

# **Board Policy**

## **Uniform Complaint Procedures**

**GCCS**

BP 1312.3

### **Community Relations**

The Grizzly Challenge Charter School Board of Directors recognizes that the Grizzly Challenge Charter School (GCCS) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing its educational programs. The Board encourages the 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 5 CCR 4600-4670.

#### Complaints Subject to UCP

GCCS'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. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
3. Compensatory education (Education Code 54400)
4. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
5. Course periods without educational content (Education Code 51228.1-51228.3)
6. Discrimination, harassment, intimidation, or bullying in GCCS 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 a person's association with a person or group with one or more of these actual or perceived characteristics
7. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
8. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)

9. Local control and accountability plan (Education Code 52075)
10. Migrant education (Education Code 54440-54445)
11. Physical education instructional minutes (Education Code 51210, 51222, 51223)
12. Pregnant and Parenting Pupils Accommodations (Education Code 46015)
13. Student fees (Education Code 49010-49013)
14. Reasonable accommodations to a lactating student (Education Code 222)
15. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
16. School safety plans (Education Code 32280-32289)
17. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
18. 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
19. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

At its discretion, GCCS may use the UCP for any other type of complaint as specified in a GCCS 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 GCCS policies and procedures.

Non-UCP Complaints:

The following complaints shall not be subject to GCCS'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 that a student, while in an education program or activity in which GCCS 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 as specified in 34 CFR 106.44 - 106.45.
3. Any complaint alleging employment discrimination or harassment shall be referred to the GCCS Principal for investigation using GCCS 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 (FAPE) failure, or refusal to implement a due process hearing order to which GCCS is subject, or a physical safety concern that interferes with GCCS's provision of FAPE shall be submitted to California Department of Education (CDE). (5 CCR 3200-3205)

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
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	Nondiscrimination on basis of disability; complaints
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 for Title IX
34 CFR 106.9	Notification of nondiscrimination on basis of sex
34 CFR 110.25	Notification of nondiscrimination on the basis of 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	Title II 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	Description
CA DOE Publication	Sample UCP Board Policies and Procedures
California Department of Education Publication	Uniform Complaint Procedure 2020-21 Program Instrument
U.S. DOE, Office For Civil Rights Publication	Part I: 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	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/RRvNseNogmlnMLy18K40jw==">https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLy18K40jw==</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/haAgKnrQhVJbsh34hY5zslsh5Q==">https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbsh34hY5zslsh5Q==</a>
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
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 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 49701	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51222	Physical education
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 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
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
Pen. Code 422.55	Hate crime; definition
Pen. Code 422.6	Interference with constitutional right or privilege

**Adopted: June 17, 2010**

**Amended: June 2, 2022; November 17, 2022**