



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.
- 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
- 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
408-347-5261
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

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;
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Preparing every student to thrive in a global society.

SECTION: 1000 Community Relations

ADMINISTRATIVE REGULATION: 1312.3

SUBJECT: 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(s), position(s), or unit(s) identified below as responsible for receiving, coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serves as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment who is responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 Sexual Harassment who is responsible for handling complaints regarding sexual harassment.

UCP Compliance Officer
Martha Brazil, Director of Human Resources
830 N. Capitol Avenue, San Jose, CA 95133
408-347-5261
UCP@esuhsd.org

The compliance officer who receives a complaint may assign another compliance officer 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, but need not be limited to, all of the following:

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 person(s) 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 or catalogs, 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 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)

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 (Education Code 49013, 52075)

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. (Education Code 49013)

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, when not the complainant, 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 involving an allegation of sexual assault or 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 complaint 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 offender(s), 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. 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)

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 complies 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.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint.

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, or 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 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, courses without educational content, 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 original 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)

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

Cross References

Description

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
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
4119.12 BP	Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures
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
4219.12 BP	Title IX Sexual Harassment Complaint Procedures
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures
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
4319.12 AR	Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures

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
4131.2 BP	Bullying
4131.2 AR	Bullying
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; 01/22/26; 08/20/26



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:

- ☐ Actual or Perceived Sex ☐ Sexual Orientation ☐ Gender ☐ Age
- ☐ Gender Identity ☐ Gender Expression ☐ Ancestry
- ☐ Ethnic Group Identification ☐ Race or Ethnicity ☐ Religion
- ☐ Nationality ☐ National Origin ☐ Immigration Status
- ☐ Color ☐ Mental or Physical Disability ☐ Lactating Student
- ☐ 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.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

If you have questions as to how to submit a complaint, please contact the District Office via telephone at 408-347-5261. The District's response and Investigation Report will be in writing and mailed to you within 60 days of receipt of this complaint. You may appeal the Investigation Report to the California Department of Education within 30 days of receiving our response, at 916- 319-0800.

I certify that the above information is true and accurate to the best of my knowledge.

SIGNATURE: _____ DATE: _____

This complaint form may be submitted to your principal or to the *Director of Human Resources* located at the address listed below: East Side Union High School District, 830 North Capitol Avenue, San Jose, CA 95133 or may also be emailed to UCP@esuhsd.org

For Office use Only

COMPLAINT RECEIVED BY: _____ DATE & TIME: _____