



Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

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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 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 the 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)
2. Adult education programs. (Education Code 8500-8538, 52334.7, 52500, 52618)
3. After School Education and Safety programs. (Education Code 8482-8484.65)
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)
6. Child care and development programs. (Education Code 8200-8488)
7. Compensatory education. (Education Code 54400)
8. Consolidated categorical aid programs. (Education Code 33315; 34 CFR 299.10-299.12)
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 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)

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

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are migratory, and newcomer students. (Education Code 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2)

12. Every Student Succeeds Act. (Education Code 12030, 52059.5; 20, 64000; 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)

15. Migrant education. (Education Code 54440-54445)

16. Physical education instructional minutes. (Education Code 51210, 51222, 51223)

17. Student fees. (Education Code 49010-49013)

18. Reasonable accommodations to a lactating student. (Education Code 222)

19. Regional occupational centers and programs. (Education Code 52300-52334.7)

20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 64001)

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 65000)

22. State preschool programs. (Education Code 8200-8488, 33315)

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 Superintendent of Public Instruction or designee deems appropriate.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation, may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with federal, state, and local laws and regulations.



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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.

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

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

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division 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 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 Sexual Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44)

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

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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 BP 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 AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11023	<u>Harassment and discrimination prevention and correction</u>
5 CCR 15580-15584	<u>Child nutrition programs complaint procedures</u>
5 CCR 3200-3205	<u>Special education compliance complaints</u>
5 CCR 4600-4670	<u>Uniform complaint procedures</u>
5 CCR 4600-4687	<u>Uniform complaint procedures and Williams complaints</u>
5 CCR 4690-4694	<u>Complaints regarding health and safety issues in license-exempt preschool programs</u>
5 CCR 4900-4965	<u>Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance</u>
Ed. Code 18100-18203	<u>School libraries</u>
Ed. Code 200-262.4	<u>Prohibition of discrimination</u>
Ed. Code 32280-32289.5	<u>School safety plans</u>
Ed. Code 35186	<u>Williams uniform complaint procedures</u>
Ed. Code 46015	<u>Parental leave for students</u>
Ed. Code 48645.7	<u>Juvenile court schools</u>

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State	Description
Ed. Code 48853-48853.5	<u>Foster youth</u>
Ed. Code 48985	<u>Notices to parents in language other than English</u>
Ed. Code 49010-49013	<u>Student fees</u>
Ed. Code 49060-49079	<u>Student records</u>
Ed. Code 49069.5	<u>Records of foster youth</u>
Ed. Code 49490-49590	<u>Child nutrition programs</u>
Ed. Code 49701	<u>Provisions of the Interstate Compact on Educational Opportunities for Military Children</u>
Ed. Code 51204.5	<u>Social sciences instruction; contributions of specified groups</u>
Ed. Code 51210	<u>Course of study for grades 1-6</u>
Ed. Code 51222	<u>Physical education</u>
Ed. Code 51223	<u>Physical education; elementary schools</u>
Ed. Code 51225.1-51225.2	<u>Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements</u>
Ed. Code 51226-51226.1	<u>Career technical education</u>
Ed. Code 51228.1-51228.3	<u>Course periods without educational content</u>
Ed. Code 51501	<u>Nondiscriminatory subject matter</u>
Ed. Code 52059.5	<u>Statewide system of support</u>
Ed. Code 52060-52077	<u>Local control and accountability plan</u>
Ed. Code 52075	<u>Complaint for lack of compliance with local control and accountability plan requirements</u>
Ed. Code 52300-52462	<u>Career technical education</u>
Ed. Code 52500-52617	<u>Adult schools</u>
Ed. Code 54400-54425	<u>Compensatory education programs</u>
Ed. Code 54440-54445	<u>Migrant education</u>
Ed. Code 54460-54529	<u>Compensatory education programs</u>
Ed. Code 59000-59300	<u>Special schools and centers</u>
Ed. Code 60010	<u>Instructional materials; definition</u>
Ed. Code 60040-60052	<u>Requirements for instructional materials</u>
Ed. Code 64000-64001	<u>Consolidated application process; school plan for student achievement</u>
Ed. Code 65000-65001	<u>School site councils</u>
Ed. Code 8200-8488	<u>Child care and development programs</u>
Ed. Code 8500-8538	<u>Adult basic education</u>

