency Services For Special Education |
| 6159.3 BP    | Appointment Of Surrogate Parent For Special Education Students           |
| 6159.3 AR    | Appointment Of Surrogate Parent For Special Education Students           |
| 6164.2 BP    | Guidance/Counseling Services                                             |
| 6164.4 BP    | Identification And Evaluation Of Individuals For Special Education       |
| 6164.4 AR    | Identification And Evaluation Of Individuals For Special Education       |
| 6164.5 BP    | Student Success Teams                                                    |
| 6164.5 AR    | Student Success Teams                                                    |
| 6171 BP      | Title I Programs                                                         |
| 6171 AR      | Title I Programs                                                         |
| 6173 BP      | Education For Homeless Children                                          |
| 6173 AR      | Education For Homeless Children                                          |
| 6173-E(1)    | Education For Homeless Children                                          |
| 6173-E(2)    | Education For Homeless Children                                          |
| 6173.1 BP    | Education For Foster Youth                                               |
| 6173.1 AR    | Education For Foster Youth                                               |
| 6173.2 BP    | Education Of Children Of Military Families                               |
| 6173.2 AR    | Education Of Children Of Military Families                               |
| 6173.3 AR    | Education For Juvenile Court School Students                             |
| 6175 BP      | Migrant Education Program                                                |
| 6175 AR      | Migrant Education Program                                                |
| 6178 BP      | Career Technical Education                                               |
| 6178 AR      | Career Technical Education                                               |
| 6178.1 BP    | Work-Based Learning                                                      |
| 6178.1 AR    | Work-Based Learning                                                      |
| 6178.2 BP    | Regional Occupational Center/Program                                     |
| 6200 BP      | Adult Education                                                          |
| 6200 AR      | Adult Education                                                          |
| 9000 BB      | Role Of The Board                                                        |
| 9011 BB      | Disclosure Of Confidential/Privileged Information                        |

|              |                                        |
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| 9012 BB      | Board Member Electronic Communications |
| 9124 BB      | Attorney                               |
| 9200 BB      | Limits Of Board Member Authority       |
| 9321 BB      | Closed Session                         |
| 9321-E(1) BB | Closed Session                         |
| 9321-E(2) BB | Closed Session                         |
| 9322 BB      | Agenda/Meeting Materials               |

*Adopted: 11/06/85*  
*Amended: 07/18/91; 09/17/92; 07/22/93; 01/18/01; 03/11/04; 11/19/09; 08/23/12; 01/17/13; 06/19/14; 06/18/15; 10/20/16; 05/18/17; 11/03/22;*  
*04/20/23; 09/05/24*



Preparing every student to thrive in a global society.

|                     |                                                                                                                                |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Book                | BOARD POLICIES / ADMINISTRATIVE REGULATIONS                                                                                    |
| Section             | 1000 COMMUNITY RELATIONS                                                                                                       |
| Title               | Uniform Complaint Procedures                                                                                                   |
| Code                | 1312.3 AR                                                                                                                      |
| Status              | Active                                                                                                                         |
| Adopted             | February 12, 2003                                                                                                              |
| Last Revised        | September 5, 2024                                                                                                              |
| Last Reviewed       | September 5, 2024                                                                                                              |
| Prior Revised Dates | Approved: 02/12/03 Amended: 03/20/03; 09/23/10; 01/12/12; 08/23/12; 06/19/14; 06/18/15; 10/20/16; 04/06/17; 11/03/22; 09/05/24 |

## **Administrative Regulation: Uniform Complaint Procedures**

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

### **Compliance Officers**

The district designates the individual identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual also serves as the compliance officer specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 Sex Discrimination and Sex-Based Harassment for handling complaints regarding sex discrimination and sex-based harassment.

UCP Compliance Officer  
Dr. Clara Fernandez, Director of Employee Relations  
830 N. Capitol Avenue, San Jose, CA 95133  
408-347-5000  
[UCP@esuhsd.org](mailto:UCP@esuhsd.org)

The compliance officer who receives a complaint may assign another compliance 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 the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure 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 include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those involving alleged 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 Superintendent or designee.

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 Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, 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 district issues its final written decision, whichever occurs first.

### **Notifications**

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622).

