Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 01/23/2007 | Last Revised Date: 11/19/2024 | Last Reviewed Date: 11/19/2024

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 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. Accommodations 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 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 a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, physical or mental disability, medical condition, or genetic information; 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 (5 CCR 4610)

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)

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

- 12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
- 13. Local control and accountability plan (Education Code 52075)
- 14. Migrant education (Education Code 54440-54445
- 15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
- 16. Student fees (Education Code 49010-49013)
- 17. Reasonable accommodations to a lactating student (Education Code 222)
- 18. Regional occupational centers and programs (Education Code 52300-52334.7)
- 19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
- 20. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
- 21. State preschool programs (Education Code 8207-8225)
- 22. State preschool health and safety issues in license-exempt programs (Education Code 8212)
- 23. 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
- 24. Any other state or federal educational program the SPI or designee deems appropriate

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

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 (such as discriminatory harassment, intimidation, or bullying), 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 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 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

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 Administrative Regulation 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 Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the 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 Administrative Regulation 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 Board Policy 3555 Nutrition Program Compliance (5 CCR 15580-15584)
- 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 Board Policy 3555 - Nutrition Program Compliance (5 CCR 15582)
- 8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 Williams Uniform Complaint Procedures (Education Code 35186)

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 Governing 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	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 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs

State

5 CCR 4900-4965 Ed. Code 18100-18203 Ed. Code 200-262.4 Ed. Code 32280-32289.5 Ed. Code 33315 Ed. Code 35186 Ed. Code 46015 Ed. Code 48645.7 Ed. Code 48853-48853.5 Ed. Code 48900.5 Ed. Code 48985 Ed. Code 49010-49013 Ed. Code 49060-49079 Ed. Code 49069.5 Ed. Code 49490-49590 Ed. Code 49701 Ed. Code 51204.5 Ed. Code 51210 Ed. Code 51222 Ed. Code 51223 Ed. Code 51225.1-51225.25 Ed. Code 51226-51226.1 Ed. Code 51228.1-51228.3 Ed. Code 51501 Ed. Code 52059.5 Ed. Code 52060-52077 Ed. Code 52075 Ed. Code 52300-52462 Ed. Code 52500-52617 Ed. Code 54400-54425 Ed. Code 54440-54445 Ed. Code 54460-54529 Ed. Code 59000-59300 Ed. Code 60010 Ed. Code 60040-60052 Ed. Code 64000-64001 Ed. Code 65000-65001 Ed. Code 8200-8488

Description

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance **School libraries Prohibition of discrimination** School safety plans Uniform complaint procedures Williams uniform complaint procedures Parental leave for students Juvenile court schools Foster youth Suspension; other means of correction Notices to parents in language other than English Student fees Student records Records of foster youth Child nutrition programs Provisions of the Interstate Compact on Educational Opportunities for **Military Children** Social sciences instruction; contributions of specified groups Course of study for grades 1-6 **Physical education** Physical education; elementary schools Foster youth, homeless children, former juvenile court school students, newcomer students; course credits; graduation requirements Career technical education Course periods without educational content Nondiscriminatory subject matter Statewide system of support Local control and accountability plan Complaint for lack of compliance with local control and accountability plan requirements **Career technical education** Adult schools Compensatory education programs **Migrant education** Compensatory education programs Special schools and centers Instructional materials: definition Requirements for instructional materials Consolidated application process; school plan for student achievement School site councils Child care and development programs

State

Ed. Code 8500-8538 Gov. Code 11135 Gov. Code 12900-12996 H&S Code 1596.792 H&S Code 1596.7925 Pen. Code 422.55 Pen. Code 422.6

Federal

20 USC 1221 20 USC 1232g 20 USC 1681-1688 20 USC 6301-6576 20 USC 6801-7014 28 CFR 35.107 29 USC 794 34 CFR 100.3 34 CFR 104.7 34 CFR 106.1-106.82 34 CFR 106.30 34 CFR 106.44 34 CFR 106.45 34 CFR 106.8 34 CFR 110.25 34 CFR 99.1-99.67 42 USC 11431-11435 42 USC 12101-12213 42 USC 2000d-2000d-7 42 USC 2000h-2-2000h-6 42 USC 6101-6107

Management Resources

California Department of Education Publication California Department of Education Publication California Department of Justice Publication Court Decision Court Decision

Description

Adult basic education Prohibition of discrimination Fair Employment and Housing Act California Child Day Care Act; general provisions and definitions California Child Day Care Act; health and safety regulations Definition of hate crime Crimes; harassment

