

UNIFORM COMPLAINT PROCEDURES

The Board of Trustees recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR [4600-4670](#)

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following:

1. Accommodations for pregnant and parenting students (Education Code 46015)

(cf. [5146](#) - Married/Pregnant/Parenting Students)

2. Adult education programs (Education Code [8500-8538](#), [52334.7](#), [52500-52617](#))

(cf. [6200](#) - Adult Education)

3. After School Education and Safety programs (Education Code [8482-8484.65](#))

(cf. [5148.2](#) - Before/After School Programs)

4. Agricultural career technical education (Education Code [52460-52462](#))

5. Career technical and technical education and career technical and technical training programs (Education Code [52300-52462](#))

(cf. [6178](#) - Career Technical Education)

(cf. [6178.1](#) - Work-Based Learning)

6. Child care and development programs (Education Code [8200-8498](#))

(cf. [5148](#) - Child Care and Development)

7. Compensatory education (Education Code [54400](#))

(cf. [6171](#) - Title I Programs)

8. Consolidated categorical aid programs (Education Code [33315](#); 34 CFR 299.10-299.12)

UNIFORM COMPLAINT PROCEDURES (continued)

9. Course periods without educational content (Education Code [51228.1-51228.3](#))

(cf. [6152](#) - *Class Assignment*)

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 one, or a combination of two or more, protected characteristics, which include, but may not be limited to, a person's actual or perceived race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or based on the person's association with a person or group with one or more of these actual or perceived characteristics (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 5 CCR 4610; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

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

(cf. [0410](#) - *Nondiscrimination in District Programs and Activities*)

(cf. [5145.3](#) - *Nondiscrimination/Harassment*)

(cf. [5145.7](#) - *Sexual Harassment*)

(cf. [5145.71](#) - *Title IX Sexual Harassment Complaint Procedures*)

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students (Education Code 48645.7, 48850, [48853](#), [48853.5](#), 48911, 48915.5, 49069.5, [51225.1](#), [51225.2](#))

(cf. [6173](#) - *Education for Homeless Children*)

(cf. [6173.1](#) - *Education for Foster Youth*)

(cf. [6173.2](#) - *Education of Children of Military Families*)

(cf. [6173.3](#) - *Education for Juvenile Court School Students*)

12. Every Student Succeeds Act (Education Code 12030, 52059.5; 6400, 20 USC [6301](#) et seq.)

13. Instructional Materials and Curriculum: Diversity (Education Code 243)

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)

14. Local control and accountability plan (Education Code [52075](#))

UNIFORM COMPLAINT PROCEDURES (continued)

15. Migrant education (Education Code [54440-54445](#))
(cf. [6175](#) - Migrant Education Program)
16. Physical education instructional minutes (Education Code [51210](#), [51222](#), [51223](#))
(cf. [6142.7](#) - Physical Education and Activity)
17. Student fees (Education Code [49010-49013](#))
(cf. [3260](#) - Fees and Charges) Reasonable accommodations to a lactating student (Education Code [222](#))
18. Reasonable accommodations to a lactating student (Education Code 222)
19. Regional occupational centers and programs (Education Code [52300-52334.7](#))
(cf. [6178.2](#) - Regional Occupational Center/Program)
20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code [64001](#))
(cf. [0420](#) - School Plans/Site Councils)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 65000)
(cf. [0420](#) - School Plans/Site Councils)
22. State preschool programs (Education Code 8200-8488, 33315)
(cf. [5148.3](#) - Preschool/Early Childhood Education)
23. State preschool health and safety issues in license-exempt programs (Education Code [8212](#))
24. School or athletic team names, mascots, or nicknames pursuant to Education Code 221.3
25. 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
26. Any other state or federal educational program the SPI or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to

UNIFORM COMPLAINT PROCEDURES (continued)

all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations and that no party feels compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with federal, state, and local laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination, the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [5125](#) - Student Records)

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

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](#).

