

# ~~Santa Rosa City Schools~~

**First Reading 12/14/22**

## ~~Board~~ **CSBA Sample District Policy**

### **BP 1312.3: Uniform Complaint Procedures (Last Revised Date: 12/01/2021)**

~~BP 1312.3~~

#### **Community Relations**

The **Governing** ~~Board of Education~~ 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, ~~informal~~ resolution of complaints whenever possible ~~and appropriate.~~ To resolve complaints which ~~cannot be resolved through such informal~~ **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:**

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

- ~~1. 1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult~~ **Accommodations for pregnant and parenting students (Education Code 46015)**
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~~2. Adult education programs, after school education,~~ **(Education Code 8500-8538, 52334.7, 52500-52617)**
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~~3. After School Education and safety~~ **Safety** programs, ~~migrant education, agriculture vocational education, American Indian education center, bilingual education,~~ **(Education Code 8482-8484.65)**
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**4. Agricultural** career technical **education (Education Code 52460-52462)**
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**5. Career technical** and technical education and career technical and technical training, ~~career technical education, child~~ **programs (Education Code 52300-52462)**
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~~6. **Child** care and development programs, **child nutrition programs**, **compensatory education**, **early childhood education program assessments**, **California peer assistance and review programs for teachers**, **Every Student Succeeds Act/No Child Left Behind**, **school safety plans**, **special education programs**, **consolidated** (Education Code 8200-8488)~~

~~7. **Compensatory education** (Education Code 54400)~~

~~8. **Consolidated categorical aid programs**, and any other district implemented program which is listed in (Education Code 64000(a) (5 CCR 4610) 33315; 34 CFR 299.10-299.12)~~

~~(cf. 3553—Free and Reduced Price Meals)~~

~~(cf. 3555—Nutrition Program Compliance)~~

~~(cf. 5141.4—Child Abuse Prevention and Reporting)~~

~~(cf. 5148—Child Care and Development)~~

~~(cf. 6159—Individualized **Course periods without educational content** (Education Program)~~

~~(cf. 6171—Title I Programs)~~

~~(cf. 6174—Education for English Language Learners)~~

~~(cf. 6175—Migrant Education Program)~~

~~(cf. 6178—Career Technical Education)~~

~~9. (cf. 6178 Code 51228.1—Work Based Learning) 51228.3)~~

~~(cf. 6178.2—Regional Occupational Center/Program)~~

~~(cf. 6200—Adult Education)~~

~~10. 2. —Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory **Discrimination**, harassment, intimidation, or bullying) against any person 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~~ **a** person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, **immigration status**, ethnic group identification, age, religion, marital ~~or~~ **status, pregnancy**, parental status, physical or mental disability, **medical condition**, 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 ~~—~~(5 CCR 4610)~~

— BP 1312.3(b)

~~UNIFORM COMPLAINT PROCEDURES (continued)~~

~~(cf. 0410—Nondiscrimination in District Programs **Educational** and Activities)~~

~~(cf. 4030—Nondiscrimination in Employment)~~

~~(cf. 5145.3—Nondiscrimination/Harassment)~~

~~(cf. 5145.7—Sexual Harassment)~~

~~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 (Education Code 222)~~

~~(cf. 5146—Married/Pregnant/Parenting Students)~~

~~4.—Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)~~

~~(cf. 3260—Fees and Charges)~~

~~(cf. 3320—Claims and Actions Against the District)~~

~~5.—Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)~~

~~(cf. 0460—Local Control and Accountability Plan)~~

~~11. 6.—Any complaint, by or on behalf of any student who is a foster youth, 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, school transfer, or the grant of an exemption from Board imposed graduation requirements (Education Code **for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)**)~~

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~~(cf. 6173.1—Education for Foster Youth)~~

~~7.—Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a,~~

~~alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board imposed graduation requirements (Education Code 51225.1, 51225.2)~~

~~(cf. 6173—Education for Homeless Children)~~

~~8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student 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)~~

~~12. 9. Any complaint alleging district noncompliance with the physical education **Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)**~~