The notice shall include:

1. A statement that the district 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 a list of all programs and activities that are subject to UCP as identified in "Complaints Subject to UCP" in the accompanying Board policy
2. 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.
3. 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
4. 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
5. 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 district's educational program, including curricular and extracurricular activities.
6. 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.
7. A statement that the district will post a standardized notice of the educational and graduation requirements of foster youth, students experiencing homelessness, children of military families, former juvenile court school students now enrolled in the district, ‡ students who are migratory, and newcomer students, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process.
8. A statement that complaints will be investigated in accordance with the district'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
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's Investigation Report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision.
10. 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
11. A statement that copies of the district's UCP are available free of charge.

The annual notification and complete contact information of the compliance officer(s) and information related to Title IX as required pursuant to Education Code 221.61 and 34 CFR 106.8 shall be posted on the district websites, published in handbooks, catalogs, announcements, bulletins, and application forms, and may be provided through district-supported social media if available.

The 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 district's policy, regulation, forms, and notices concerning the UCP.

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

### **Filing of Complaints**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

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, district staff shall assist in the filing of the complaint. (5 CCR 4600; 34 CFR 106.2)



Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against 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 Superintendent or designee.

3. 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 Board. (5 CCR 4630)

4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. (5 CCR 4630)

The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

6. 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.
7. When the complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action.

When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

## **Mediation**

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. 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 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 permit the mediator access to all 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 district'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 district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

## **Investigation of Complaint**

The compliance officer shall begin an investigation into the complaint within 10 business days of receiving 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 the complainant's 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 the parties of the status of the investigation.

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.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or 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)

### **Timeline for Investigation Report**

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 "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

### **Investigation Report**

For all complaints, the district'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 district is in compliance with the relevant law
3. Corrective action(s), whenever the district finds merit in the complaint, including when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's Investigation Report to the CDE except when the district 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.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

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

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 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](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

### **Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

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
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 of retaliation or unlawful discrimination, harassment, intimidation, or bullying, involving a student as the respondent, appropriate corrective actions that may be provided to the student 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
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

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

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

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

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, or any requirement related to the LCAP is found to have merit, the district 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, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith, 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**

Any complainant who is dissatisfied with the district's Investigation Report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with the CDE within 30 calendar days of receiving the district's Investigation Report. (5 CCR 4632)

The appeal shall be sent to CDE accompanied by a copy of the locally filed complaint and a copy of the district's Investigation Report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's Investigative Report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's Investigation Report are not supported by substantial evidence.
4. The legal conclusion in the district's Investigation Report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district'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 report of any action taken to resolve the complaint
5. A copy of the district's uniform complaint procedures
6. Other relevant information requested by the CDE

If notified by CDE that the district's Investigation Report failed to address allegation(s) raised by the complaint, the district 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)

| <b>State References</b>  | <b>Description</b>                                                                                                 |
|--------------------------|--------------------------------------------------------------------------------------------------------------------|
| 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 200-262.4       | 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 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 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 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 52500-52617     | Adult schools                                                                                                      |
| Ed. Code 54400-54425     | Compensatory education programs                                                                                    |
| Ed. Code 54440-54445     | Migrant education                                                                                                  |
| Ed. Code 54460-54529     | Compensatory education programs                                                                                    |
| Ed. Code 59000-59300     | Special schools and centers                                                                                        |
| Ed. Code 64000-64001     | Consolidated application process; school plan for student achievement                                              |
| Ed. Code 65000-65001     | School site councils                                                                                               |
| Ed. Code 8200-8488       | Child care and development programs                                                                                |
| Ed. Code 8500-8538       | Adult basic education                                                                                              |
| Gov. Code 11135          | Prohibition of discrimination                                                                                      |
| Gov. Code 12900-12996    | Fair Employment and Housing Act                                                                                    |
| H&S Code 1596.792        | California Child Day Care Act; general provisions and definitions                                                  |
| H&S Code 1596.7925       | California Child Day Care Act; health and safety regulations                                                       |

Pen. Code 422.55  
Pen. Code 422.6

Definition of hate crime  
Crimes; harassment

#### **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-2000e-17  
42 USC 2000h-2-2000h-6  
42 USC 6101-6107

#### **Description**

Application of laws  
Family Educational Rights and Privacy Act (FERPA) of 1974  
Title IX of the Education Amendments of 1972; discrimination based on sex  
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 grievances 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  
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

#### **Cross References**

410 BP  
420 BP  
420 AR  
420.41  
0420.41-E(1)  
430 BP  
430 AR  
450 BP  
450 AR  
460 BP  
460 AR  
470 BP  
1100 BP  
1113 BP  
1113 AR  
1113-E(1)  
1114 BP  
1114 AR  
1220 BP  
1220 AR  
1250 BP  
1250 AR  
1312.1 BP  
1312.1 AR  
1312.2 BP  
1312.2 AR  
1312.2-E(1)  
1312.4 AR  
1312.4-E(1)  
1312.4-E(2)  
1313 BP  
1340 BP  
1340 AR  
3260 BP

