

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

**Status:** ADOPTED

**Original Adopted Date:** 12/08/2016 | **Last Revised Date:** 08/04/2022 | **Last Reviewed Date:** 08/04/2022

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.

**Complaints Subject to UCP**

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- 8488)
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. (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 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, 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

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school. (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)
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 8207-8225 )
23. State preschool health and safety issues in license-exempt programs (Education Code 8212 )
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. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the identity of the complainant, and/or the subject of the complaint if different from the complainant, shall remain confidential when appropriate and as long as the integrity of the complaint process is maintained.

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 that a student, while in an education program or activity in which the COE exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44 - 106.45, as specified in E 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. 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.
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 the COE is subject, or a physical safety concern that interferes with the COE's provision of FAPE shall be submitted to the California Department of Education (CDE). (5 CCR 3200-3205)
6. 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 filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-

15584)

7. 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)

8. 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. †

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### **Federal References**

	<b>Description</b>
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Designation of responsible employee and adoption of grievance procedures
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Designation of responsible employee for Section 504
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Definitions
34 CFR 106.44	Response to notice of sexual harassment
34 CFR 106.45	Title IX sexual harassment complaint procedures
34 CFR 106.8	Designation of responsible employee and adoption of grievance procedures
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.1-99.67	Family Educational Rights and Privacy Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Equal opportunity for individuals with disabilities
42 USC 2000d-2000e-17	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

### **Management Resources References**

	<b>Description</b>
California Department of Education Publication	Uniform Complaint Procedure 2020-21 Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
U.S. DOE, Office for Civil Rights Publication	Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007
Website	Student Privacy Policy Office - <a href="https://simbli.eboardsolutions.com/SU/gawOOnf3nbwEHO66taDgug==">https://simbli.eboardsolutions.com/SU/gawOOnf3nbwEHO66taDgug==</a>
Website	U.S. Department of Justice - <a href="https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==">https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==</a>
Website	U.S. Department of Education, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==">https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==</a>
Website	U.S. Department of Agriculture - <a href="https://simbli.eboardsolutions.com/SU/8JGslshxFR8H9r8TImqj9tnMg==">https://simbli.eboardsolutions.com/SU/8JGslshxFR8H9r8TImqj9tnMg==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
Website	California Department of Social Services - <a href="https://simbli.eboardsolutions.com/SU/L0zQ0Ee6CozUjxZm4OVTplusA==">https://simbli.eboardsolutions.com/SU/L0zQ0Ee6CozUjxZm4OVTplusA==</a>
Website	California Department of Fair Employment and Housing - <a href="https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==">https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>

**State References**

**Description**

2 CCR 11023	Harassment and discrimination prevention and correction - <a href="https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==">https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==</a>
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex - <a href="https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==">https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==</a>
Ed. Code 18100-18203	School libraries
Ed. Code 32280-32289	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices to parents 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	Exemption from local graduation requirements; acceptance of coursework
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 52500-52617	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	Unlawful 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	Definition of hate crime
Pen. Code 422.6	Crimes, harassment

**Cross References**

**Description**

1312.4	Williams Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/q4Qc6jAjMOiQd3D5no8vmw==">https://simbli.eboardsolutions.com/SU/q4Qc6jAjMOiQd3D5no8vmw==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/7vn7frhKovc1lRebyMBEBA==">https://simbli.eboardsolutions.com/SU/7vn7frhKovc1lRebyMBEBA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/ZhKqL9kUt037RVVTslshJGi9w==">https://simbli.eboardsolutions.com/SU/ZhKqL9kUt037RVVTslshJGi9w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4lEKBCplusBX6dr4i2fzS9CcA==">https://simbli.eboardsolutions.com/SU/4lEKBCplusBX6dr4i2fzS9CcA==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/lXk7QzCUJMjQmiytaZMO2g==">https://simbli.eboardsolutions.com/SU/lXk7QzCUJMjQmiytaZMO2g==</a>
5145.71	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/LCwll4t4eplus56OJzqtj9h3A==">https://simbli.eboardsolutions.com/SU/LCwll4t4eplus56OJzqtj9h3A==</a>
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/slshnIXlzuOf4PYe7u9lNFBng==">https://simbli.eboardsolutions.com/SU/slshnIXlzuOf4PYe7u9lNFBng==</a>
6173.1	Education For Foster Youth - <a href="https://simbli.eboardsolutions.com/SU/JCyp4gzoplus6BIPVNPBNYcdA==">https://simbli.eboardsolutions.com/SU/JCyp4gzoplus6BIPVNPBNYcdA==</a>
6173.1	Education For Foster Youth - <a href="https://simbli.eboardsolutions.com/SU/HMopqTr3GMSy04KHplusGkqyA==">https://simbli.eboardsolutions.com/SU/HMopqTr3GMSy04KHplusGkqyA==</a>

