

1000 COMMUNITY RELATIONS

1200 – RELATIONS WITH PUBLIC

Uniform Complaint Policy and Procedures

MCBE P 1210

Types of Complaints

The Madera County Superintendent of Schools (MCSOS) and the Madera County Board of Education (MCBE) are primarily responsible to ensure compliance with applicable state and federal laws and regulations. The County Superintendent/designee shall investigate and seek to resolve, in accordance with our Uniform Complaint Procedures (UCP), any complaints alleging failure to comply with applicable state and federal laws or regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities MCSOS implements that are subject to the UCP.

A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations which may include an allegation of unlawful discrimination, harassment, intimidation, or bullying. A signature may be handwritten, typed (including in an email) or electronically generated. Complaints may be filed anonymously. A UCP complaint filed on behalf of an individual student may only be filed by that student or that student's duly authorized representative.

A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, or bullying in programs and activities funded directly by the state or receiving any financial assistance from the state. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, the county superintendent/designee shall assist the complainant in the filing of the complaint.

The MCSOS developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by the Madera County Board of Education. The MCSOS UCP shall be used according to state to investigate and resolve the following complaints:

1. Any complaint alleging violation of applicable state or federal codes and regulations governing any program and activities subject to the UCP are:
 - 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
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, 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 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 and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- 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 Safety Plans
- Schoolsite Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing

And any other state or federal educational program in the State Superintendent of Public Instruction (SSPI) of the California Department of Education (CDE) or designee deems appropriate.

Although complaints of sexual harassment may be addressed through the UCP, any complaint that meets the more stringent definition of sexual harassment pursuant to 34 CFR 106.30 shall be investigated and resolved in accordance with 34 CFR 106.44-106.45.

At its discretion, the MCSOS may use the UCP for any other type of complaint as specified in a MCSOS policy or regulation. (5 CCR 4610)

Filing UCP Complaints

All UCP complaints shall be filed no later than one year from the date the alleged violation occurred. Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

Chief, Human Resources Officer
1105 South Madera Avenue
Madera, CA 93637
Telephone: (559) 673-6051
Fax: (559) 673-7318

All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected as required by law.

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent policies and procedures.

Non-UCP Complaints

The following complaints shall not be subject to the MCSOS UCP but shall be referred to the specified agencies for appropriate resolution: (5 CCR 4611) 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;
- Health and safety complaints regarding a Child Development Program shall, for licensed facilities, be referred to the Department of Social Services and may, for license-exempt facilities, be referred to the appropriate Child Development regional administrator;
- Employment discrimination or harassment complaints shall be sent to the California Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing in a timely manner of any DFEH transferal.

LEGAL REFERENCE
Education Code: 200-262.4 Prohibition of discrimination, especially: 222 Reasonable accommodations; lactating students 8200-8498 Child care and development programs 8500-8538 Adult basic education 18100-18203 School libraries 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
49010-49013 Student fees
49060-49079 Student records, especially:
49069.5 Rights of parents
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
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
52800-52870 School-based program coordination
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
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:

1596.7925 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
3080 Application of section
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

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
6301-6577 Title I basic programs
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
Code of Federal Regulations, Title 28 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
106.8 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
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

Websites:

CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
Student Privacy Policy Office: <http://familypolicy.ed.gov>
U.S. Department of Education, Office for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr>
U.S. Department of Justice: <http://www.justice.gov>

Adopted: November 12, 2019

Revised: October 12, 2021

Revised: August 13, 2024

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MCBE P 1210 Exhibit (1)

Uniform Complaint Procedures (UCP) Annual Notice

The Madera County Superintendent of Schools (MCSOS) annually notifies our students, employees, parents or guardians of its students, the MCSOS advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures (UCP) process. The UCP Annual Notice is available on the MCSOS website.

The Madera County Superintendent of Schools (MCSOS) and the Madera County Board of Education (MCBE) 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.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- 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 sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, 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 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 and pupils formerly in Juvenile Court now enrolled in a school district
- Every Student Succeeds Act
- 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 Safety Plans
- Schoolsite 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) of the California Department of Education (CDE) 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.

Responsibilities of the Madera County Superintendent of Schools

A standardized notice shall be posted, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district. Complainants are advised of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the Department of Education (CDE).

Complainants are advised 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 UCP procedures shall be available free of charge.

Contact Information

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

Assistant Superintendent, Human Resources
1105 South Madera Avenue
Madera, CA 93637
Telephone: (559) 673-6051
Fax: (559) 673-7318

The County Superintendent/designee shall ensure that the employee(s) designated to investigate complaints are knowledgeable about the laws and programs for which they are assigned to investigate in Madera County Superintendent of Schools.

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MCBE P AR 1210

UCP Complaint Investigation

The Madera County Superintendent of Schools (MCSOS) designates the following compliance officer(s) in accordance with our Uniform Complaint Procedures (UCP), to receive and investigate any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of unlawful discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by the Madera County Superintendent of Schools that are subject to the UCP, including charging pupil fees for participation in an educational activity or non-compliance with the requirements of the MCSOS Local Control Accountability Plan and ensure compliance.

Compliance Officer

Chief, Human Resources Officer
1105 South Madera Avenue
Madera, CA 93637
Telephone: (559) 673-6051
Fax: (559) 673-7318

The County Superintendent/designee shall ensure that the employee(s) designated to investigate complaints are knowledgeable about the laws and programs for which they are assigned to investigate.

The County Superintendent/designee will investigate all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in Education Code Section 200 and 220 and Government Code Section 11135, including any actual or perceived characteristics as set forth in Penal Code Section 442.55 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, which is funded directly by, or that receives or benefits from any state financial assistance.