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**13. Local control and accountability plan (Education Code 52075)**

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**14. Migrant education (Education Code 54440-54445)**

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**15. Physical education instructional minutes requirement for students in elementary school (Education Code 51210, **51222**, 51223)**

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**16. (cf. 6142.7—Physical **Student fees (Education Code 49010-49013)****

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

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

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

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**20. School safety plans (Education Code 32280-32289)**

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

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**22. State preschool programs (Education Code 8207-8225)**

**23. State preschool health and ~~Activity~~ safety issues in license-exempt programs (Education Code 8212)**

~~24. 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

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~~11.~~—Any other complaint as specified in a district policy

**25. 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 ~~to reach~~ **for resolving** a ~~resolution to the~~ 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 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. ~~As appropriate for~~ **For** any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep ~~confidential~~ 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.

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

~~(cf. 5125—Student Records)~~

~~(cf. 9011—Disclosure of Confidential/Privileged Information)~~

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 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:**

~~(cf. 4131—Staff Development)~~

~~(cf. 4231—Staff Development)~~

~~(cf. 4331—Staff Development)~~

~~The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.~~

~~(cf. 3580—District Records)~~

### ~~Non-UCP Complaints~~

~~The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: ~~(5 CCR 4611)~~~~

1. 1.—Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, ~~the County~~ Protective Services Division, ~~and or~~ the appropriate law enforcement agency. **(5 CCR 4611)**

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2. 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)** ~~and~~

shall, for licensing exempt facilities, be referred to the appropriate Child Development regional administrator.

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3. 3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

4. Any complaint alleging employment discrimination shall be sent to 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 and the compliance officer shall notify the complainant by first class mail.

5. Any complaint alleging a violation of the transfer 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)

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4. Any complaint alleging fraud shall be referred to the California Department of Education.

6. In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any 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)

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7. 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)**

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)

(~~cf. 1312.4—Williams Uniform Complaint Procedures~~)

Legal

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Policy Reference Disclaimer:

~~EDUCATION CODE~~

~~200-262.4 Prohibition of discrimination~~

~~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~~

~~48853-48853.5 Foster youth~~

~~48985 Notices in language other than English~~

~~49010-49013 Student fees~~

~~49060-49079 Student records~~

~~49069.5 Rights of parents~~

~~49490-49590 Child nutrition programs~~

~~51210 Courses of study grades 1-6~~

~~51223 Physical education, elementary schools~~

~~51225.1-51225.2 Foster youth and homeless children; course credits; graduation requirements~~

~~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~~

~~52300-52490 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~~

~~56000-56867 Special education programs~~

~~59000-59300 Special schools and centers~~

~~64000-64001 Consolidated application process~~

~~GOVERNMENT CODE~~



~~11135 Nondiscrimination in programs or activities funded by state~~  
~~12900-12996 Fair Employment and Housing Act~~  
~~PENAL CODE~~  
~~422.55 Hate crime; definition~~  
~~422.6 Interference with constitutional right or privilege~~  
~~CODE OF REGULATIONS, TITLE 5~~  
~~3080 Application of section~~  
~~4600-4687 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~~  
~~6801-6871 Title III language instruction for limited English proficient and immigrant students~~  
~~7101-7184 Safe and Drug-Free Schools and Communities Act~~  
~~UNITED STATES CODE, TITLE 20 (continued)~~  
~~7201-7283g Title V promoting informed parental choice and innovative programs~~  
~~7301-7372 Title V rural and low income school programs~~  
~~12101-12213 Title II equal opportunity for individuals with disabilities~~  
~~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~~  
~~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~~  
~~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:~~

~~U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS~~  
~~Dear Colleague Letter: Title IX Coordinators, April 2015~~  
~~Questions and Answers on Title IX and Sexual Violence, April 2014~~  
~~Dear Colleague Letter: Bullying of Students with Disabilities, August 2013~~  
~~Dear Colleague Letter: Sexual Violence, April 2011~~  
~~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>~~

~~Family Policy Compliance 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>~~

~~Policy SANTA ROSA CITY SCHOOLS~~

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