**County Office Regulation 1312.3: Uniform Complaint Procedures**

**Status:** ADOPTED

**Original Adopted Date:** 12/08/2016 | **Last Revised Date:** 08/04/2022 | **Last Reviewed Date:** 08/04/2022

Except as may otherwise be specifically provided in other county office of education (COE) policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying County Board policy.

**Compliance Officers**

The COE designates the individual(s), position(s), or unit(s) identified below as responsible for receiving, coordinating and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) for handling complaints regarding unlawful discrimination, harassment, sexual harassment, intimidation, or bullying

Chief Human Resources Officer  
3350 Education Drive, San Luis Obispo, CA 93405  
805- 543-7732

Complaints received by one compliance officer may be assigned to another compliance officer to investigate and resolve the complaint. The complainant and respondent shall be promptly notified if another compliance officer is assigned to the complaint.

Compliance officers shall not have a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the County Superintendent of Schools or designee for determination of how the complaint will be investigated.

Employees assigned to investigate and resolve complaints shall have training in and be knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the County Superintendent or designee.

A determination shall be made whether interim measures are necessary during an investigation and while the result is pending. Necessary interim measures shall be implemented and remain in place until it is determined that they are no longer necessary or until the COE issues its final written decision, whichever occurs first.

**Notifications**

The COE's UCP policy and procedures shall be posted in all COE schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the County Superintendent or designee shall annually provide written notification of the COE's UCP to students, employees, parents/guardians of COE students, COE school advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the COE is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying County Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate

3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the COE's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the COE will post a standardized notice of the educational and graduation requirements of foster youth, homeless students, children from military families, and former juvenile court school students now enrolled in the COE, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the COE's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying County Board policy, the complainant has a right to appeal the COE's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the COE's decision, within 30 calendar days of receiving the COE's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the COE's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the COE and COE school web sites and may be provided through COE-supported social media, if available.

All students and parents/guardians, including students and parents/guardians with limited English proficiency, shall have access to the relevant information provided in the COE's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular COE school speak a single primary language other than English, the COE's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the COE shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

### **Filing of Complaints**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in

writing due to conditions such as a disability or illiteracy, COE staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging COE violation of applicable state or federal law or regulations governing the programs specified in the accompanying County Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the County Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the Superintendent of Public Instruction (SPI) approves the LCAP that was adopted by the County Board of Education. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the COE's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the COE shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

### **Mediation**

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall 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 an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.



The use of mediation shall not extend the COE's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the COE shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the COE shall then continue with subsequent steps specified in this administrative regulation.

### **Investigation of Complaint**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the COE's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the COE to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

### **Timeline for Investigation Report**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, with 60 calendar days of the COE's receipt of the complaint (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

### **Investigation Report**

For all complaints, the COE's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the COE is in compliance with the relevant law
3. Corrective action(s) whenever the COE finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the COE's investigation report to CDE, except when the COE has

used the UCP to address a complaint not specified in 5 CCR 4610

#### 5. Procedures to be followed for initiating an appeal to CDE

The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with COE legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient (LEP) student or parent/guardian, then the COE's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the COE's complaint procedures, including s but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

#### **Corrective Actions**

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or COE environment may include, but are not limited to, actions to reinforce COE policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate action shall be taken, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The COE may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the COE does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the COE shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the COE, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

### **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the COE's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the COE's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the COE's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The COE failed to follow its complaint procedures.