#### **Description**

Nondiscrimination In District Programs And Activities  
School Plans/Site Councils  
School Plans/Site Councils  
Charter School Oversight  
Charter School Oversight  
Comprehensive Local Plan For Special Education  
Comprehensive Local Plan For Special Education  
Comprehensive Safety Plan  
Comprehensive Safety Plan  
Local Control And Accountability Plan  
Local Control And Accountability Plan  
COVID-19 Mitigation Plan  
Communication With The Public  
District And School Web Sites  
District And School Web Sites  
District And School Web Sites  
District-Sponsored Social Media  
District-Sponsored Social Media  
Citizen Advisory Committees  
Citizen Advisory Committees  
Visitors/Outsiders  
Visitors/Outsiders  
Complaints Concerning District Employees  
Complaints Concerning District Employees  
Complaints Concerning Instructional Materials  
Complaints Concerning Instructional Materials  
Complaints Concerning Instructional Materials  
Williams Uniform Complaint Procedures  
Williams Uniform Complaint Procedures  
Williams Uniform Complaint Procedures  
Civility  
Access To District Records  
Access To District Records  
Fees And Charges

|             |                                                             |
|-------------|-------------------------------------------------------------|
| 3260 AR     | Fees And Charges                                            |
| 3555 BP     | Nutrition Program Compliance                                |
| 3555-E(1)   | Nutrition Program Compliance                                |
| 3580 BP     | District Records                                            |
| 3580 AR     | District Records                                            |
| 4030 BP     | Nondiscrimination In Employment                             |
| 4030 AR     | Nondiscrimination In Employment                             |
| 4112.23 AR  | Special Education Staff                                     |
| 4112.9 BP   | Employee Notifications                                      |
| 4112.9-E(1) | Employee Notifications                                      |
| 4118 BP     | Dismissal/Suspension/Disciplinary Action                    |
| 4118 AR     | Dismissal/Suspension/Disciplinary Action                    |
| 4119.1 BP   | Civil And Legal Rights                                      |
| 4119.11 BP  | Sexual Harassment                                           |
| 4119.11 AR  | Sexual Harassment                                           |
| 4119.23 BP  | Unauthorized Release Of Confidential/Privileged Information |
| 4131 BP     | Staff Development                                           |
| 4212.9 BP   | Employee Notifications                                      |
| 4212.9-E(1) | Employee Notifications                                      |
| 4218 BP     | Dismissal/Suspension/Disciplinary Action                    |
| 4218 AR     | Dismissal/Suspension/Disciplinary Action                    |
| 4219.1 BP   | Civil And Legal Rights                                      |
| 4219.11 BP  | Sexual Harassment                                           |
| 4219.11 AR  | Sexual Harassment                                           |
| 4219.23 BP  | Unauthorized Release Of Confidential/Privileged Information |
| 4231 BP     | Staff Development                                           |
| 4244 BP     | Complaints                                                  |
| 4244 AR     | Complaints                                                  |
| 4312.9 BP   | Employee Notifications                                      |
| 4312.9-E(1) | Employee Notifications                                      |
| 4319.1 BP   | Civil And Legal Rights                                      |
| 4319.11 BP  | Sexual Harassment                                           |
| 4319.11 AR  | Sexual Harassment                                           |
| 4319.23 BP  | Unauthorized Release Of Confidential/Privileged Information |
| 4331 BP     | Staff Development                                           |
| 4344 BP     | Complaints                                                  |
| 4344 AR     | Complaints                                                  |
| 5116.1 BP   | Intradistrict Open Enrollment                               |
| 5116.1 AR   | Intradistrict Open Enrollment                               |
| 5117 BP     | Interdistrict Attendance                                    |
| 5117 AR     | Interdistrict Attendance                                    |
| 5125 BP     | Student Records                                             |
| 5125 AR     | Student Records                                             |
| 5131.62 BP  | Tobacco                                                     |
| 5131.62 AR  | Tobacco                                                     |
| 5137 BP     | Positive School Climate                                     |
| 5141.22 BP  | Infectious Diseases                                         |
| 5141.22 AR  | Infectious Diseases                                         |
| 5141.4 BP   | Child Abuse Prevention And Reporting                        |
| 5141.4 AR   | Child Abuse Prevention And Reporting                        |
| 5144 BP     | Discipline                                                  |
| 5144 AR     | Discipline                                                  |
| 5144.1 BP   | Suspension And Expulsion/Due Process                        |
| 5144.1 AR   | Suspension And Expulsion/Due Process                        |
| 5145.3 BP   | Nondiscrimination/Harassment                                |
| 5145.3 AR   | Nondiscrimination/Harassment                                |
| 5145.6 BP   | Parent/Guardian Notifications                               |
| 5145.6-E(1) | Parent/Guardian Notifications                               |
| 5145.7 BP   | Sexual Harassment                                           |
| 5145.7 AR   | Sexual Harassment                                           |
| 5145.71 AR  | Title IX Sexual Harassment Complaint Procedures             |