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State	Description
Gov. Code 11135	<u>Prohibition of discrimination</u>
Gov. Code 12900-12996	<u>Fair Employment and Housing Act</u>
H&S Code 1596.792	<u>California Child Day Care Act; general provisions and definitions</u>
H&S Code 1596.7925	<u>California Child Day Care Act; health and safety regulations</u>
Pen. Code 422.55	<u>Definition of hate crime</u>
Pen. Code 422.6	<u>Crimes; harassment</u>
Federal	Description
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-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	Description
California Department of	Uniform Complaint Procedure 2021-22 Program Instrument

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Management Resources	Description
Education Publication	
California Department of Education Publication	Sample UCP Board Policies and Procedures
U.S. DOE, Office for Civil Rights Publication	Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007
Website	CSBA District and County Office of Education Legal Services
Website	Student Privacy Policy Office
Website	U.S. Department of Agriculture
Website	California Department of Social Services
Website	U.S. Department of Justice
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Website	California Civil Rights Department
Cross References	
Code	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0470	COVID-19 Mitigation Plan
1100	Communication With The Public
1113	District And School Websites
1114	District-Sponsored Social Media
1220	Citizen Advisory Committees

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1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1313	Civility
1340	Access To District Records
3260	Fees And Charges
3555	Nutrition Program Compliance
3580	District Records
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sexual Harassment
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.11	Sexual Harassment
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4244	Complaints
4312.9	Employee Notifications
4319.1	Civil And Legal Rights
4319.11	Sexual Harassment
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4344	Complaints
5116.1	Intradistrict Open Enrollment

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5117	<i>Interdistrict Attendance</i>
5125	<i>Student Records</i>
5131.62	<i>Tobacco</i>
5137	<i>Positive School Climate</i>
5141.22	<i>Infectious Diseases</i>
5141.4	<i>Child Abuse Prevention And Reporting</i>
5144	<i>Discipline</i>
5144.1	<i>Suspension And Expulsion/Due Process</i>
5145.3	<i>Nondiscrimination/Harassment</i>
5145.6	<i>Parent/Guardian Notifications</i>
5145.7	<i>Sexual Harassment</i>
5145.71	<i>Title IX Sexual Harassment Complaint Procedures</i>
5145.9	<i>Hate-Motivated Behavior</i>
5146	<i>Married/Pregnant/Parenting Students</i>
5148	<i>Child Care And Development</i>
5148.2	<i>Before/After School Programs</i>
5148.3	<i>Preschool/Early Childhood Education</i>
6142.1	<i>Sexual Health And HIV/AIDS Prevention Instruction</i>
6142.7	<i>Physical Education And Activity</i>
6145	<i>Extracurricular And Cocurricular Activities</i>
6145.2	<i>Athletic Competition</i>
6146.1	<i>High School Graduation Requirements</i>
6152	<i>Class Assignment</i>
6159	<i>Individualized Education Program</i>
6159.1	<i>Procedural Safeguards And Complaints For Special Education</i>
6159.2	<i>Nonpublic, Nonsectarian School And Agency Services For Special Education</i>
6159.3	<i>Appointment Of Surrogate Parent For Special Education Students</i>
6161.1	<i>Selection And Evaluation Of Instructional Materials</i>
6161.11	<i>Supplementary Instructional Materials</i>
6163.1	<i>Library Media Centers</i>
6164.2	<i>Guidance/Counseling Services</i>

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6164.4	Identification And Evaluation Of Individuals For Special Education
6164.5	Student Success Teams
6171	Title I Programs
6173	Education For Homeless Children
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6178	Career Technical Education
6178.1	Work-Based Learning
6178.2	Regional Occupational Center/Program
6200	Adult Education
9000	Role Of The Board
9011	Disclosure Of Confidential/Privileged Information
9012	Board Member Electronic Communications
9124	Attorney
9200	Limits Of Board Member Authority
9321	Closed Session
9322	Agenda/Meeting Materials