2. Relative to the allegations of the complaint, the COE's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the COE's investigation report are not supported by substantial evidence.
4. The legal conclusion in the COE's investigation report is inconsistent with the law.
5. In a case in which the COE found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the COE's investigation report has been appealed, the County Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the COE's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the COE's UCP
6. Other relevant information requested by CDE

If notified by CDE that the COE's investigation report failed to address allegation(s) raised by the complaint, the COE shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

### **Health and Safety Complaints in License-Exempt Preschool Programs**

Any complaint regarding health or safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the COE notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the County Superintendent or designee may download and post a notice available from the CDE's web site. (Education Code 8212 ; 5 CCR 4691)

The COE's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint, contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212 ; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the County Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the County Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212 ; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212 ; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or County Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the County Superintendent or designee. (Education Code 8235.5; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves a limited-English-proficient (LEP) student or parent/guardian, then the COE's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting and, within 30 days of the date of the written report, may file a written appeal of the COE's decision to the County Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212;5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

Summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, shall be reported to the County Board at a regularly scheduled County Board meeting. (5 CCR 4693)

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#### **Federal References**

#### **Description**

20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
20 USC 6301-6576	Title I Improving the Academic Achievement of the Disadvantaged
20 USC 6801-7014	Title III language instruction for limited English proficient and immigrant students
28 CFR 35.107	Designation of responsible employee and adoption of grievance procedures
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Designation of responsible employee for Section 504
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 106.30	Definitions
34 CFR 106.44	Response to notice of sexual harassment
34 CFR 106.45	Title IX sexual harassment complaint procedures
34 CFR 106.8	Designation of responsible employee and adoption of grievance procedures
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.1-99.67	Family Educational Rights and Privacy Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 12101-12213	Equal opportunity for individuals with disabilities
42 USC 2000d-2000e-17	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

**Management Resources References**

	<b>Description</b>
California Department of Education Publication	Uniform Complaint Procedure 2020-21 Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
U.S. DOE, Office for Civil Rights Publication	Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007
Website	Student Privacy Policy Office - <a href="https://simbli.eboardsolutions.com/SU/gawOOnf3nbwEHO66taDgug==">https://simbli.eboardsolutions.com/SU/gawOOnf3nbwEHO66taDgug==</a>
Website	U.S. Department of Justice - <a href="https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==">https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==</a>
Website	U.S. Department of Education, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==">https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==</a>
Website	U.S. Department of Agriculture - <a href="https://simbli.eboardsolutions.com/SU/8JGslshxFR8H9r8TImqj9tnMg==">https://simbli.eboardsolutions.com/SU/8JGslshxFR8H9r8TImqj9tnMg==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxGg==</a>
Website	California Department of Social Services - <a href="https://simbli.eboardsolutions.com/SU/L0zQ0Fe6CozUjxZm4OVTplusA==">https://simbli.eboardsolutions.com/SU/L0zQ0Fe6CozUjxZm4OVTplusA==</a>
Website	California Department of Fair Employment and Housing - <a href="https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyI8K40jw==">https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyI8K40jw==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>

**State References**

	<b>Description</b>
2 CCR 11023	Harassment and discrimination prevention and correction - <a href="https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==">https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==</a>
5 CCR 15580-15584	Child nutrition programs complaint procedures
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex - <a href="https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==">https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==</a>
Ed. Code 18100-18203	School libraries
Ed. Code 32280-32289	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth

Ed. Code 48985	Notices to parents 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	Exemption from local graduation requirements; acceptance of coursework
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 52500-52617	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	Unlawful 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	Definition of hate crime
Pen. Code 422.6	Crimes, harassment

### **Cross References**

1312.4	Williams Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/q4Qc6jAjMOiQd3D5no8vmw==">https://simbli.eboardsolutions.com/SU/q4Qc6jAjMOiQd3D5no8vmw==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/7vn7frhKovc1IRebyMBEBA==">https://simbli.eboardsolutions.com/SU/7vn7frhKovc1IRebyMBEBA==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/ZhKqL9kUt037RVVTslshJGi9w==">https://simbli.eboardsolutions.com/SU/ZhKqL9kUt037RVVTslshJGi9w==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4IEKBCplusBX6dr4i2fzS9CcA==">https://simbli.eboardsolutions.com/SU/4IEKBCplusBX6dr4i2fzS9CcA==</a>

### **Description**

- 5145.7 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/IXk7QzCUJMjQmiytaZMO2g==>
- 5145.71 Title IX Sexual Harassment Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/LCwll4t4eplus56OJzqtj9h3A==>
- 5145.71-E(1) Title IX Sexual Harassment Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/slshnIXlzu0f4PYe7u9INFBng==>
- 6173.1 Education For Foster Youth -  
<https://simbli.eboardsolutions.com/SU/JCvp4gzoplus6BIPVNpBNYcdA==>
- 6173.1 Education For Foster Youth -  
<https://simbli.eboardsolutions.com/SU/HMopqTr3GMSy04KHplusGkqyA==>