

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 1312.3

ADOPTED: 2/24/03

CLASSIFICATION: Community Relations

**REVISED: 6/28/06
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5/27/14
9/22/14
5/23/16
3/18/19
6/27/22**

SUBJECT: Uniform Complaint Procedures

The County Board of Education and County Superintendent recognize that the Ventura County Office of Education (VCOE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing its educational programs. The County Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the County Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and incorporates any related procedures approved by the County Superintendent.

COMPLAINTS SUBJECT TO UCP

According to state and federal codes and regulations, the programs and activities subject to the Uniform Complaint Procedure (UCP) are:

- Accommodations for pregnant and parenting students (Education Code 46015)
- Adult Education Programs (Education Code 8500-8538, 52334.7, 52500-52617)
- After School Education and Safety (Education Code 8482-8484.65)
- Agricultural Career Technical Education (Education Code 52460-52462)
- Career Technical and Technical Education; Career Technical and Technical Training Programs (Education Code 52300-52462)
- Child Care and Development (Education Code 8200-8488)
- Compensatory Education (Education Code 54400)
- Consolidated Categorical Aid Programs (Education Code 33315; 34 CFR 299.10-299.12)
- Course Periods without Educational Content (Education Code 51228.1-51228.3)
- Discrimination, harassment, intimidation, or bullying in VCOE programs and activities, including in those programs or 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 11135, 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)

- Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
- Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
- Local Control and Accountability Plans (LCAP) (Education Code 52075)
- Migrant Education (Education Code 54440-54445)
- Physical Education Instructional Minutes (Education Code 51210, 51222, 51223)
- Reasonable Accommodations to a Lactating Student (Education Code 222)
- Regional Occupational Centers and Programs (Education Code 52300-52334.7)
- School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
- School Safety Plans (Education Code 32280-32289)
- School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
- State Preschool (Education Code 8207-8225)
- State preschool health and safety issues in license-exempt programs (Education Code 8212)
- Student Fees (Education Code 49010-49013)
- 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
- Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate including but not limited to:
 - American Indian Education Centers and Early Childhood Education Program Assessments
 - Bilingual Education
 - California Peer Assistance and Review Programs for Teachers
 - Child Nutrition
 - Economic Impact Aid
 - Special Education
 - Tobacco-Use Prevention Education

All complainants shall be protected from retaliation, and 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 identity of the complainant, and/or the subject of the complaint if different from the complainant, shall remain confidential when appropriate and as long as the integrity of the complaint process is maintained.

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent policies and procedures.

NON-UCP COMPLAINTS

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division, or the 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 VCOE 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 AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be referred to the County Superintendent for investigation using VCOE procedures, including the right to file the complaint with the California Department of Fair Employment and Housing.
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 VCOE is subject, or a physical safety concern that interferes with the VCOE's provision of FAPE shall be submitted to the California Department of Education (CDE). (5 CCR 3200-3205)
6. Any complaint alleging noncompliance of the COE'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 BP 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 VCOE's food service program shall be referred to the U.S. Department of Agriculture in accordance with BP 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 BP 1312.4 - Williams Uniform Complaint Procedures and applicable administrative regulations. (Education Code 35186)

Legal References:

Federal

20 USC 1221

20 USC 1232g

20 USC 1681-1688

20 USC 6301-6576

20 USC 6801-7014

28 CFR 35.107

29 USC 794

34 CFR 100.3

34 CFR 104.7

34 CFR 106.1-106.82

34 CFR 106.30

34 CFR 106.44

34 CFR 106.45

34 CFR 106.8

34 CFR 110.25

34 CFR 99.1-99.67

42 USC 11431-11435

42 USC 12101-12213

42 USC 2000d-2000e-17

Description

Application of laws

Family Educational Rights and Privacy Act (FERPA) of 1974

Title IX of the Education Amendments of 1972

Title I Improving the Academic Achievement of the Disadvantaged

Title III language instruction for limited English proficient and immigrant students