|              |                                                                          |
|--------------|--------------------------------------------------------------------------|
| 5145.71-E(1) | Title IX Sexual Harassment Complaint Procedures                          |
| 5145.9 BP    | Hate-Motivated Behavior                                                  |
| 5146 BP      | Married/Pregnant/Parenting Students                                      |
| 5148 BP      | Child Care And Development                                               |
| 5148 AR      | Child Care And Development                                               |
| 5148.2 BP    | Before/After School Programs                                             |
| 5148.2 AR    | Before/After School Programs                                             |
| 5148.3 BP    | Preschool/Early Childhood Education                                      |
| 5148.3 AR    | Preschool/Early Childhood Education                                      |
| 6142.1 BP    | Sexual Health And HIV/AIDS Prevention Instruction                        |
| 6142.1 AR    | Sexual Health And HIV/AIDS Prevention Instruction                        |
| 6142.7 BP    | Physical Education And Activity                                          |
| 6142.7 AR    | Physical Education And Activity                                          |
| 6145 BP      | Extracurricular And Cocurricular Activities                              |
| 6145 AR      | Extracurricular And Cocurricular Activities                              |
| 6145.2 BP    | Athletic Competition                                                     |
| 6145.2 AR    | Athletic Competition                                                     |
| 6146.1 BP    | High School Graduation Requirements                                      |
| 6152 BP      | Class Assignment                                                         |
| 6159 BP      | Individualized Education Program                                         |
| 6159 AR      | Individualized Education Program                                         |
| 6159.1 BP    | Procedural Safeguards And Complaints For Special Education               |
| 6159.1 AR    | Procedural Safeguards And Complaints For Special Education               |
| 6159.2 BP    | Nonpublic, Nonsectarian School And Agency Services For Special Education |
| 6159.2 AR    | Nonpublic, Nonsectarian School And Agency Services For Special Education |
| 6159.3 BP    | Appointment Of Surrogate Parent For Special Education Students           |
| 6159.3 AR    | Appointment Of Surrogate Parent For Special Education Students           |
| 6164.2 BP    | Guidance/Counseling Services                                             |
| 6164.4 BP    | Identification And Evaluation Of Individuals For Special Education       |
| 6164.4 AR    | Identification And Evaluation Of Individuals For Special Education       |
| 6164.5 BP    | Student Success Teams                                                    |
| 6164.5 AR    | Student Success Teams                                                    |
| 6171 BP      | Title I Programs                                                         |
| 6171 AR      | Title I Programs                                                         |
| 6173 BP      | Education For Homeless Children                                          |
| 6173 AR      | Education For Homeless Children                                          |
| 6173-E(1)    | Education For Homeless Children                                          |
| 6173-E(2)    | Education For Homeless Children                                          |
| 6173.1 BP    | Education For Foster Youth                                               |
| 6173.1 AR    | Education For Foster Youth                                               |
| 6173.2 BP    | Education Of Children Of Military Families                               |
| 6173.2 AR    | Education Of Children Of Military Families                               |
| 6173.3 AR    | Education For Juvenile Court School Students                             |
| 6175 BP      | Migrant Education Program                                                |
| 6175 AR      | Migrant Education Program                                                |
| 6178 BP      | Career Technical Education                                               |
| 6178 AR      | Career Technical Education                                               |
| 6178.1 BP    | Work-Based Learning                                                      |
| 6178.1 AR    | Work-Based Learning                                                      |
| 6178.2 BP    | Regional Occupational Center/Program                                     |
| 6200 BP      | Adult Education                                                          |
| 6200 AR      | Adult Education                                                          |
| 9000 BB      | Role Of The Board                                                        |
| 9011 BB      | Disclosure Of Confidential/Privileged Information                        |
| 9012 BB      | Board Member Electronic Communications                                   |
| 9124 BB      | Attorney                                                                 |
| 9200 BB      | Limits Of Board Member Authority                                         |
| 9321 BB      | Closed Session                                                           |
| 9321-E(1) BB | Closed Session                                                           |
| 9321-E(2) BB | Closed Session                                                           |
| 9322 BB      | Agenda/Meeting Materials                                                 |

