

Riverside County Office of Education
Board Policy 1312.3 Uniform Complaint Procedures

COMMUNITY RELATIONS

SUBJECT: Uniform Complaint Procedures

The County Superintendent of Schools and County Board of Education recognize that the County Office of Education has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The County Office of Education encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, County Office of Education's adopts the uniform system of complaint processes specified in (5 CCR 4600- 4670 and the accompanying administrative regulation).

The County Office of Education's uniform complaint procedures shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Discrimination, harassment, intimidation, and bullying against any protected group as identified under Education Code 200 and 220 and Government Code 11135, 5 CCR 4610, PC 422.55, including those with actual or perceived characteristics such as age, ancestry, color, ethnic group identification, genetic information, gender expression, gender identity, gender, physical or mental disability, medical condition, nationality, national origin, race or ethnicity, immigration status, religion, sex, or sexual orientation, pregnancy, parental status, marital status, 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 the County Office of Education which is funded directly by, or that receives or benefits from, any state financial assistance.(5 CCR 4610)
2. After school education and safety programs (Education Code 8482-8484.65), agricultural career technical education (Education Code 52460-52462), adult education programs (Education Code 8500-8538, 52334.7, 52500-52617),compensatory education (Education Code 54400), consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12), Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.), migrant education (Education Code 54440-54445), Regional Occupational Centers and Programs (Education Code 52300-52334.7), school safety plans (Education Code 32280-32289), State Preschool Programs (Education Code 8207-8225), career technical education and technical training programs (Education Code 52300-52462), child care and development programs (Education Code 8200-8488).Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate.
3. Student fees (Education Code 49010-49013)
4. Local control and accountability plan. (Education Code 52075)
5. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.2 - Education of Children of Military Families)

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6. Any complaint alleging County Office of Education 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. (Education Code 51228.3)
(cf. 6152 - Class Assignment)

7. Any complaint alleging County Office of Education noncompliance with the physical education instructional minutes requirement. (Education Code 51210, 51222 51223)
(cf. 6142.7 - Physical Education and Activity)
(cf. 0410 - Nondiscrimination in Programs and Activities)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 – Before/After School Program)
(cf. 5148.3 – Preschool/Early Childhood Education)
(cf. 6171 - Title I Programs)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 – Work Based Learning)
(cf. 6178.2 – Regional Occupational Center/Program)
(cf. 6200 - Adult Education)

8. School site councils as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 65000)
(cf. 0420 - School Plans/Site Councils)

9. State preschool health and safety issues in license-exempt programs (Education Code 8212 8235.5)

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.
(AR 1312.4)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

The County Board of Education 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 subjects of the complaint, if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

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(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The County Board of Education and County Superintendent of Schools prohibit retaliation in any form for participating in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination, harassment, intimidation, unlawful pupil fees, and bullying. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

The County Board of Education and County Superintendent of Schools recognize that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. An Alternate Dispute Resolution (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 County Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

When an allegation that is not subject to the UCP is included in a UCP complaint, the County Office of Education 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 County Office of Education's UCP.

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

(cf. 4131 - Staff Development) (cf. 4231 - Staff Development) (cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints, subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631.

(cf. 3580 – County Office of Education Records)

Non-Uniform Complaint Procedure Complaints

The following complaints shall not be subject to the County Office of Education UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.
(cf. 5141.4 - Child Abuse Prevention and Reporting)
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 employment discrimination or harassment shall be investigated and resolved by the County Office of Education in accordance with the procedures specified in

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AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

4. 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, or a due process hearing order 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)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
5. 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)
6. 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. (5 CCR 15582)
7. Complaints 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, teacher vacancies and misassignments, shall be investigated and resolved pursuant to the County Office of Education's Williams uniform complaint procedure. (Education Code 35186) (AR 1312.4)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs 8500-8538 Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures

35186 Williams Uniform Complaint

46015 Parental leave for students

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49014 Student Fees

49060-49079 Student records

49069.5 Records of foster youth

49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children

51210 Courses of study grades 1-6

51222 Physical education

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

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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
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
64000-64001 Consolidated application process; school plan for student achievement
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
1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations
CODE OF REGULATIONS, TITLE 2
11023 Harassment and discrimination prevention and correction
CODE OF REGULATIONS, TITLE 5
3200-3205 Special education compliance complaints
4600-46701 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs
4900-4965 Nondiscrimination in elementary and secondary education programs
15580-15584 Child nutrition programs complaint procedures
PENAL CODE
422.6 Interference with constitutional right or privilege
422.55 Chapter 1. definitions: Hate Crime UNITED STATES CODE, TITLE 20
20 USC 1221 Application of laws
20 USC 1232g Family Educational Rights and Privacy Act
20 USC 1681-1688 Title IX of the Education Amendments of 1972
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
UNITED STATES CODE, TITLE 29
29 USC 794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
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
42 USC 11431-11435 McKinney-Vento Homeless Assistance Act
42 USC 12101-12213 Title II equal opportunity for individuals with disabilities
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34

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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
106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:
106.8 Designation of responsible employee for Title IX
106.9 Dissemination of Policy
110.25 Prohibition of discrimination based on 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: <http://www.ed.gov/offices/OCR>
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
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
Student Privacy Policy Office: <http://www2.ed.gov/about/offices/list/opepd/sppo>
U.S. Department of Justice: <http://www.justice.gov>