

Community Relations

Uniform Complaint Procedures

The Board of Education recognizes that the District has a primary responsibility for ensuring that it complies 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 process, the Board shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging District violation of applicable state or federal law or regulations governing consolidated categorical aid programs, career technical and technical education and training programs, child care and development programs, child nutrition programs, adult education programs, after school education and safety programs, migrant education, and special education programs and any other district-implemented program which is listed in Education Code 64000(a) (5 CCR 4610).
2. Any complaints 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, 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 sex, sexual orientation, gender, gender identity, gender expression, genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, color, marital, pregnancy or parental status, mental or physical disability, or age, or any other characteristic identified in the Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.
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 the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.
5. Any complaint alleging that the District has not complied with legal requirements related to the implementation of the local control and accountability plan.

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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.
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.
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.
9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school.
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.
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 acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. 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 results are 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 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, 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

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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, including the steps and timelines specified in this policy and the accompanying administrative regulations.

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

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 the Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the District's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, or teacher vacancies and misassignments.

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Legal References: Education Code Sections 200-262.4; 222; 8200-8498; 8500-8538; 18100-18203; 32289; 35186; 48853-48853.5; 48985; 49010-49013; 49060-49079; 49069.5; 49490-49590; 51210; 51223; 51225.1-51225.2; 51228.1-51228.3; 52060-52077, 52075; 52160-52178; 52300-53490; 52500-52616.24; 52800-52870; 54400-54425; 54440-54445; 54460-54529; 56000-56867; 59000-59300; 64000-64001
Government Code Sections 11135; 12900-12996
Penal Code 422.55; 422.6
Code of Regulations, Title 5, Sections 3080; 4600-4687; 4900-4965
United States Code, Title 20 Sections 1221; 1232g; 1681-1688; 6301-6577; 6801-6871; 7101-7184; 7201-7283g; 7301-7372; 12101-12213
United States Code, Title 29 Section 794
United States Code Title 42 Sections 2000d-2000e-17; 2000h-2-2000h-6; 6101-6107
Code of Federal Regulations, Title 28 Section 35.107
Code of Federal Regulations, Title 34 Sections 99.1-99.67; 100.3; 104.7; 106.8; 106.9; 110.25

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Policy Amended: 12/17/2002; 11/03/2010; 03/11/2014; 04/15/2014; 05/06/2014;
04/05/2016; 10/18/2016

(Formerly BP 1312)