Approved: 02/12/03  
Amended: 03/20/03; 09/23/10; 01/12/12; 08/23/12; 06/19/14; 06/18/15; 10/20/16; 04/06/17; 11/03/22; 09/05/24





## UNIFORM COMPLAINT PROCEDURES

The Uniform Complaint Procedure (UCP) is used for complaints alleging non-compliance with state and federal laws and regulations governing discrimination and/or educational programs.

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Student Name (if applicable) \_\_\_\_\_ Grade \_\_\_\_\_ Date of Birth \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City/Zip Code: \_\_\_\_\_

Please check: ☐ Parent/Guardian ☐ Student ☐ District Employee ☐ Other \_\_\_\_\_

**Subject of complaint (please check all that apply):**

- ☐ Any forms of discrimination (if the alleged harasser/discriminator is a School District employee, school-based or other law enforcement with which the district has a contract or agreement, or student)
- ☐ Prohibition against requiring students to pay fees, deposits or other charges for participation in education activities
- ☐ Requirements for development and adoption of a school safety plan
- ☐ Adult Education ☐ After School Education and Safety ☐ Career Technical Education/Training
- ☐ Child Care and Development ☐ Tobacco Use Prevention ☐ Course Periods without Educational Content
- ☐ Consolidated Categorical Aid Programs ☐ Reasonable Accommodations to a Lactating Student
- ☐ Education of Homeless, Foster Care, former Juvenile Court, and Students of Military Families
- ☐ Local Control Accountability Plan (LCAP) ☐ Physical Education Minutes ☐ Every Student Succeeds Act (ESSA)/NCLB (Titles I-VII)
- ☐ Other areas: Bilingual Education/Compensatory Education/Migrant Education ☐ Regional Occupational Programs
- ☐ Retaliation against Complainant or other Participant in the UCP Process

Date of Alleged Violation: \_\_\_\_\_ Location of Alleged Violation: \_\_\_\_\_

For complaints of discrimination, harassment, intimidation and/or bullying (employee-to-student, student-to-student, and third party to student, including law enforcement interactions related to school activity/attendance), please check the protected classes (actual or perceived) upon which the alleged conduct was based:

- |                                                                                                                                 |                                                        |                                             |                              |
|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------|------------------------------|
| <input type="checkbox"/> Actual or Perceived Sex                                                                                | <input type="checkbox"/> Sexual Orientation            | <input type="checkbox"/> Gender             | <input type="checkbox"/> Age |
| <input type="checkbox"/> Gender Identity                                                                                        | <input type="checkbox"/> Gender Expression             | <input type="checkbox"/> Ancestry           |                              |
| <input type="checkbox"/> Ethnic Group Identification                                                                            | <input type="checkbox"/> Race or Ethnicity             | <input type="checkbox"/> Religion           |                              |
| <input type="checkbox"/> Nationality                                                                                            | <input type="checkbox"/> National Origin               | <input type="checkbox"/> Immigration Status |                              |
| <input type="checkbox"/> Color                                                                                                  | <input type="checkbox"/> Mental or Physical Disability | <input type="checkbox"/> Lactating Student  |                              |
| <input type="checkbox"/> Association with a person or group with one or more of the actual or perceived categories listed above |                                                        |                                             |                              |

***For bullying complaints not based on protected groups and other complaints not listed on this form, contact your school Site Administrator and/or you may click on the link provided to complete the Public Complaint Form.***

***Complaints regarding instructional materials, facility conditions that pose an emergency or urgent threat to the health or safety of students or staff, restroom maintenance, or complaints concerning teacher vacancy or misassignments should be filed using the Williams Compliant Form available at all school sites.***

Please describe the facts of your complaint in detail, with names, names of witnesses (if any), and explain everything that happened and when. Please give as much detail as possible, including dates, and locations. You may attach additional pages if necessary.

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For Office use Only

COMPLAINT RECEIVED BY: \_\_\_\_\_ DATE & TIME: \_\_\_\_\_

