

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 1312.3

ADOPTED: 2/24/03

CLASSIFICATION: Community Relations

**REVISED: 6/28/06
11/26/07
05/27/14
09/22/14
05/23/16
03/18/19**

SUBJECT: Uniform Complaint Procedures

The Governing Board and Superintendent recognizes its role in developing policies to comply with applicable state and federal laws and regulations governing the Ventura County Office of Education's (VCOE) educational programs. The Governing Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Governing Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and incorporates any Superintendent-approved procedures implementing this policy.

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

- Adult Education
- After School Education and Safety
- Agricultural Career Technical 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; Career Technical; Technical Training (State)
- Career Technical Education (Federal)
- 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, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In A School District, and Pupils Of Military Families
- Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
- Local Control and Accountability Plans (LCAP)
- 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
- Tobacco-Use Prevention Education

The VCOE Uniform Complaint Procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any VCOE complaint alleging violation of applicable state or federal law or regulations governing adult education programs, after school education and safety programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, consolidated categorical aid programs, or any other implemented program which is listed in Education Code 64000(a)
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any person participating in VCOE 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, ethnic group identification, age, religion, marital, pregnancy, or 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
3. Any complaint alleging VCOE 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
4. Any complaint alleging VCOE noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, as defined in Education Code 49010
5. Any complaint, by or on behalf of any student who is a foster youth, alleging VCOE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the VCOE's educational liaison to the student, the award of credit for coursework satisfactorily completed in another public school, school transfer, or the grant of an exemption from any additional graduation requirements

6. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a or a former juvenile court school student and pupils in military families, as defined in Education Code 51225.2, alleging VCOE noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another public school or the grant of an exemption from any additional graduation requirements
7. Any complaint alleging VCOE noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student 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
8. Any complaint alleging VCOE noncompliance with the physical education instructional minutes requirements for students in elementary school
9. 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
10. Any other complaint as specified in a Governing Board policy or a Superintendent policy

All complainants shall be protected from retaliation and the confidentiality of the parties involved shall be protected as required by law.

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

NON-UCP COMPLAINTS

The following complaints shall not be subject to the VCOE's UCP but shall be referred to the specified agency:

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.
2. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the Superintendent's Williams Uniform Complaint Procedures shall be used to investigate and resolve 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.

Legal References:

EDUCATION CODE

200-262.4	Prohibition of discrimination
222	Reasonable accommodations; lactating students
8200-8498	Childcare and development programs
8500-8538	Adult basic education
18100-18203	School libraries
32289	School safety plan, uniform complaint procedure
35186	Williams uniform complaint procedure
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
51210	Courses of study grades 1-6
51223	Physical education, elementary schools
51225.1-51225.2	Foster youth and homeless children; course credits; graduation requirements
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
52300-52490	Career-technical education
52500-52616.24	Adult schools
52800-52870	School-based program coordination
54400-54425	Compensatory education programs
54440-54445	Migrant education
54460-54529	Compensatory education programs
56000-56867	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

PENAL CODE

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

CODE OF REGULATIONS, TITLE 5

3080	Application of section 4600-4671
4600 - 4687	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
6301-6577	Title I basic programs
6801-6871	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
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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
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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:

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

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

Dear Colleague Letter: Sexual Violence, April 2011

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/about/offices/list/ocr>

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