

Community Relations

UNIFORM COMPLAINT PROCEDURES

The Board of Education is committed to ensuring compliance with applicable state and federal laws and regulations. The District shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleged discrimination, harassment, intimidation, or bullying and related retaliation, and seeks to resolve those complaints in accordance with the Uniform Complaint Procedures (UCP) set forth in this policy and accompanying administrative regulation and consistent with the California Code of Regulations, title 5, sections 4600 through 4670.

Complaints Subject to the UCP

The District's UCP shall be used to investigate and resolve complaints regarding the following:

1. Adult education programs established pursuant to Education Code sections 8500 to 8538, inclusive, and sections 52500 to 52617, inclusive.
2. Consolidated categorical aid programs as listed in Education Code 64000(a).
3. Migrant child education established pursuant to Education Code sections 54440 to 54445, inclusive.
4. Career technical and technical education and career technical and technical training programs established pursuant to Education Code sections 52300 to 52462, inclusive.
5. Child care and development programs established pursuant to Education Code sections 8200 to 8498, inclusive.
6. Unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code sections 200 and 220 and Government Code section 11135, including any actual or perceived characteristic as set forth in Penal Code section 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by the District, that is funded directly by, or that receives or benefits from, any state financial assistance.
7. Lactation accommodations pursuant to Education Code section 222.
8. Educational rights of foster youth pursuant to Education Code sections 48853, 48853.5, and 49069.5, and graduation requirements for foster youth, homeless youth, and other youth pursuant to Education Code section 51225.1.

UNIFORM COMPLAINT PROCEDURES (continued)

9. Pupil fees pursuant to Education Code sections 49010 to 49013, inclusive.
10. Courses of study pursuant to Education Code section 51228.3.
11. Instructional minutes for physical education pursuant to Education Code section 51223.
12. Local control and accountability plans pursuant to Education Code section 52075.
13. Juvenile court schools pursuant to Education Code section 48645.7.
14. School safety plans pursuant to Education Code section 32289.
15. Deficiencies related to preschool health and safety issues for a California state preschool program pursuant to Education Code section 8235.5.
16. Any other state or federal educational program the Superintendent deems appropriate.

Nothing shall prevent the District from using its UCP to address complaints that do not involve any of the subjects matters identified above.

Complaints Not Subject to the UCP

Complaints regarding the following are not subject to the District's UCP:

1. Special education programs established pursuant to Education Code sections 56000 to 56865, inclusive, and 59000 to 59300, inclusive. The federal regulations governing complaints about special education programs are found at Code of Federal Regulations, title 34, sections 300.151 to 300.153, inclusive. The state regulations governing complaints about special education programs are found at California Code of Regulations, title 5, sections 3200 to 3205, inclusive.
2. Child nutrition programs established pursuant to Education Code sections 49490 to 49590, inclusive. The federal regulations governing complaints about child nutrition programs are found at Code of Federal Regulations, title 7, sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n) and 250.15(d). The state regulations governing complaints about child nutrition programs are found at California Code of Regulation, title 5, sections 15580 to 15584.
3. 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. Complaints regarding these subjects shall be investigated and resolved in accordance with Administrative Regulation 1312.4 – Williams Uniform Complaint Procedures.

UNIFORM COMPLAINT PROCEDURES (continued)

4. Employment related discrimination, harassment, or related retaliation. Complaints regarding these subjects shall be investigated and resolved in accordance with either Board Policy 4030 – Nondiscrimination in Employment or Administrative Regulation 4119.12 – Title IX Sexual Harassment Complaint Procedures, as appropriate.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to the District's UCP, unless otherwise agreed to by separate interagency agreements:

1. Allegations of child abuse or neglect shall be referred to County Department of Social Services (DSS), Protective Services Division, or appropriate law enforcement agency.
2. Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to the Department of Social Services (DSS).
3. Where appropriate, employment discrimination complaints shall be referred to the California Department of Fair Employment and Housing (DFEH). The complainant shall be notified in writing, in a timely manner of any DFEH transferal.

Notice of Uniform Complaint Procedures

The District shall ensure annual dissemination of written notice of its UCP to students, employees, parents/guardians, school and District advisory committees' members, appropriate private school officials or representatives, and other interested parties.

The notice shall:

1. Include the title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known;
2. Advise of the opportunity to appeal the District's Investigation Findings¹ to the CDE, except when the District has used its UCP to address a complaint not subject to its UCP;
3. Advise of any civil law remedies that may also be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable, and of the right to appeal pursuant to Education Code section 262.3;
4. Include the information required by Education Code section 33315(a)(7); and

¹ Note that California Code of Regulations, title 5, sections 4600 et al., uses the term "Investigation Report." For purposes of this policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures, "Investigation Report" and "Investigation Findings" are synonymous.

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5. Include information regarding the requirements of Education Code sections 49010 to 49013, inclusive, relating to pupil fees.

The District's UCP shall be posted in all District schools and offices, including staff lounges and student government meeting rooms, as well as the District's website. Copies of the UCP shall be available free of charge.

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

Training

The District shall ensure that all employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaint 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, bullying or related retaliation, applicable standards for reaching decisions on complaints, and appropriate corrective measures.

Maintenance of Complaints and Investigation Files

The Legal Compliance Specialist or designee shall maintain a record of each complaint received. The record shall also document subsequent related actions, including steps taken during the investigation and all information required for compliance with Title 5 of the California Code of Regulation sections 4631 and 4633.

Legal References:

EDUCATION CODE

200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32280-32289 School safety plan, uniform complaint procedures
35186 Williams uniform complaint procedures
46015 Parental leave for students

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48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49014 Student fees
49060-49079 Student records, especially:
49069.5 Records of foster youth
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51222 Physical education, secondary schools
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52300-52462 Career technical education
52500-52616.24 Adult schools
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process; school plan for student achievement
65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

UNIFORM COMPLAINT PROCEDURES (continued)

11023 Harassment and discrimination prevention and correction
CODE OF REGULATIONS, TITLE 5

3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6576 Title I Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

UNIFORM COMPLAINT PROCEDURES (continued)

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedure 2020-21 Program Instrument
Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Family Policy Compliance Office: <https://www2.ed.gov/policy/gen/guid/fpc/>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

U.S. Department of Justice: <http://www.justice.gov>

Policy

adopted: September 8, 1992

revised: April 1, 1998

revised: July 1, 2002

revised: March 6, 2007

revised: March 5, 2013

revised: January 20, 2015

revised: December 13, 2016

revised: April 23, 2019

revised: September 3, 2019

revised: December __, 2020

ELK GROVE UNIFIED SCHOOL DISTRICT

Elk Grove, California