

Board Policy

Community Relations

BP 1312.3

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 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)~~



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



1. 2. _____

Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)



~~(cf. 6200 - Adult Education)~~



2. 3. _____

After School Education and Safety programs (Education Code 8482-8484.65)



~~(cf. 5148.2 - Before/After School Programs)~~



3. 4. _____

Agricultural career technical education (Education Code 52460-52462)



4. 5. _____

Career technical and technical education and career technical and technical training programs

(Education Code 52300-52462)



(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)



6. Child care and development programs (Education Code 8200-8488)



(cf. 5148 - Child Care and Development)



7. Compensatory education (Education Code 54400)



(cf. 6171 - Title I Programs)



5. 8.

6. Child care and development programs (Education Code 8200-8488)

7. Compensatory education (Education Code 54400)

Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)



8. 9.

9. Course periods without educational content (Education Code 51228.1-51228.3)



(cf. 6152 - Class Assignment)



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, marital 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 the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)



(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)



11. Educational and graduation requirements 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 – Education for Homeless Children)~~

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

~~(cf. 6173.2 – Education of Children of Military Families)~~

~~(cf. 6173.3 – Education for Juvenile Court School Students)~~

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~~10.12.~~

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)

Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)

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~~12.13.~~

Local control and accountability plan (Education Code 52075)

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

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- ~~14. Migrant education (Education Code 54440–54445)~~

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

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- ~~15. Physical education instructional minutes (Education Code 51210, 51222, 51223)~~

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~~(cf. 6142.7 – Physical Education and Activity)~~¶¶

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~~16. Student fees (Education Code 49010-49013)~~¶¶

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~~(cf. 3260 – Fees and Charges)~~¶¶

¶¶

~~13.17.~~_____

14. Migrant education (Education Code 54440-54445)

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)

16. Student fees (Education Code 49010-49013)

Reasonable accommodations to a lactating student (Education Code 222)¶¶

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~~17.18.~~_____

Regional occupational centers and programs (Education Code 52300-52334.7)¶¶

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~~(cf. 6178.2 – Regional Occupational Center/Program)~~¶¶

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~~18.19.~~_____

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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~~(cf. 0420 – School Plans/Site Councils)~~¶¶

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

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~~(cf. 0450 – Comprehensive Safety Plan)~~¶¶

¶¶

~~19.21.~~_____

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

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~~(cf. 0420 – School Plans/Site Councils)~~¶¶

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

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~~(cf. 5148.3 - Preschool/Early Childhood Education)~~

~~ff~~

20.23.

21. State preschool programs (Education Code 8207-8225)

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

~~ff~~

24. 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

~~ff~~

23.25.

24. Any other state or federal educational program the ~~Superintendent of Public Instruction~~ **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 ~~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~~ **federal, state, and federal** ~~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.

~~ff~~

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

~~(cf. 5125 - Student Records)~~

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

~~ff~~

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. ¶

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~~(cf. 4131 - Staff Development)~~ ¶

~~(cf. 4231 - Staff Development)~~ ¶

~~(cf. 4331 - Staff Development)~~ ¶

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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. ¶

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~~(cf. 3580 - District Records)~~ ¶

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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:

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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)~~ ¶

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~~(cf. 5141.4 - Child Abuse Prevention and Reporting)~~ ¶

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1. 2. _____

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 (5 CCR 4611)

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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,~~ 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 106.30-106.2

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 ~~AR~~Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint

~~Procedures.~~

- ~~3. 4. Any Sex Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44)~~

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

- ~~4. 5. _____ 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.

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 ~~AR~~ **Administrative Regulation** 6159.1 - Procedural Safeguards and Complaints for Special Education (5 CCR 3200-3205)

~~(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)~~

- ~~5. 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 ~~BP~~ **Board Policy** 3555 - Nutrition Program Compliance (5 CCR 15580-15584)

- ~~6. 7. _____~~

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~~ **Board Policy** 3555 - Nutrition Program

Compliance (5 CCR 15582)

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8. ~~8.~~ Any complaint related to ~~the~~ 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~~ **Administrative Regulation** 1312.4 - Williams Uniform Complaint Procedures (Education Code 35186)

~~(cf. 1312.4 - Williams Uniform Complaint Procedures)~~¶

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~~Legal Reference:~~¶

~~EDUCATION CODE~~¶

~~200-262.4 Prohibition of discrimination~~¶

~~8200-8488 Child care and development programs~~¶

~~8500-8538 Adult basic education~~¶

~~18100-18203 School libraries~~¶

~~32280-32289.5 School safety plan, uniform complaint procedures~~¶

~~35186 Williams uniform complaint procedures~~¶

~~46015 Parental leave for students~~¶

~~48645.7 Juvenile court schools~~¶

~~48853-48853.5 Foster youth~~¶

~~48985 Notices in a language other than English~~¶

~~49010-49014 Student fees~~¶

~~49060-49079 Student records, especially:~~¶

~~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, secondary schools~~¶

~~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~~¶

~~51226-51226.1 Career technical education~~¶

~~51228.1-51228.3 Course periods without educational content~~¶

~~52059.5 Statewide system of support~~¶

~~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~~¶

~~52500-52617 Adult schools~~¶

~~54400-54425 Compensatory education programs~~¶

~~54440-54445 Migrant Education~~¶

~~54460-54529 Compensatory education programs~~¶

~~59000-59300 Special schools and centers~~¶

~~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 the 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~~
~~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~~
~~CODE OF REGULATIONS, TITLE 5~~
~~3200-3205 Special education compliance complaints~~
~~4600-4670 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~~
~~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 Improving the academic achievement of the disadvantaged~~
~~6801-7014 Title III language instruction for English Learners and immigrant students~~
~~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~~
~~11431-11435 McKinney-Vento Homeless Assistance Act~~
~~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~~
~~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 and adoption of grievance procedures~~
~~106.30 Definitions~~
~~106.44 Response to notice of sexual harassment~~
~~106.45 Titles IX sexual harassment complaint procedures~~
~~110.25 Notification of nondiscrimination on the basis of age~~

~~Management Resources:~~

~~CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS~~
~~Sample UCP Board Policies and Procedures~~
~~Uniform Complaint Procedure 2021-22 Program Instrument~~
~~U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS~~
~~Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021~~
~~Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021~~
~~Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014~~
~~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, 2007~~
~~WEBSITES~~
~~CSBA: <http://www.csba.org>~~
~~California Department of Education: <http://www.cde.ca.gov>~~
~~California Department of Fair Employment and Housing: <https://www.dfeh.ca.gov>~~
~~California Department of Social Services: <https://www.cdss.ca.gov>~~

~~Student Privacy Policy Office: <http://www2.ed.gov/about/offices/list/opepd/sppo>~~
~~U.S. Department of Agriculture: <https://www.usda.gov>~~
~~U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>~~
~~U.S. Department of Justice: <http://www.justice.gov>~~



PERRIS UNION HIGH SCHOOL DISTRICT
Perris, California

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