
Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

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 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 California Code of Regulations, Title 5, Sections 4600-4670 and Administrative Regulation 1312.3.

Complaints Subject to the UCP

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 any of the following education programs:
 - Accommodations for Pregnant and Parenting Pupils (Ed. Code § 46015)
 - Adult Education (Ed. Code §§ 8500–8538, 52334.7, 52500-52616.4);
 - After School Education and Safety (Ed. Code §§ 8482–8484.65);
 - Agricultural Career Technical Education (Ed. Code §§ 52460–52462);
 - Career Technical Education, Career Technical, Technical Training (Ed. Code §§ 52300– 52462, 64000);
 - Child Care and Development (Ed. Code §§ 8200–8493);
 - Compensatory Education (Ed. Code § 54400);
 - Consolidated Categorical Aid Programs (34 CFR § 299.10-12, Ed. Code § 33315);
 - Course Periods without Educational Content (Ed. Code §§ 51228.1–51228.3);
 - Every Student Succeeds Act (20 U.S.C. §§ 6301 et seq.; Ed. Code § 52059);
 - Local Control and Accountability Plans (Ed. Code § 52075);
 - Migrant Education (Ed. Code §§ 54440-54445);
 - Physical Education Instructional Minutes (Ed. Code, §§ 51210, 51222, 51223);
 - Pupil Fees (Ed. Code §§ 49010-49013);
 - Reasonable Accommodations to a Lactating Pupil (Ed. Code § 222);

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- Regional Occupational Centers and Programs (Ed. Code §§ 52300-52334.7);
 - School Plans for Student Achievement (Ed. Code §§ 32280-32289);
 - School Safety Plans (Ed. Code §§ 32280-32289.5);
 - Schoolsite Councils (Ed. Code § 65000);
 - State Preschool (Ed. Code §§ 8200-8498); and
 - Any other state or federal program that the State Superintendent of Public Instruction or designee deems appropriate.
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in any program or activity 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, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code Sections 200 or 220, Government Code Section 11135, or Penal Code Section 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics. (Education Code § 33315)
 3. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code Section 51225.2, alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the District's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements. (Education Code §§ 48853, 48853.5, 49069.5, 51225.1, 51225.2)
 4. Any complaint regarding the educational rights of foster youth pursuant to Education Code Sections 48853, 48853.5, and 49069.5, or the graduation requirements for foster youth, homeless youth, and other youth pursuant to Section 51225.1. (Education Code § 33315)
 5. Any complaint, by or on behalf of a student who transfers into the District after the second year of high school and is a homeless child or youth as defined in 42 USC § 11434a, a former juvenile court school student currently enrolled in the District, a child of a military family as defined in Education Code Section 49701, or a migrant student as defined in Education Code Section 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code Section 51225.2 in the third or fourth year of high school, alleging District noncompliance with Education Code Section 51225.1. (Education Code § 51225.1)
 6. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42
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USC §11434a, a former juvenile court school student, a child of a military family as defined in Education Code Section 49701, a migrant child as defined in Education Code Section 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code Section 51225.2, alleging District noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, school district, or country. (Education Code § 51225.2)

7. Any complaint alleging District noncompliance with the requirements of Education Code Sections 51228.1 and 51228.2 regarding student enrollment. (Education Code § 51228.3) 8. Any complaint alleging retaliation against a complainant or other participant in the UCP or anyone who has acted to file a UCP complaint subject to this policy.

9. Any other complaint as specified in District policy.

10. Complaints regarding health and safety issues in District preschool programs are governed by the UCP as set forth in Administrative Regulation 1312.5 – Health and Safety Complaints in District Preschool Programs.

The Board recognizes that alternative dispute resolution (“ADR”) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR 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 and federal 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 he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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 district staff to ensure awareness and knowledge of current law and related requirements, related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain records of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with California Code of Regulations, Title 5, Sections 4631 and 4633.

Complaints Regarding Health and Safety in District Preschool Programs

Complaints regarding health and safety issues in District preschool programs shall be addressed in accordance with the procedures set forth in Administrative Regulation 1312.5. The District's investigative report regarding such complaints may be appealed to the California Department of Education.

Non-UCP Complaints

The following complaints shall not be subject to the District's UCP:

1. Any complaint alleging child abuse or neglect, which shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency. (5 CCR § 4611)
2. Any complaint filed against a District employee that does not fall into one of the enumerated categories of complaints subject to the UCP, above, shall be resolved in accordance with District Administrative Regulation 1312.1 – Complaints Concerning District Employees.
3. Any complaint alleging employment discrimination or harassment shall be resolved in accordance with the procedures specified in District Administrative Regulation 4030 - Nondiscrimination in Employment.
4. Any complaints regarding child nutrition programs established pursuant to Education Code Sections 56000 to 56865, which are addressed in federal regulations and in Title 5, Sections 15580 through 15584. (5 CCR § 4610)
5. Any complaint regarding special education programs, which are addressed in Code of Federal Regulations, Title 5, Sections 3200 through 3205. (5 CCR § 4610)
6. 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, shall be resolved in accordance with the procedures in

Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (5 CCR § 4610)

References

BP 0410 - Nondiscrimination in District Programs and Activities
BP/AR 0460 - Local Control and Accountability Plan
BP/AR 1312.1 - Complaints Concerning District Employees
BP/AR 1312.4 - Williams Uniform Complaint Procedures
BP 3260 - Fees and Charges
BP/AR 3320 - Claims and Actions the District
BP/AR 3553 - Free and Reduced Price Meals
BP 3555 - Nutrition Program Compliance
BP 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information
BP/AR 5125 - Student Records
AR 5141.4 - Child Abuse Prevention and Reporting
BP/AR 5145.3 - Nondiscrimination/Harassment
BP/AR 5145.7 - Sexual Harassment
BP 5146 - Married/Pregnant/Parenting Students
BP/AR 6142.7 - Physical Education and Activity
BP 6152 - Class Assignment
BP/AR 6171 - Title I Programs
BP/AR 6173 - Education for Homeless Children
BP 6178.1 – Work Experience Education
BP/AR 6200 - Adult Education

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
222 Reasonable accommodations; lactating students
8200-8488 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 procedures
44500-44508 California Peer Assistance and Review Program for Teachers
48853-48853.5 Foster youth

48985 Notices in language other than English
49010-49014 Student fees
49060-49079.7 Student records
49490-49590 Child nutrition programs
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan
52160-52178 Bilingual education programs
52500-52616.24 Adult schools
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
64000-64001 Consolidated application process
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
HEALTH AND SAFETY CODE
104420 Tobacco-Use Prevention Education
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
6301-6576 Title I basic programs
6801-7014 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7345-7372 Title V rural and low-income school programs
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

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

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Family Policy Compliance Office: <http://familypolicy.ed.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

U.S. Department of Justice: <http://www.justice.gov>

Policy STOCKTON UNIFIED SCHOOL DISTRICT
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