

***Riverside County Office of Education  
Board Policy 1312.3 Uniform Complaint Procedures***

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**COMMUNITY RELATIONS**

**SUBJECT: Uniform Complaint Procedures**

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

**Complaints Subject to UCP**

The County Office's uniform complaint procedures (UCP) policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the County Office, and all acts of the County Board and the County Superintendent in enacting policies and procedures that govern the County Office. The 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)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in County Office 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

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

11. Discrimination could include if the County Board were to refuse 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. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the County Office, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243)
12. Educational and graduation requirements for students who are migratory, students participating in a newcomer program, students in foster care, students experiencing homelessness, 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)
13. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
14. Local control and accountability plan (Education Code 52075)
15. Migrant education (Education Code 54440-54445)
16. Physical education instructional minutes (Education Code 51210, 51222, 51223)
17. Student fees (Education Code 49010-49013)
18. Reasonable accommodations to a lactating student (Education Code 222)
19. Regional occupational centers and programs (Education Code 52300-52334.7)
20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
21. School safety plans (Education Code 32280-32289)
22. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
23. State preschool programs (Education Code 8207-8225)
24. State preschool health and safety issues in license-exempt programs (Education Code 8212)
25. 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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26. Any other state or federal educational program the SPI or designee deems appropriate

The County Board shall protect all complainants from retaliation. In investigating complaints, the parties' confidentiality shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the County Superintendent 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 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

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

The County Board and County Superintendent 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 and County Superintendent 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 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 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's UCP.

The County Superintendent shall provide training to County Office 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)

The County Superintendent 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's UCP but shall be referred to the specified agency or through an alternative process: (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.

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(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 the Department of Social Services (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the County Office 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 or harassment shall be investigated and resolved by the County Office 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.
5. 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), a due process hearing order, or a physical safety concern that interferes with the County Office'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)

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

6. Any complaint alleging noncompliance of the County Office'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 Board Policy (BP) 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)

(cf. 3555 - Nutrition Program Compliance)

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the County Office'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)

(cf. 3555 - Nutrition Program Compliance)

8. 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 Board Policy 1312.4 - Williams Uniform Complaint Procedure and applicable ARs. (Education Code 35186)

(cf. 1312.4 Williams Uniform Complaint Procedure)

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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

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

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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

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

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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>