

**County Board Policy 1312.3: Uniform Complaint Procedures**

**Status:** ADOPTED

**Original Adopted Date:** 12/08/2016 | **Last Revised Date:** 09/02/2021 | **Last Reviewed Date:** 09/02/2021

The County Board of Education recognizes that the county office of education (COE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing its educational programs. The County Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the County Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and any related procedures approved by the County Superintendent of Schools.

The COE's uniform complaint procedures (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 8200-8498)
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, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has previously satisfactorily completed, unless specified conditions are met (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in COE programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the 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 the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)  
  
(cf. 0410 - Nondiscrimination in County Office Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)  
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)  
  
(cf. 0460 - Local Control and Accountability Plan)
14. Migrant education (Education Code 54440-54445)

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)
17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School safety plans (Education Code 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
22. State preschool programs (Education Code 8235-8239.1)
23. State preschool health and safety issues in license-exempt programs (Education Code 8235.5)
24. 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
25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

At its discretion, the COE may use the UCP for any other type of complaint as specified in a COE policy or regulation. (5 CCR 4610)

All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected as required by law.

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent policies and procedures.

#### Non-UCP Complaints

The following complaints shall not be subject to the COE's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)
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 employment discrimination or harassment shall be referred to the County Superintendent for investigation using COE procedures, including the right to file the complaint with the California Department of Fair Employment and Housing.
4. 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, or a due process hearing order shall be submitted to CDE. (5 CCR 3200-3205)
5. Any complaint alleging noncompliance of the COE'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 referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the COE's food service program shall be referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)

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 investigated and resolved in accordance with BP 1312.4 - Williams Uniform Complaint Procedures and applicable administrative regulations. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination, especially:  
222 Reasonable accommodations; lactating students  
8200-8498 Child care and development programs  
8500-8538 Adult basic education  
18100-18203 School libraries  
32289 School safety plan, uniform complaint procedures  
35186 Williams uniform complaint procedures  
46015 Parental leave for students  
48853-48853.5 Foster youth  
48985 Notices in language other than English  
49010-49013 Student fees  
49060-49079 Student records, especially:  
49069.5 Rights of parents  
49490-49590 Child nutrition programs  
49701 Interstate Compact on Educational Opportunity for Military Children  
51210 Courses of study grades 1-6  
51222 Physical education, secondary schools  
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  
52059.5 Statewide system of support  
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  
52800-52870 School-based program coordination  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process  
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

1596.7925 California Child Day Care Act; health and safety regulations

PENAL CODE

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

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3080 Application of section  
3200-3205 Special education compliance complaints  
4600-4670 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  
15580-15584 Child nutrition programs complaint procedures  
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  
6801-7014 Title III language instruction for limited English proficient and immigrant students  
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  
11431-11435 McKinney-Vento Homeless Assistance Act  
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 Notification of nondiscrimination on basis of sex  
106.44 Response to notice of sexual harassment  
106.45 Title IX sexual harassment complaint procedures  
110.25 Notification of nondiscrimination on the basis of 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 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

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 Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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

**Federal References**

100.3  
104.7  
106.1-106.82  
106.44  
106.45  
106.8  
106.9  
110.25  
11023  
11135  
12101-12213  
12900-12996  
15580-15584  
1596.7925  
18100-18203  
20 USC 1221  
20 USC 1232g  
20 USC 1681-1688  
20 USC 6301-6576  
20 USC 6801-7014  
200-262.4  
222  
28 CFR 35.107  
29 USC 794  
3080  
3200-3205  
32289  
34 CFR 100.3  
34 CFR 104.7  
34 CFR 106.1-106.82  
34 CFR 106.8  
34 CFR 106.9  
34 CFR 110.25  
34 CFR 99.1-99.67  
35.107  
35186  
42 USC 11431-11435  
42 USC 12101-12213  
42 USC 2000d-2000e-17

