

Note: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR [4621](#) mandates districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR [4600-4670](#). Pursuant to 5 CCR [4610](#), the UCP must meet specified requirements for investigating and resolving complaints alleging (1) noncompliance with state and federal laws and regulations governing educational programs; (2) noncompliance with state law prohibiting the charging of student fees; and (3) unlawful discrimination (such as discriminatory harassment, intimidation, and bullying). Although some bullying incidents may not fall within the provisions of 5 CCR [4610](#), BP 5131.2 - Bullying strongly recommends that districts use the UCP to investigate all bullying incidents, regardless of whether there is an allegation of discriminatory bullying, to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation whether a student was bullied because of his/her actual or perceived membership in a legally protected class. After investigation, bullying incidents found to involve unlawful discrimination would then be resolved using the UCP. Districts that are concerned about the capacity of a single district compliance officer to handle a possible increase in the number of UCP complaints, or that prefer to handle certain incidents at the school site level whenever possible, may designate multiple compliance officers in accordance with the accompanying administrative regulation.

Note: Education Code [52075](#) mandates districts to adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan. For plan requirements, see BP/AR 0460 - Local Control and Accountability Plan. In addition, state law authorizes the use of the UCP to resolve complaints of noncompliance with laws related to accommodations for lactating students; educational rights of foster youth, homeless students, former juvenile court school students, and children of military families; assignment of students to courses without educational content; and physical education instructional minutes, as specified in items #3 and #6-9 below. Finally, a district should adopt policies and procedures implementing the use of the UCP to investigate and resolve complaints alleging retaliation in response to a complaint.

Note: The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code [234.1](#); and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.

Note: The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title II of the Americans with Disabilities Act (20 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC [2000d-2000e-17](#)), Title IX of the Education Amendments Act of 1972 (20 USC [1681-1688](#)), Section 504 of the Rehabilitation Act of 1973 (29 USC [794](#)), and the Age Discrimination Act of 1975 (42 USC 6101-6107). OCR has issued guidance describing federal requirements for discrimination complaint procedures. OCR requires such procedures to be "prompt and equitable." The factors OCR examines to evaluate each district's procedures are specified in the accompanying administrative regulation, including whether and how the procedures (1) provide notice of the procedures to the district's students, parents/guardians, and employees; (2) ensure adequate, reliable, and impartial investigation of complaints; (3) contain reasonably prompt timeframes for major stages of the complaint process; (4) provide notice to the complainant of the resolution of the complaint; and (5) provide an assurance that action will be taken to prevent recurrence of any discrimination found and to correct its effects.

Note: The following policy and accompanying administrative regulation reflect all components required by law and are consistent with CDE's Sample UCP Board Policies and Procedures and the FPM instrument. Additional details provided herein may help school districts and county offices of education during a compliance check by CDE or in the event that a CDE or OCR investigation occurs.

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages 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](#) and the accompanying administrative regulation.

Complaints Subject to the UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

Note: The FPM process includes a review of the district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. Item #1 lists all programs identified on the FPM instrument and should be revised to reflect the programs offered by the district. If the district does not list all such programs in its policy, it is required to comment in the FPM which programs and activities are not in operation.

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, After School Education and Safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code [64000\(a\)](#)

(cf. [3553](#) - Free and Reduced Price Meals)

(cf. [3555](#) - Nutrition Program Compliance)

(cf. [5131.62](#) - Tobacco)

(cf. [5148](#) - Child Care and Development)

(cf. [5148.2](#) - Before/After School Programs)

(cf. [5148.3](#) - Preschool/Early Childhood Education)

(cf. [6159](#) - Individualized Education Program)

(cf. [6171](#) - Title I Programs)

(cf. [6174](#) - Education for English Learners)

(cf. [6175](#) - Migrant Education Program)

(cf. [6178](#) - Career Technical Education)

(cf. [6178.1](#) - Work-Based Learning)

(cf. [6178.2](#) - Regional Occupational Center/Program)

(cf. [6200](#) - Adult Education)

Note: As amended by AB 699 (Ch. 493, Statutes of 2017), Education Code [200](#), [220](#), and [234.1](#) expressly include immigration status as a prohibited basis for discrimination in district programs and activities. See BP [0410](#) - Nondiscrimination in District Programs and Activities.

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the 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, 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 his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR [4610](#))

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code [222](#))

(cf. [5146](#) - Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR [4610](#))

(cf. [3260](#) - Fees and Charges)

(cf. [3320](#) - Claims and Actions Against the District)

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code [52075](#))

(cf. [0460](#) - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code [48853](#), [48853.5](#), 49069.5, [51225.1](#), [51225.2](#))

(cf. [6173.1](#) - Education for Foster Youth)

Note: As amended by AB 365 (Ch. 739, Statutes of 2017), Education Code [51225.1](#) and [51225.2](#) authorize the use of the UCP for any complaint alleging the district's noncompliance with specified educational rights of children of military families.