Designation of responsible employee and adoption of grievance procedures

Rehabilitation Act of 1973, Section 504

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

Designation of responsible employee for Section 504

Nondiscrimination on the basis of sex in education programs

Definitions

Response to notice of sexual harassment

Title IX sexual harassment complaint procedures

Designation of responsible employee and adoption of grievance procedures

Prohibition of discrimination based on age

Family Educational Rights and Privacy Act

McKinney-Vento Homeless Assistance Act

Equal opportunity for individuals with disabilities

Title VI and Title VII Civil Rights Act of 1964, as amended

<u>Federal</u>	<u>Description</u>
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975
Management Resources	Description
California Department of Education Publication	Uniform Complaint Procedure 2020-21 Program Instrument
California Department of Education Publication	Sample UCP Board Policies and Procedures
U.S. DOE, Office for Civil Rights Publication	Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021
U.S. DOE, Office for Civil Rights Publication	Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
U.S. DOJ Publication	Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2007
Website	Student Privacy Policy Office
Website	U.S. Department of Justice
Website	U.S. Department of Education, Office for Civil Rights
Website	U.S. Department of Agriculture
Website	CSBA
Website	California Department of Social Services
Website	California Department of Fair Employment and Housing
Website	California Department of Education
<u>State</u>	<u>Description</u>
2 CCR 11023	Harassment and discrimination prevention and correction
5 CCR 15580-15584	Child nutrition programs complaint procedures

<u>State</u>	<u>Description</u>
5 CCR 3200-3205	Special education compliance complaints
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4680-4687	Williams uniform complaint procedures
5 CCR 4690-4694	Complaints regarding health and safety issues in license-exempt preschool programs
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 18100-18203	School libraries
Ed. Code 32280-32289	School safety plans
Ed. Code 35186	Williams uniform complaint procedures
Ed. Code 46015	Accommodations for pregnant and parenting students; parental leave
Ed. Code 48645.7	Juvenile court schools
Ed. Code 48853-48853.5	Foster youth
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 49010-49014	Student fees
Ed. Code 49060-49079	Student records
Ed. Code 49069.5	Records of foster youth
Ed. Code 49490-49590	Child nutrition programs
Ed. Code 49701	Interstate Compact on Educational Opportunity for Military Children
Ed. Code 51210	Courses of study grades 1-6
Ed. Code 51222	Physical education
Ed. Code 51223	Physical education, elementary schools
Ed. Code 51225.1-51225.2	Exemption from local graduation requirements; acceptance of coursework
Ed. Code 51226-51226.1	Career technical education
Ed. Code 51228.1-51228.3	Course periods without educational content

<u>State</u>	<u>Description</u>
Ed. Code 52059.5	Statewide system of support
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52075	Complaint for lack of compliance with local control and accountability plan requirements
Ed. Code 52300-52462	Career technical education
Ed. Code 52500-52617	Adult schools
Ed. Code 54400-54425	Compensatory education programs
Ed. Code 54440-54445	Migrant education
Ed. Code 54460-54529	Compensatory education programs
Ed. Code 59000-59300	Special schools and centers
Ed. Code 64000-64001	Consolidated application process; school plan for student achievement
Ed. Code 65000-65001	School site councils
Ed. Code 8200-8498	Child care and development programs
Ed. Code 8500-8538	Adult basic education
Gov. Code 11135	Unlawful discrimination
Gov. Code 12900-12996	Fair Employment and Housing Act
H&S Code 1596.792	California Child Day Care Act; general provisions and definitions
H&S Code 1596.7925	California Child Day Care Act; health and safety regulations
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment
Cross References	
<u>Code</u>	<u>Description</u>
0410	Nondiscrimination In County Office Programs and Activities
0460	Local Control and Accountability Plan
1312.4	Williams Uniform Complaint Procedures
1312.4	Williams Uniform Complaint Procedures
5145.3	Nondiscrimination/Harassment

<u>Code</u>	<u>Description</u>
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.7-E(1)	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.71-E(2)	Title IX Sexual Harassment Complaint Procedures
9011	Disclosure Of Confidential/Privileged Information
9124	Attorney
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session