**Description**

Prohibition of discrimination on basis of race, color or national origin  
Designation of responsible employee for Section 504  
Nondiscrimination on the basis of sex in education programs  
Recipient's response to sexual harassment  
Grievance process for formal complaints of sexual harassment  
Designation of responsible employee for Title IX  
Dissemination of policy  
Prohibition of discrimination based on age  
Harassment and discrimination prevention and correction  
Nondiscrimination in programs or activities funded by state  
Americans with Disabilities Act  
Fair Employment and Housing Act  
Child nutrition programs complaint procedures  
California Child Day Care Act; health and safety regulations  
School libraries  
Application of laws  
Family Educational Rights and Privacy Act (FERPA) of 1974  
Title IX of the Education Amendments of 1972  
Title I Improving the Academic Achievement of the Disadvantaged  
Title III language instruction for limited English proficient and immigrant students  
Prohibition of discrimination  
Lactation accommodations for students  
Nondiscrimination on basis of disability; complaints  
Rehabilitation Act of 1973, Section 504  
Application of section  
Special education compliance complaints  
School safety plan, uniform complaint procedures  
Prohibition of discrimination on basis of race, color or national origin  
Designation of responsible employee for Section 504  
Nondiscrimination on the basis of sex in education programs  
Designation of responsible employee for Title IX  
Notification of nondiscrimination on basis of sex  
Notification of nondiscrimination on the basis of age  
Family Educational Rights and Privacy Act  
Designation of responsible employee and adoption of grievance procedures  
Williams uniform complaint procedure  
McKinney-Vento Homeless Assistance Act  
Title II equal opportunity for individuals with disabilities  
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
422.55	Definition of hate crime
422.6	Interference with constitutional right or privilege
4600-4670	Uniform complaint procedures
46015	Parental leave for students
4680-4687	Williams uniform complaint procedures
4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
48853-48853.5	Foster youth
48985	Notices to parents in language other than English
4900-4965	Nondiscrimination in elementary and secondary education programs
49010-49013	Student fees
49060-49079	Student records
49069.5	Rights of parents
49490-49590	Child nutrition programs
49701	Interstate Compact on Educational Opportunity for Military Children
51210	Courses of study grades 1-6
51222	Physical education, secondary schools
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
52059.5	Statewide system of support
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
52800-52870	School-based program coordination
54400-54425	Compensatory education programs
54440-54445	Migrant education
54460-54529	Compensatory education programs
59000-59300	Special schools and centers
64000-64001	Consolidated application process
65000-65001	School site councils
794	Section 504 of the Rehabilitation Act of 1973
8200-8498	Child care and development programs
8500-8538	Adult basic education
99.1-99.67	Family Educational Rights and Privacy

**Management Resources References**

CA DOE Publication  
 California Department of Education Publication  
 U.S. DOE, Office For Civil Rights Publication  
 U.S. DOE, Office For Civil Rights Publication  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOE, Office for Civil Rights Publication  
 U.S. DOJ Publication

Website

Website

Website

Website

**State References**

11431-11435  
 1221  
 1232g  
 1681-1688  
 2 CCR 11023  
 2000d-2000e-17  
 2000h-2-2000h-6  
 5 CCR 15580-15584  
 5 CCR 3200-3205  
 5 CCR 4600-4670  
 5 CCR 4680-4687  
 5 CCR 4690-4694  
 5 CCR 4900-4965  
 6101-6107  
 6301-6577  
 6801-7014  
 Ed. Code 200-262.4  
 Ed. Code 18100-18203  
 Ed. Code 32221.5

**Description**

Sample UCP Board Policies and Procedures  
 Uniform Complaint Procedure 2020-21 Program Instrument  
 Dear Colleague Letter: Title IX Coordinators, April 2015  
 Dear Colleague Letter, September 22, 2017  
 Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001  
 Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014  
 Dear Colleague Letter: Harassment and Bullying, October 2010  
 Guidance to Federal Financial Assistance Recipients Regarding Title VI, 2002  
 U.S. Department of Justice - <https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==>  
 U.S. Department of Education, Office for Civil Rights - <https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==>  
 CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>  
 California Department of Education - <https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

**Description**

McKinney-Vento Homeless Assistance Act  
 Application of laws  
 Family Educational Rights and Privacy Act  
 Discrimination based on sex or blindness, Title IX  
 Harassment and discrimination prevention and correction - <https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbsh34hY5zslsh5Q==>  
 Title VI and Title VII Civil Rights Act of 1964, as amended  
 Title IX of the Civil Rights Act of 1964  
 Child nutrition programs complaint procedures  
 Special education compliance complaints  
 Uniform complaint procedures  
 Williams uniform complaint procedures  
 Complaints regarding health and safety issues in license-exempt preschool programs  
 Nondiscrimination in elementary and secondary education programs  
 Age Discrimination Act of 1975  
 Title I basic programs  
 Title III language instruction for limited English proficient and immigrant students  
 Educational equity; prohibition of discrimination on the basis of sex - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==>  
 School libraries  
 Insurance for athletic team members

Ed. Code 32280-32289	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Parental leave for students
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices in language other than English
Ed. Code 49010-49014	Student fees
Ed. code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.2	Foster youth, homeless children, former juvenile court school students; course credits; graduation requirements
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52616.24	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8498	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Nondiscrimination in programs or activities funded by state
Gov. Code 11135	Discrimination - <a href="https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==">https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==</a>
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Hate crime; definition
Pen. Code 422.6	Interference with constitutional right or privilege

**Cross References**

5131.2

**Description**

Bullying -  
<https://simbli.eboardsolutions.com/SU/NtiwNuQPHVOtmeh0rGfNVw==>



5145.3

Nondiscrimination/Harassment -  
<https://simbli.eboardsolutions.com/SU/slshXhERslshi4slXmWudtplusE0Ccg==>

5145.7

Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/65ermdZsOaFlwBV3EqAYuw==>