

UNIFORM COMPLAINT PROCEDURES

The Board of Trustees 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, informal resolution of complaints whenever possible and appropriate. To resolve complaints that 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 procedures (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 American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, compensatory education, consolidated categorical aid programs, migrant education, career technical and technical education programs, child care and development programs, English learner programs, federal education programs in Title I- VII, Regional Occupational Centers and Programs, school safety plans, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other district-implemented program that is listed in Education Code 64000(a) (5 CCR 4610).
2. After School Education and Safety Programs.
3. Federal School Safety Planning Requirements.
4. Pupil Services: Lactation Accommodations (Education Code 222).
5. Educational Rights of Foster and Homeless Students (Education Code 48853-48853.5, 49069.5, 51225.1, 51225.2).
6. Educational Rights of Juvenile Court School Students (Education Code 51225.1 and 51225.2).
7. Educational Rights of Children of Military Families (Education Code 51225.1 and 51225.2).
8. Physical Education Instructional Minutes (Education Code 51210 and 51223).

UNIFORM COMPLAINT PROCEDURES (continued)

BP 1312.3(b)

9. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in District programs and activities against any person, based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, immigration status, age, religion, marital or parental status, physical or mental disability, 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 his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610).
10. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610).
11. 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 (Education Code 51228.3).
12. Any complaint alleging that the District has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075).
13. 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.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The District shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law.

When an allegation that is not subject to the 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 designated 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 regulation.

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 district policy.

Non-UCP Complaints

The following complaints are not subject to the District's UCP but may be referred to the specified agency: (5 CCR 4611)

1. Complaints alleging child abuse or neglect: to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Complaints alleging health and safety violations by a child development program, for licensed facilities: to the Department of Social Services; for licensing-exempt facilities: to the appropriate Child Development regional administrator.
3. Complaints alleging discrimination involving child nutrition programs: to the U.S. Department of Agriculture.
4. Complaints alleging violation of Title IX of the Educational Amendments of 1972: to the United States Office for Civil Rights.
5. Complaints alleging employment discrimination: to the California Department of Fair Employment and Housing, with notice to the complainant by first class mail of the transfer.
6. Complaints alleging fraud: to the California Department of Education.
7. Complaints alleging violation of Special Education laws: 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 or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

Legal Reference: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

BP 1312.3(d)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records

49490-49590 Child nutrition programs

52060-52077 Local control and accountability plan, especially

52075 Complaint for lack of compliance with local control and accountability plan requirements

52160-52178 Bilingual education programs

52300-52490 Career technical education

52500-52616.24 Adult schools

52800-52870 School-based program coordination

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56867 Special education programs

59000-59300 Special schools and centers

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.55 Hate crime; definition

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

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

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

12101-12213 Title II equal opportunity for individuals with disabilities

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

Legal Reference continued

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

106.8 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

revised: June 14, 1999

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CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California