

UNIFORM COMPLAINT PROCEDURES

The Board of Education and Superintendent recognize that the Office of Education has primary responsibility for insuring that it complies with state and federal laws and regulations governing educational programs. The Office of Education shall investigate and seek to resolve complaints at the local level in accordance with applicable laws and administrative regulations related to this policy.

The Superintendent/designee shall follow uniform complaint procedures when addressing complaints including:

1. Complaints alleging unlawful discrimination, harassment, intimidation or bullying in Office of Education programs or activities against any person based on age, sex, sexual orientation, gender, gender identity, gender expression or genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, color, mental or physical disability, marital or parental status, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, the perception of one or more such characteristics, 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 that receives or benefits from state financial assistance;
2. Complaints alleging the Office of Education's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities;
3. Complaints regarding the requirements for the development and adoption of a school safety plan, and also may be used when addressing complaints alleging failure to comply with state or federal law in the following Office of Education programs: consolidated categorical aid programs, career technical education, child care and development programs, child nutrition programs, migrant education, and special education programs;
4. Complaints regarding the implementation of the Local Control Accountability Plan (LCAP). Such complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.
5. Any complaint alleging bullying in Office of Education programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of age, sex, sexual orientation, gender, gender identity, gender expression or genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, color, mental or physical disability,

marital or parental status, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

6. Any complaint alleging Office of Education 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).
7. Any complaint alleging Office of Education noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223).
8. 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.
9. Any other complaint as specified in Office of Education policy.

This policy prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board and Superintendent recognize that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee shall initiate that process. 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 results are consistent with state and federal laws and regulations.

Complaints alleging discrimination, retaliation or bullying shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

When an allegation that is not subject to the Uniform Complaint Procedure (UCP) is included in a UCP complaint, the Office of Education shall refer the

non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through the UCP.

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 Office of Education policy.

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

The office 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.

This policy and related Administrative Guidelines are intended to comply with Title 5 of the California Code of Regulations, 4600 et seq., and are not intended to extend beyond such requirements.

Non-UCP Complaints

The following complaints shall not be subject to the 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 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.
3. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the 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 or safety of students or staff, or teacher vacancies and misassignments.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of Discrimination
32289 School Safety Plan, uniform complaint procedures
35186 Williams uniform complaint procedures
48985 Languages other than English
49010-49013 Student fees
49060-49079 Student records
49490-49590 Child nutrition program
51210 Course of Study, Grades 1 to 6
51223 Courses of Study, Grades 7 to 12
52060-52077 Local control and accountability plan, especially
52075 Local control and accountability plans
52300-52490 Career technical education
52800-52870 School-based coordinated programs
54400-54425 Compensatory education programs
56000-56865 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

CODE OF REGULATIONS, TITLE 5

3080 Application of section
4600-4671 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 20

1221 Application of laws
1232g Family Education Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6577 Title I Basic Programs
6601-6777 Title II Preparing and Recruiting High Quality Teachers and Principals
6801-6871 Title III, Language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act, including
7114 Local educational program, safety plans
7201-7283g Title V Promoting Informed Parental Choice and Innovative Programs
7301-7372 Title VI Rural and Low-Income School Programs
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
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*

Policy
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**HUMBOLDT COUNTY OFFICE OF EDUCATION
Eureka, California**