

Contacts for Programs and Services Covered Under the Uniform Complaint Procedures

Program	Contact	Telephone No.
Accommodations for Pregnant and Parenting Pupils, Student Lactation Accommodations, and LGBTQ Resources	Education Equity UCP Office <a href="mailto:eeucpo@cde.ca.gov">eeucpo@cde.ca.gov</a>	(916)-319-8239
Adult Education	Adult Education Office	(916) 322-2175
After School Education & Safety	Expanded Learning Division	(916) 319-0923
Agricultural Career Technical Education	Career & College Transition Division	(916) 445-2652
Career Technical & Technical Education; Career Technical; Technical Training; (State) and Career Technical Education; (Federal) and Regional Occupational Centers and Programs	Career Tech Ed (CTE) Leadership Office	(916) 322-5050
Child Care and Development (including State Preschool);	Early Education/Learning and Care Division	(916) 322-6233
Course Periods without Educational Content	Categorical Programs Complaints Management Office	(916)-319-0929
Discrimination, Harassment, Intimidation, Bullying	Education Equity UCP Appeal Office <a href="mailto:eeucpo@cde.ca.gov">eeucpo@cde.ca.gov</a>	(916) 319-8239
Independent Study and Interstate Compact on Educational Opportunity for Military Children, Juvenile Court and Community School Students; and education of Pupils in Foster Care and Pupils who are Homeless	Educational Options Office Coordinated Student Support Division	(916) 323-2183 (916)-319-0914
Every Student Succeeds Act/ including Compensatory Education, Migrant Education	Categorical Programs Complaints Management Office	(916) 319-0929
Local Control Accountability Plans (LCAPs)	Local Agency Systems Support Office	(916) 319-0809
Physical Education; Instructional Minutes	Educator Excellence and Equity Division	(916) 323-6440
Pupil Fees	Categorical Programs Complaints Management Office	(916)-319-0929
School Plans for Student Achievement	Categorical Programs Complaints Management Office	(916)-319-0929
Schoolsite Councils	Categorical Programs Complaints Management Office	(916) 319-0929
State Preschool Health and Safety Issues in LEAs Exempt from Licensing	Early Learning and Care Division	(916) 322-6233

San Luis Obispo County Office of Education  
Reference Contacts:

County Superintendent of Schools  
**James J. Brescia, Ed.D.**  
**(805) 782-7201**

Chief Human Resources Officer  
**UCP Compliance Officer**  
**Thomas Alvarez**  
**(805) 782-7233**

Assistant Superintendent of  
Business Services  
**Sheldon Smith, Ed.D.**  
**(805) 782-7210**

Superintendent of  
Student Programs and Services  
**Katherine Aaron**  
**(805) 782-7321**

Educational Support Services  
**Joseph Koski, Jr., Director**  
**(805) 782-7267**

San Luis Obispo  
County Office of Education  
**James J. Brescia, Ed.D.**  
**Secretary to the Board**  
**(805) 782-7201**



Uniform  
Complaint  
Procedures

Authorized by

*California Code of Regulations,  
Title 5, Sections 4600-4687*

SAN LUIS OBISPO  
COUNTY OFFICE OF EDUCATION

**James J. Brescia, Ed.D.**  
County Superintendent of Schools  
3350 Education Drive  
San Luis Obispo, Ca. 93405

Copies of the COE’s Uniform Complaint Procedures  
are available free of charge.

December 4, 2023

## **UNIFORM COMPLAINT PROCEDURES**

The San Luis Obispo County Board of Education has primary responsibility for insuring that it complies with applicable state and federal laws and regulations governing educational programs. The County Office of Education (COE) shall investigate and seek to resolve complaints at the local level.

The COE shall follow the Uniform Complaint Procedures (UCP) when addressing complaints alleging:

Unlawful discrimination based on age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, race or ethnicity, religion, sex, sexual orientation, or a person's association with a person, or group, with one or more of these actual or perceived characteristics.

The County Board of Education's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the COE, be directly filed the Superintendent of Public Instruction (SPI). (Education Code 243)

The COE's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, and Local Control Accountability Plan (LCAP). A complaint alleging non-compliance with legal requirements pertaining to the LCAP may be filed. (Education Code 52075).