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC [11434a](#), a former juvenile court school student, or a child of a military family as defined in Education Code [49701](#) who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code [51225.1](#), [51225.2](#))

(cf. [6173](#) - Education for Homeless Children)

(cf. [6173.2](#) - Education of Children of Military Families)

(cf. [6173.3](#) - Education for Juvenile Court School Students)

8. Any complaint alleging district noncompliance with the requirements of Education Code [51228.1](#) and [51228.2](#) that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code [51228.3](#))

(cf. [6152](#) - Class Assignment)

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code [51210](#), [51223](#))

(cf. [6142.7](#) - Physical Education and Activity)

Note: 5 CCR [4621](#) mandates that district policy ensure that complainants are protected from retaliation as specified in item #10 below.

10. 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

Note: Pursuant to 5 CCR [4610](#), a district may, at its discretion, use the UCP to investigate and resolve other complaints.

11. Any other complaint as specified in a district policy

Note: 5 CCR [4631](#) authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. The following optional paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR 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.

Note: The following paragraph is mandated pursuant to 5 CCR [4621](#). Appropriate disclosure will vary in each case depending on the facts and circumstances.

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 he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [5125](#) - Student Records)

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the 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 related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

Note: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the district is ever investigated by OCR or CDE, these are important documents in demonstrating that the district has complied with federal law, state law, and its own policies and regulations.

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

(cf. [3580](#) - District Records)

Non-UCP Complaints

Note: 5 CCR [4611](#) details complaint issues that are not subject to the UCP. Such issues include, but are not limited to, allegations of child abuse, health and safety complaints regarding a child development program, allegations of fraud, and employment discrimination complaints.

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR [4611](#))

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Note: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR [11023](#), the district must establish an impartial and prompt process for addressing such complaints. In addition, 5 CCR [4611](#) requires that employment discrimination complaints be referred to the Department of Fair Employment and Housing (DFEH). See AR [4030](#) - Nondiscrimination in Employment for applicable complaint procedures.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.

Note: Education Code [35186](#) requires the district to use the UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code [35186](#) sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR [1312.4](#) - Williams Uniform Complaint Procedures for the separate procedure.

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 the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code [35186](#))

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[222](#) Reasonable accommodations; lactating students

Community Relations
Uniform Complaint Procedures

BP 1312.3

[8200-8498](#) Child care and development programs

[8500-8538](#) Adult basic education

[18100-18203](#) School libraries

[32280-32289](#) School safety plan, uniform complaint procedures

[33380-33384](#) California Indian Education Centers

[35186](#) Williams uniform complaint procedures

[44500-44508](#) California Peer Assistance and Review Program for Teachers

[48853-48853.5](#) Foster youth

[48985](#) Notices in language other than English

[49010-49013](#) Student fees

[49060-49079](#) Student records

49069.5 Rights of parents

[49490-49590](#) Child nutrition programs

[49701](#) Interstate Compact on Educational Opportunity for Military Children

[51210](#) Courses of study grades 1-6

[51223](#) Physical education, elementary schools

[51225.1-51225.2](#) Foster youth, homeless children, former juvenile court school students, and military-connected 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

[52160-52178](#) Bilingual education programs

[52300-52462](#) Career technical education

Community Relations
Uniform Complaint Procedures

BP 1312.3

[52500-52616.24](#) Adult schools

[54000-54029](#) Economic Impact Aid

[54400-54425](#) Compensatory education programs

[54440-54445](#) Migrant education

[54460-54529](#) Compensatory education programs

[56000-](#) 56865 Special education programs

[59000-59300](#) Special schools and centers

[64000-64001](#) Consolidated application process

GOVERNMENT CODE

[11135](#) Nondiscrimination in programs or activities funded by state

[12900-12996](#) Fair Employment and Housing Act

HEALTH AND SAFETY CODE

[104420](#) Tobacco-Use Prevention Education

PENAL CODE

[422.55](#) Hate crime; definition

[422.6](#) Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

[11023](#) Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

[3080](#) Application of section

[4600-4687](#) Uniform complaint procedures

[4900-4965](#) Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

Community Relations
Uniform Complaint Procedures

BP 1312.3

[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 basic programs

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

7101-[7184](#) Safe and Drug-Free Schools and Communities Act

[7201-7283g](#) Title V promoting informed parental choice and innovative programs

[7301-7372](#) Title V rural and low-income school programs

12101-12213 Title II equal opportunity for individuals with disabilities

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

[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:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

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: <http://familypolicy.ed.gov>

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

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

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