(cf. [3580](#) - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR [4611](#))

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

UNIFORM COMPLAINT PROCEDURES (continued)

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 sexual harassment, as defined in 34 CFR 106.2

Such a complaint shall be addressed through the federal Title IX complaint procedures as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

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

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

(cf. [6159.1](#) - *Procedural Safeguards and Complaints for Special Education*)

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)

7. Any complaint alleging discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582)

8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code [35186](#))

(cf. [1312.4](#) - *Williams Uniform Complaint Procedures*)

Legal Reference:

EDUCATION CODE
200-262.4 *Prohibition of discrimination*

UNIFORM COMPLAINT PROCEDURES (continued)

- [8200-8498](#) *Child care and development programs*
[8500-8538](#) *Adult basic education*
[18100-18203](#) *School libraries*
[32280-32289](#) *School safety plan, uniform complaint procedures*
[35186](#) *Williams uniform complaint procedures*
 46015 *Parental leave for students*
[48853-48853.5](#) *Foster youth*
[48985](#) *Notices in language other than English*
[49010-49014](#) *Student fees*
[49060-49079](#) *Student records, especially:*
 49069.5 *Records of foster youth*
- [49490-49590](#) *Child nutrition programs*
[49701](#) *Interstate Compact on Educational Opportunity for Military Children*
[51210](#) *Courses of study grades 1-6*
[51222](#) *Physical education, secondary schools*
[51223](#) *Physical education, elementary schools*
[51225.1-51225.2](#) *Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements*
[51226-51226.1](#) *Career technical education*
[51228.1-51228.3](#) *Course periods without educational content*
[52059.5](#) *Statewide system of support*
[52060-52077](#) *Local control and accountability plan, especially:*
[52075](#) *Complaint for lack of compliance with local control and accountability plan requirements*
[52300-52462](#) *Career technical education*
[52500-52616.24](#) *Adult schools*
[54400-54425](#) *Compensatory education programs*
[54440-54445](#) *Migrant education*
[54460-54529](#) *Compensatory education programs*
[59000-59300](#) *Special schools and centers*
[64000-64001](#) *Consolidated application process; school plan for student achievement*
 65000-65001 *School site councils*
GOVERNMENT CODE
[11135](#) *Nondiscrimination in programs or activities funded by state*
[12900-12996](#) *Fair Employment and Housing Act*
HEALTH AND SAFETY CODE
[1596.792](#) *California Child Day Care Act; general provisions and definitions*
[1596.7925](#) *California Child Day Care Act; health and safety regulations*
PENAL CODE
[422.55](#) *Hate crime; definition*
[422.6](#) *Interference with constitutional right or privilege*
CODE OF REGULATIONS, TITLE 2
[11023](#) *Harassment and discrimination prevention and correction*
CODE OF REGULATIONS, TITLE 5
- 3200-3205 *Special education compliance complaints*
[4600-4670](#) *Uniform complaint procedures*
[4680-4687](#) *Williams uniform complaint procedures*
 4690-4694 *Complaints regarding health and safety issues in license-exempt preschool programs*
 900-[4965](#) *Nondiscrimination in elementary and secondary education programs*
 15580-15584 *Child nutrition programs complaint procedures*
UNITED STATES CODE, TITLE 20
[1221](#) *Application of laws*
[1232g](#) *Family Educational Rights and Privacy Act*
[1681-1688](#) *Title IX of the Education Amendments of 1972*
[6301-6576](#) *Title I Improving the Academic Achievement of the Disadvantaged*

UNIFORM COMPLAINT PROCEDURES (continued)

6801-7014 Title III language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

11431-11435 McKinney-Vento Homeless Assistance Act 12101-12213 Title II equal opportunity for individuals

with disabilities CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources: CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedure 2020-21 Program Instrument

Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Student Privacy Policy Office: <http://www2.ed.gov/about/offices/list/opepd/sppo>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

U.S. Department of Justice: <http://www.justice.gov>

Policy

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BIGGS UNIFIED SCHOOL DISTRICT

Biggs, California