Unlawful discrimination, harassment, intimidation, or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.

MCSOS will ensure that complainants are protected from retaliation. The County

Superintendent/designee will advise complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation, or bullying laws, including but not limited to, injunctions, restraining orders, or other remedies or orders that may also be available to complainants.

Notifications

The County Superintendent/designee shall ensure annual dissemination of a written notice of our complaint procedures to all students, employees, parents or guardians of its students, school and advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

This notice may be made available on our website and shall include the following:

- Information regarding allegations about discrimination, harassment, intimidation, or bullying
- The list of all federal and state programs within the scope of the UCP
- The title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known
- A statement that the occupant responsible for processing complaints is knowledgeable about the laws and programs that they are assigned to investigate

Filing UCP Complaints

When Filing Pupil Fees UCP Complaints

A pupil fee includes a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees complaint may be filed with the principal of a school or the county superintendent/designee. A pupil fees complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

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 the adopted annual update. An 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.

Investigating UCP Complaints

The UCP complaint investigation is MCSOS' administrative process for the purpose of gathering data regarding the complaint. MCSOS provides an opportunity for complainants and/or representatives to present evidence or information.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the MCSOS to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected as required by law.

UCP Complaint Resolution

MCSOS will thoroughly investigate the UCP complaint and issue a written Investigation Report to the within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This Investigation Report will include the following elements:

1. The findings of fact based on the evidence gathered;
2. A conclusion that provides a clear determination for each allegation as to whether MCSOS is in compliance with the relevant law;
3. Corrective actions, if MCSOS finds merit in a complaint;
4. For complaints regarding Pupil Fees; LCAP, Physical Education Instructional Minutes, or Course Periods without Educational Content, the remedy shall go to all affected pupils, parents, and guardians;
5. For all other complaints within the scope of the Uniform Complaint Procedures the remedy shall go to the affected pupil;
6. With respect to a Pupil Fees complaint, corrective actions shall include reasonable efforts to ensure full reimbursement to all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint;
7. A notice of the complainant's right to appeal the MCSOS Investigation Report to the California Department of Education (CDE); and
8. Procedures to be followed for initiating an appeal to the CDE.

UCP Complaint Appeal Process

An appeal is a written and signed request by the complainant to the CDE seeking review of a MCSOS Investigation Report that was issued in response to a properly filed complaint. A signature may be handwritten, typed (including in an email), or electronically generated.

A complainant may appeal the MCSOS Investigation Report of a UCP complaint to the CDE by filing a written appeal within 30 calendar days of the date of the report. In order to request an appeal, the complainant must specify and explain the basis for the appeal including at least one of the following:

- The MCSOS failed to follow its complaint procedures, and/or
- The Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- The material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- The legal conclusion in the Investigation Report is inconsistent with the law, and/or
- In a case in which MCSOS was found in noncompliance, the corrective actions fail to provide a proper remedy.

The appeal shall be sent with:

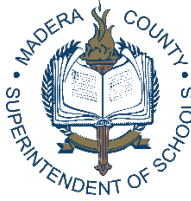
1. A copy of the original locally filed complaint; and
2. A copy of the MCSOS Investigation Report

LEGAL REFERENCE
20 United States Code (U.S.C.) Section 6301 et seq. 34 Code of Federal Regulations (CFR) Section 299.11 Education Code: 200, 222, 234.1-234.5, 262.3, 8235.5, 8200-8493, 8500-8538, 32280-32289; 33315;,, 46015, 47606-47606.5, 47607.3, 48645.5, 48645.7, 48853.5, 48985,49010- 49013,49069.5, 51210, 51223, 51225.1, 51228.1-51228.3, 52060-52075, 52300- 52462, 52500-52616.4, 54440-54445, 64001, 65000. California Government Code (GC) Sections 11135, 17581.6(f). California Penal Code (PC) Section 422.55. California Welfare and Institutions Code (WIC) Sections 300

Adopted: November 12, 2019

Revised: October 12, 2021

Revised: August 13, 2024



MADERA COUNTY SUPERINTENDENT OF SCHOOLS UNIFORM COMPLAINT PROCEDURES

COMPLAINT FORM

To be filed with: Madera County Superintendent of Schools (MCSOS)
Attention: Chief, Human Resources Officer
1105 South Madera Avenue, Madera, CA 93637

I have read the school district policy on Uniform Complaint Procedures (UCP) and wish to file a complaint regarding an alleged violation of federal or state law or regulations governing the following educational program which is covered under this procedure.

NAME OF PROGRAM:

State the name of the federally-funded educational program in which the alleged violation occurred or other violation covered under the Uniform Complaint Procedure. If this complaint is not subject to the Uniform Complaint Procedure, the MCSOS representative should list below the agency to which the complainant has been referred.

NAME OF AGENCY:

State the agency to which complainant has been referred if this complaint is not covered by the Uniform Complaint Procedures

NATURE OF COMPLAINT:

Describe here the nature of the alleged violation. If this complaint involves the educational service provided to a specific child, please give the name, grade, and school of enrollment. Attach additional pages if necessary.

DATE OF VIOLATION:

Must be within one year from the date the alleged violation occurred or six months from the date alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. If not, you will be given information regarding an appeal to the State Superintendent of Public Instruction for an extension of time in which to file the complaint.

MEDIATION

I have been offered and _____ an opportunity for mediation of this complaint.
(Accept / Reject)

Signed: _____ Date: _____

Complainant's address: _____ Telephone Number: _____

Complaint Received by: _____
(Name and Title) (Date)

*Distribution: Original – Parent
Copy - Madera County Superintendent of Schools*