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
  2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
  3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.
- A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

Programs and activities implemented by our County Office of Education and subject to the UCP in which we receive state or federal funding are:

Adult Education; After School Education and Safety; Agricultural Vocational Education; American Indian Education Centers and Early Childhood Education Program Assessments; Bilingual Education; California Peer Assistance and Review Programs for Teachers; Career Technical and Technical Education and Career Technical and Technical Training; Career Technical Education; Child Care and Development; Child Nutrition; Compensatory Education; Consolidated Categorical Aid; Course Periods Without Educational Content; Economic Impact Aid; Education of Pupils in Foster Care and Pupils who are Homeless; Every Student Succeeds Act / No Child Left Behind; Local Control Accountability Plans (including Charter Schools as described in EC §§ 47606.5 and 47607.3); Migrant Education; Physical Education Instructional Minutes; Pupil Fees; Reasonable Accommodations to a Lactating Pupil; Regional Occupational Centers and Programs; School Safety Plans; Special Education; State Preschool; and Tobacco - Use Prevention Education.

### **COMPLIANCE OFFICER**

The following compliance officer shall receive and investigate complaints and ensure the COE's compliance with law:

**Chief Human Resources Officer**  
**San Luis Obispo County Office of Education**  
**3350 Education Drive**  
**San Luis Obispo, CA 93405**  
**(805) 782-7230**

The Chief Human Resource Officer shall train Site Administrators in providing guidance to complainants in this process. Site Administrators will receive annual notice of their responsibilities and training. The County Superintendent of Schools or designee shall annually provide written notification of the COE's uniform complaint procedures, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the county office advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622) The notice shall include complaint process information, as applicable.

The County Superintendent of Schools or designee shall annually provide notification of the COE's uniform complaint procedures to students, employees, parents/guardians, school advisory committees, appropriate school officials or representatives, and other interested parties in English and in other languages as required by EC 48985.

### **PROCEDURES**

The following procedures shall be used to address all complaints which allege that the COE has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4632.

Complaints concerning unlawful discrimination may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

#### **STEP 1: FILING OF A COMPLAINT**

1. Any individual, public agency or organization may file a written complaint of the COE's alleged noncompliance.

2. The complaint shall be presented to the County Superintendent or designee, who will then give it to the appropriate compliance officer. The County Superintendent or designee will maintain a log of complaints received and provide each with a code number and date stamp.
3. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, Human Resources staff shall assist him/her in the filing of the complaint.
4. Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days.
5. The County Superintendent of Schools prohibits retaliation for the filing of a complaint, the reporting of discrimination, or for the participation in complaint procedures. The COE shall maintain confidentiality of the identity of a complainant alleging discrimination, except to the extent necessary to carry out the investigation or complaint proceedings.

#### **STEP 2: MEDIATION**

1. Within three days of receiving the complaint, the compliance officer may informally discuss with the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.
2. Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.
3. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.
4. 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 extension of time.

#### **STEP 3: INVESTIGATION OF COMPLAINT**

1. Within 10 days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.
2. 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 engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation.
3. In accordance with law, the COE shall provide the investigator with access to records and/or other information related to the allegation in the complaint [5 CCR 4631].

#### **STEP 4: COE'S RESPONSE**

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the COE's investigation and decision, as described in Step 5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the County Board of Education. The County Board of Education may consider the matter at its next regular board meeting or at a special board meeting convened in order to meet the 60-day time limit within which the complaint must be answered.

The County Board of Education may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the County Board of Education hears the complaint, the compliance officer shall send the County Board's decision to the complainant within 60 days of the COE's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

#### **STEP 5: FINAL WRITTEN DECISION**

1. The COE's decision shall be in writing and sent to the complainant. The decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language and shall include the following:

- a. The findings of fact based on the evidence gathered
- b. The conclusion (s) of law
- c. Disposition of the complaint
- d. Rationale for such disposition
- e. Corrective actions, if any are warranted
- f. Notice of the complainant's right to appeal the COE's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal.

2. Decisions concerning a discrimination, harassment, intimidation and bullying complaint based on state law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.
3. If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of COE's expectations. The report shall not give any further information as to the nature of the disciplinary action.

### **CIVIL LAW REMEDIES**

Nothing in this policy precludes a complaint from pursuing available civil law remedies that may be available under state or federal discrimination, harassment, intimidation and bullying laws, if applicable, and of the appeal pursuant to EC 262.3, outside of the county office of education's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until 60 days has elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprized the complainant of his/her right to file a complaint.

For assistance, you may contact:

California Rural Legal Assistance: 805-544-7994  
Office of Civil Rights, U.S. Dept. of Education: 800-421-3481  
California Civil Rights Dept.: 800-884-1684  
Equal Employment Opportunities Commission: 800-669-4000

### **APPEALS TO CA DEPT. OF EDUCATION**

Any complainant who is dissatisfied with the COE's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the COE's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632) Appeals must specify the reason (s) for the appeal and whether the facts are incorrect and/or the law has been misapplied. The appeal shall include a copy of the locally filed complaint and a copy of the COE's decision.