

## 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**



**SAN LUIS OBISPO COUNTY**  
**OFFICE OF EDUCATION**  
LEADERSHIP ■ COMMUNITY ■ SERVICE  
JAMES J. BRESCIA, ED. D., SUPERINTENDENT

# 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 5, 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 noncompliance 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.

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.

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

# IMPORTANT INFORMATION FOR PARENTS

## CAREGIVER BACKGROUND CHECK PROCESS CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

The California Department of Social Services works to protect the safety of children in child care by licensing child care centers and family child care homes. Our highest priority is to be sure that children are in safe and healthy child care settings. California law requires a background check for any adult who owns, lives in, or works in a licensed child care home or center. Each of these adults must submit fingerprints so that a background check can be done to see if they have any history of crime. If we find that a person has been convicted of a crime other than a minor traffic violation or a marijuana-related offense covered by the marijuana reform legislation codified at Health and Safety Code sections 11361.5 and 11361.7, he/she cannot work or live in the licensed child care home or center unless approved by the Department. This approval is called an exemption.

A person convicted of a crime such as murder, rape, torture, kidnapping, crimes of sexual violence or molestation against children **cannot by law be given an exemption that would allow them to own, live in or work in** a licensed child care home or center. If the crime was a felony or a serious misdemeanor, the person must leave the facility while the request is being reviewed. If the crime is less serious, he/she may be allowed to remain in the licensed child care home or center while the exemption request is being reviewed.

### How the Exemption Request is Reviewed

We request information from police departments, the FBI and the courts about the person's record. We consider the type of crime, how many crimes there were, how long ago the crime happened and whether the person has been honest in what they told us.

The person who needs the exemption must provide information about:

- The crime
- What they have done to change their life and obey the law
- Whether they are working, going to school, or receiving training
- Whether they have successfully completed a counseling or rehabilitation program

The person also gives us reference letters from people who aren't related to them who know about their history and their life now.

We look at all these things very carefully in making our decision on exemptions. By law this information cannot be shared with the public.

### How to Obtain More Information

As a parent or authorized representative of a child in licensed child care, you have the right to ask the licensed child care home or center whether anyone working or living there has an exemption. If you request this information, and there is a person with an exemption, the child care home or center must tell you the person's name and how he or she is involved with the home or center and give you the name, address, and telephone number of the local licensing office. You may also get the person's name by contacting the local licensing office. You may find the address and phone number on our website. The website address is <http://cclid.ca.gov/contact.htm>.

# PERSONAL RIGHTS

## Child Care Centers

Personal Rights, See Section 101223 for waiver conditions applicable to Child Care Centers.

- (a) Child Care Centers. Each child receiving services from a Child Care Center shall have rights which include, but are not limited to, the following:
- (1) To be accorded dignity in his/her personal relationships with staff and other persons.
  - (2) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment to meet his/her needs.
  - (3) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including but not limited to: interference with daily living functions, including eating, sleeping, or toileting; or withholding of shelter, clothing, medication or aids to physical functioning.
  - (4) To be informed, and to have his/her authorized representative, if any, informed by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency and of information regarding confidentiality.
  - (5) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services, either in or outside the facility, shall be on a completely voluntary basis. In Child Care Centers, decisions concerning attendance at religious services or visits from spiritual advisors shall be made by the parent(s), or guardian(s) of the child.
  - (6) Not to be locked in any room, building, or facility premises by day or night.
  - (7) Not to be placed in any restraining device, except a supportive restraint approved in advance by the licensing agency.

THE REPRESENTATIVE/PARENT/GUARDIAN HAS THE RIGHT TO BE INFORMED OF THE APPROPRIATE LICENSING AGENCY TO CONTACT REGARDING COMPLAINTS, WHICH IS:

NAME

State Department of Social Services Licensing

ADDRESS

6500 Hollister Ave., Suite 200 MS-29-09

CITY

Goleta, Ca.

ZIP CODE

93117

AREA CODE/TELEPHONE NUMBER

1-844-538-8766

DETACH HERE

**TO: PARENT/GUARDIAN/CHILD OR AUTHORIZED REPRESENTATIVE:**

**PLACE IN CHILD'S FILE**

Upon satisfactory and full disclosure of the personal rights as explained, complete the following acknowledgment:

**ACKNOWLEDGMENT:** I/We have been personally advised of, and have received a copy of the personal rights contained in the California Code of Regulations, Title 22, at the time of admission to:

(PRINT THE NAME OF THE FACILITY)

(PRINT THE ADDRESS OF THE FACILITY)

(PRINT THE NAME OF THE CHILD)

(SIGNATURE OF THE REPRESENTATIVE/PARENT/GUARDIAN)

(TITLE OF THE REPRESENTATIVE/PARENT/GUARDIAN)

(DATE)

## CHILD CARE CENTER NOTIFICATION OF PARENTS' RIGHTS

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### PARENTS' RIGHTS

As a Parent/Authorized Representative, you have the right to:

1. Enter and inspect the child care center without advance notice whenever children are in care.
2. File a complaint against the licensee with the licensing office and review the licensee's public file kept by the licensing office.
3. Review, at the child care center, reports of licensing visits and substantiated complaints against the licensee made during the last three years.
4. Complain to the licensing office and inspect the child care center without discrimination or retaliation against you or your child.
5. Request in writing that a parent not be allowed to visit your child or take your child from the child care center, provided you have shown a certified copy of a court order.
6. Receive from the licensee the name, address and telephone number of the local licensing office.

Licensing Office Name: State Department of Social Services Licensing

Licensing Office Address: 6500 Hollister Ave., Suite 200 MS 29-09, Goleta

Licensing Office Telephone #: 1-844-538-8766

7. Be informed by the licensee, upon request, of the name and type of association to the child care center for any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.
8. Receive, from the licensee, the Caregiver Background Check Process form.

**NOTE: CALIFORNIA STATE LAW PROVIDES THAT THE LICENSEE MAY DENY ACCESS TO THE CHILD CARE CENTER TO A PARENT/AUTHORIZED REPRESENTATIVE IF THE BEHAVIOR OF THE PARENT/AUTHORIZED REPRESENTATIVE POSES A RISK TO CHILDREN IN CARE.**

*For the Department of Justice "Registered Sex Offender" database, go to [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)*

LIC 995 (9/08)

(Detach Here - Give Upper Portion to Parents)

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### ACKNOWLEDGEMENT OF NOTIFICATION OF PARENTS' RIGHTS (Parent/Authorized Representative Signature Required)

I, the parent/authorized representative of \_\_\_\_\_, have received a copy of the "CHILD CARE CENTER NOTIFICATION OF PARENTS' RIGHTS" and the CAREGIVER BACKGROUND CHECK PROCESS form from the licensee.

\_\_\_\_\_  
Name of Child Care Center

\_\_\_\_\_  
Signature (Parent/Authorized Representative)

\_\_\_\_\_  
Date

**NOTE: This Acknowledgement must be kept in child's file and a copy of the Notification given to parent/authorized representative.**

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