Description

Application of laws

Family Educational Rights and Privacy Act (FERPA) of 1974 Title IX of the Education Amendments of 1972; discrimination based on sex Title I Improving the Academic Achievement of the Disadvantaged Title III language instruction for limited English proficient and immigrant students Nondiscrimination on basis of disability; complaints Rehabilitation Act of 1973: Section 504 Prohibition of discrimination on basis of race, color or national origin Section 504; Designation of responsible employee and adoption of grievances procedures Nondiscrimination on the basis of sex in education programs or activities Discrimination on the basis of sex in education programs and activities; definitions Recipient's response to sexual harassment Grievance process for formal complaints of sexual harassment Designation of coordinator; dissemination of policy, and adoption of grievance procedures Notification of nondiscrimination on the basis of age Family Educational Rights and Privacy McKinney-Vento Homeless Assistance Act Americans with Disabilities Act Title VI, Civil Rights Act of 1964 Title IX of the Civil Rights Act of 1964 Age Discrimination Act of 1975

Description

Uniform Complaint Procedure Program Instrument Sample UCP Board Policies and Procedures Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024 Tennessee v. Cardona (2024) 737 F.Supp.3d 510 Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581

Management Resources	Description
Court Decision	John T. D. v. River Delta Joint Unified School District (2021) WL 5176356
CSBA Publication	Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024
CSBA Publication	Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024
CSBA Publication	Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, February 2024
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
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 Civil Rights Department
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
Cross References	Description
0410	Nondiscrimination In District Programs And Activities
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0420.41	Charter School Oversight
0420.41-E(1)	Charter School Oversight
0430	Comprehensive Local Plan For Special Education
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1100	Communication With The Public
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	
	District-Sponsored Social Media
1114	District-Sponsored Social Media District-Sponsored Social Media

Cross References	Description
1220	Citizen Advisory Committees
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E PDF(1)	Complaints Concerning Instructional Materials
1312.4	Williams Uniform Complaint Procedures
1312.4-E PDF(1)	Williams Uniform Complaint Procedures
1312.4-E PDF(2)	Williams Uniform Complaint Procedures
1312.4-E(1)	Williams Uniform Complaint Procedures
1313	Civility
1313-E PDF(1)	Civility
1340	Access To District Records
1340	Access To District Records
3260	Fees And Charges
3260	Fees And Charges
3555	Nutrition Program Compliance
3580	District Records
3580	District Records
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.23	Special Education Staff
4112.9	Employee Notifications
4112.9	Employee Notifications
4112.9-E PDF(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4119.23	Unauthorized Release Of Confidential/Privileged Information
4131	Staff Development
4212.9	Employee Notifications
4212.9	Employee Notifications
4212.9-E PDF(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action

Cross References	Description
4218	Dismissal/Suspension/Disciplinary Action
4219.1	Civil And Legal Rights
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4219.23	Unauthorized Release Of Confidential/Privileged Information
4231	Staff Development
4244	Complaints
4244	Complaints
4312.9	Employee Notifications
4312.9	Employee Notifications
4312.9-E PDF(1)	Employee Notifications
4319.1	Civil And Legal Rights
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
4319.23	Unauthorized Release Of Confidential/Privileged Information
4331	Staff Development
4344	Complaints
4344	Complaints
5116.1	Intradistrict Open Enrollment
5116.1	Intradistrict Open Enrollment
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5125	Student Records
5125	Student Records
5131.2	Bullying
5131.2	Bullying
5131.62	Tobacco
5131.62	Tobacco
5137	Positive School Climate
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process

Cross References	Description
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
5146	Married/Pregnant/Parenting Students
5148	Child Care And Development
5148	Child Care And Development
5148.2	Before/After School Programs
5148.2	Before/After School Programs
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6152	Class Assignment
6159	Individualized Education Program
6159	Individualized Education Program
6159.1	Procedural Safeguards And Complaints For Special Education
6159.1	Procedural Safeguards And Complaints For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education
6159.3	Appointment Of Surrogate Parent For Special Education Students
6159.3	Appointment Of Surrogate Parent For Special Education Students
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials
6161.11	Supplementary Instructional Materials
6163.1	Library Media Centers
6164.2	Guidance/Counseling Services

Cross Ref	erences	Description
6164.4		Identification And Evaluation Of Individuals For Special Education
6164.4		Identification And Evaluation Of Individuals For Special Education
6164.5		Student Success Teams
6164.5		Student Success Teams
6171		Title I Programs
6171		Title I Programs
6173		Education For Homeless Children
6173		Education For Homeless Children
6173-E PI	OF(1)	Education For Homeless Children
6173-E PI	DF(2)	Education For Homeless Children
6173.1		Education For Foster Youth
6173.1		Education For Foster Youth
6173.2		Education Of Children Of Military Families
6173.2		Education Of Children Of Military Families
6173.3		Education For Juvenile Court School Students
6175		Migrant Education Program
6175		Migrant Education Program
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
9321-E PI	DF(1)	Closed Session
9321-E PI	DF(2)	Closed Session
9322		Agenda/Meeting Materials