

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 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 the UCP**

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

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing *any program subject to the UCP which is offered by the district, including* adult education programs; After School Education and Safety programs; agricultural *vocational career technical* education; American Indian education centers and early childhood education program assessments; bilingual education; *California Peer Assistance and Review* programs for teachers; *state* career technical and technical education, *career technical*, and *technical* training programs; *federal career technical education*; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; Economic Impact Aid; *English learner programs*; *the federal Every Student Succeeds Act*; *education programs in Title I-VII*; migrant education; Regional Occupational Centers and Programs; school safety plans; special education programs; *California* State Preschool Programs; Tobacco-Use Prevention Education programs; and any other district-implemented *state categorical* program *which is listed in that is not funded through the local control funding formula pursuant to* Education Code 64000(a)
2. Any complaint, *by a student, employee, or other person participating in a district program or activity*, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) *against any student, employee, or other person participating* in district programs and activities, including, *but not limited to*, *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 *status*, pregnancy, parental status, physical or mental disability, 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 the person's* association with a person or group with one or more of these actual or perceived characteristics
3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student
4. *Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements*
5. **4.** Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in education activities

UNIFORM COMPLAINT PROCEDURES

6. ~~5.~~ Any complaint alleging district noncompliance with ~~legal~~ *applicable* requirements ~~of Education Code 52060-52077~~ related to the implementation of the local control and accountability plan, *including the development of a local control funding formula budget overview for parents/guardians*
7. *Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding*
8. ~~6.~~ Any complaint, by or on behalf of ~~any~~ student who is a foster youth *as defined in Education Code 51225.2*, alleging district noncompliance with any ~~legal~~ requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, ~~or~~ district, *or country*; school *or records* transfer; or the grant of an exemption from Board-imposed graduation requirements
9. *Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements*
10. ~~7.~~ Any complaint, by or on behalf of a ~~homeless~~ student *who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701, who transfers into the district after his/her second year of high school, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2*, alleging district noncompliance with ~~any~~ requirements *applicable to the student regarding* for the award of credit for coursework satisfactorily completed in another school, ~~or~~ district, *or country* ~~or the grant of an exemption from Board-imposed graduation requirements~~
11. ~~8.~~ Any complaint alleging district noncompliance with ~~the~~ requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions
12. ~~9.~~ Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school
13. ~~10.~~ 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
14. ~~11.~~ Any other complaint as specified in a district policy

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 agreeable 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

UNIFORM COMPLAINT PROCEDURES

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. 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 he/she is 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 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 records of all UCP each complaints and subsequent related actions, including steps taken during the investigations of those complaints in accordance with applicable law and district policy 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 referred to the specified agency:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, ~~the County~~ Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

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 Department of Fair Employment and Housing.*

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, *or health and safety violations in any license-exempt California State Preschool Program* shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures.

UNIFORM COMPLAINT PROCEDURES

## Legal Reference:

EDUCATION CODE

|                    |   |
|--------------------|---|
| 200-262.4          | Prohibition of discrimination   |
| <del>222</del>     | <del>Reasonable accommodations; lactating students</del>  |
| 8200-8498          | Child care and development programs   |
| 8500-8538          | Adult basic education   |
| 18100-18203        | School libraries  |
| 32280-32289        | School safety plan, uniform complaint procedures  |
| 33380-33384        | California Indian Education Centers   |
| 35186              | Williams uniform complaint procedures   |
| 44500-44508        | California Peer Assistance and Review Program for Teachers  |
| <i>46015</i>       | <i>Parental leave for students</i>  |
| 48853-48853.5      | Foster youth  |
| 48985              | Notices in language other than English  |
| 49010-49013.4      | Student fees  |
| 49060-49079        | Student records, <i>especially:</i>   |
| 49069.5            | <del>Rights of parents</del> <i>Records of foster youth</i>   |
| 49490-49590        | Child nutrition programs  |
| 49701              | Interstate Compact on Educational Opportunity for Military Children   |
| 51210              | Courses of study grades 1-6   |
| 51223              | Physical education, elementary schools  |
| 51225.1-51225.2    | Foster youth, homeless children, former juvenile court school students; <del>and</del> military-connected students; <i>migrant students, and newly arrived immigrant students</i> ; 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  |
| 52160-52178        | Bilingual education programs  |
| 52300-52462        | Career technical education  |
| 52500-52616.24     | Adult schools   |
| 54000-54029        | Economic Impact Aid   |
| 54400-54425        | Compensatory education programs   |
| 54440-54445        | Migrant education   |
| 54460-54529        | Compensatory education programs   |
| 56000-56865        | Special education programs  |
| 59000-59300        | Special schools and centers   |
| 64000-64001        | Consolidated application process; <i>school plan for student achievement</i>  |
| <i>65000-65001</i> | <i>School site councils</i>   |

GOVERNMENT CODE

|             |   |
|-------------|---|
| 11135       | Nondiscrimination in programs or activities funded by state |
| 12900-12996 | Fair Employment and Housing Act                             |

HEALTH AND SAFETY CODE

|                  |  |
|------------------|--|
| <i>1596.792</i>  | <i>California Child Day Care Act; general provisions and definitions</i> |
| <i>1596.7925</i> | <i>California Child Day Care Act; health and safety regulations</i>      |
| 104420           | Tobacco-Use Prevention Education   |

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 |
|-------|---|

UNIFORM COMPLAINT PROCEDURESCODE OF REGULATIONS, TITLE 5

|                      |   |
|----------------------|---|
| 3080                 | <del>Application of section</del> <i>Applicability of uniform complaint procedures to complaints regarding students with disabilities</i> |
| 4600-4687            | Uniform complaint procedures  |
| <del>4680-4687</del> | <del><i>Williams uniform complaint procedures</i></del>   |
| 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   |
| 6301-6576              | Title I <del>basic programs</del> <i>Improving the Academic Achievement of the Disadvantaged</i> |
| 6801-7014              | Title III language instruction for limited English proficient and immigrant students             |
| <del>7101-7184</del>   | <del>Safe and Drug Free Schools and Communities Act</del>  |
| <del>7201-7283g</del>  | <del>Title V promoting informed parental choice and innovative programs</del>                    |
| <del>7301-7372</del>   | <del>Title V rural and low income school programs</del>  |
| <del>12101-12213</del> | <del>Title II equal opportunity for individuals with disabilities</del>                          |

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   |
| <del>12101-12213</del> | <del><i>Title II equal opportunity for individuals with disabilities</i></del> |

CODE OF FEDERAL REGULATIONS, TITLE 28

|        |  |
|--------|--|
| 35.107 | Nondiscrimination on basis of disability; complaints |
|--------|--|

CODE OF FEDERAL REGULATIONS, TITLE 34

|            |  |
|------------|--|
| 99.1-99.67 | Family Educational Rights and Privacy Act                                |
| 100.3      | Prohibition of discrimination on basis of race, color or national origin |
| 104.7      | Designation of responsible employee for Section 504                      |

CODE OF FEDERAL REGULATIONS, TITLE 34

|        |   |
|--------|---|
| 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

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, ~~August 2013~~ *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

UNIFORM COMPLAINT PROCEDURES

**WEB SITES**

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov> <https://www2.ed.gov/policy/gen/guid/fpco>

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

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

Adopted:

Date: 10-26-92

Revised: 10-9-95, 8-21-00, 11-19-01, 7-15-02, 6-16-03, 1-24-05,

Revised: 7-10-06, 7-30-13, 10-13-15, 10-10-17, 11/13/18

Revised: \_\_\_\_\_

Silver Valley Unified School District