

UNIFORM COMPLAINT PROCEDURES

The Board of Education and Superintendent recognize that the Humboldt County Office of Education (HCOE) 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 student, employee or other persons participating in programs and activities based the person's actual or perceived characteristic of age, , ethnic group identification, race or ethnicity, ancestry, nationality, national origin, immigration status, religion, , mental or physical disability, 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. Discrimination includes, but is not limited to, the County 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 contribution of any individual or group consistent with the requirements of Education Code 51204.5 and 60044, unless such study would violate Education Code 51501 or 60044. Additionally, discrimination includes, but is not limited to, the County 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 HCOE, be directly filed with the Superintendent of Public Instruction.

The UCP Shall not be used to investigate and resolve employment discrimination complaints. (5CCR 4611)

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- Accommodations for pregnant and parenting students
Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career technical and technical education and career technical and technical training programs
- Child Care and Development
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content
- Economic Impact Aid
- Educational and graduation requirement for students in Foster Care, students experiencing homelessness, Former Juvenile Court Students Now Enrolled In A School District, and Students Of Military Families, students who are migratory, and newcomer students.
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Student
- Regional Occupational Centers and Programs
- School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding
- School site councils as required for the consolidated application for specified federal and/or state categorical funding
- State Preschool programs
- State preschool health and safety issues in license-exempt programs
- 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
- Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

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 Alternative Dispute Resolution (ADR) 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.

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 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 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, was subjected to conduct known to HCOE that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 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 medication condition 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.

4. Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be referred to the Superintendent for investigation using HCOE procedures, including the right to file the complaint with the California 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

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), failure or refusal to implement a due process hearing order to which HCOE is subject, or a physical safety concern that interferes with HCOE's provision of FAPE shall be submitted to the California Department of Education (CDE) (5 CCR 3200-3205). Any complaint alleging noncompliance of HCOE'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 3555 –

Nutrition Program Compliance

6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in HCOE's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555- Nutrition Program Compliance (5 CCR 15582)

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**48853-48853.5 Education of Pupils in Foster Care and Pupils Who Are Homeless**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**51223-51229 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 Educational 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