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1312.3 BP - Uniform Complaint Procedures

Community Relations

Board Policy No. 1312.3

Policy adopted: October 4, 2018

Updated: February 8, 2024

Uniform Complaint Procedures

Williams [Uniform Complaint Form \(Español\)](#)

[Uniform Complaint Form \(Español\)](#)

The Governing Board recognizes that the district has a primary responsibility to ensure compliance with applicable state and federal laws and regulations governing 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 CCRR 4600–4670 and the accompanying administrative regulation.

Complaint subject to UCP

The district'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 Pupils (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 ins district programs and activities, include in those programs and 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 1135, 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).

Discrimination includes, but is not limited to, the Board'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 the 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 district, be directly filed with the Superintendent of Public Instruction (SPI) (Education Code 243)

11. Educational and graduation requirements for students in foster care, pupils students experiencing homelessness, students from military families and students formerly in a Juvenile Court school, students who are migratory, and students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq)

13. Local control and accountability plans (LCAP) (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. Schools Plans for Students Achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

20. School Site Councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)21. State Preschool programs (Education Code 8207-8225)

22. State Preschool Health and Safety Issues In license exempt programs (Education Code 8212)

23. 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

24. Any state or federal educational program the SPI or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may 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 sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative

regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non UPC Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services (DSS), Protective Services Division or 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 district 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 Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be investigated

and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.

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 district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the district'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 Board Policy 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 district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 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 Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Legal References

20 United States Code [20 U.S.C.] Section 6301 et seq.

34 Code of Federal Regulations [34 CFR] Sections 106.8, 34 CFR 299.10-11

California Education Codes [EC] Sections 200, 201, 210.1, 210.3, 220, 221.1, 222, 234.1, 260, 3031,

8200-8498, 8235.5, 8235-8239.1, 8261, 8482-8484.65, 8500-8538

17002(d), 17592.72, 32280-32289, 32289, 33126(b)(5)(A), 33126(b)(5)(B), 33315,

35161, 35186, 46615, 48645.7, 48853, 48853.5, 48987, 49616, 49613, 49669.5, 49531, 49556,

51216, 51222, 51223, 51225.1-3, 51228.1-51228.3, 52659, 52675, 52366-

52462, 52334.7, 52355, 52451, 52466-52462, 52566-52617, 54446-54445, 54445, 56166(a),

56100j), 66616, 64661, 65666.

California Government Code [GC] Sections 11135, 11136, 12966

California Penal Code [PC] Section 422.55, 11166

California Code of Regulations (CCR) Sections 4666-4646, 4696-4694