

COMMUNITY RELATIONS

Uniform Complaint Procedures

Background

This policy applies to the filing, investigation, and resolution of complaints (“Uniform Complaints”) alleging violations by the El Dorado County Office of Education (“EDCOE”) of federal or state law or regulations governing educational programs, including unlawful discrimination, harassment, intimidation, bullying, or retaliation. The Uniform Complaint Procedure applies to complaints against students, employees, and third parties.

What is a Uniform Complaint?

A complaint is a written and signed statement by a complainant alleging a violation of law (5 CCR § 4600). A complainant is:

1. Any individual, including a person's duly authorized representative or an interested third party;
2. A student or any individual who believes a student has been subjected to discrimination or who has witnessed or has knowledge of such discrimination;
3. A public agency; or
4. An organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying, and retaliation in programs and activities funded directly by the state or receiving any financial assistance from the state. (5 CCR § 4600.)

If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, EDCOE will assist the complainant in the filing of the complaint.

What Does a Uniform Complaint Cover?

EDCOE programs or activities that receive state or federal funding and are subject to a Uniform Complaint are (5 CCR § 4610):

1. Adult Education;
2. Consolidated Categorical Aid Programs;
3. Migrant Education;
4. Career Technical and Technical Education and Training Programs;
5. Child Care and Developmental Programs;
6. Child Nutrition Programs;
7. Special Education Programs; and
8. Federal School Safety Planning Requirements.

A uniform complaint may also be filed regarding:

1. Unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in EDCOE programs and activities, based on the person’s actual or perceived characteristics of:

- a. Race or ethnicity;
 - b. Color;
 - c. Ancestry;
 - d. Nationality;
 - e. National origin;
 - f. Ethnic group identification;
 - g. Age;
 - h. Religion;
 - i. Marital, pregnancy, or parental status;
 - j. Physical or mental disability;
 - k. Sex;
 - l. Sexual orientation;
 - m. Gender, gender identity, gender expression, or genetic information;
 - n. Any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55; or
 - o. Based on his/her/their association with a person or group with one or more of these actual or perceived characteristics.
2. Retaliation against a complainant, other participant in the complaint process, or anyone who has acted to uncover, report, or oppose any practice prohibited by discrimination laws, covered by this policy or SP 2400, including an individual who advocates on behalf of others, even though the individual may not fall within the group of individuals experiencing the prohibited discrimination (e.g.: an EDCOE employee advocating for a student with disabilities).
3. Complaints may be filed about discrimination in any academic, educational, extracurricular, athletic, or other program operated or sponsored by EDCOE, whether the program takes place on a school campus, on a school bus, during a school-sponsored field trip, or other off-campus events.
4. Noncompliance with:
- a. 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.
 - b. The prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.
 - c. The legal requirements related to the implementation of the local control and accountability plan.
 - d. Any legal requirement applicable to any foster youth student regarding placement decisions, the responsibilities of EDCOE'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.

- e. Any requirement applicable to any homeless student, as defined in 42 USC 11434a, 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.
- f. Any requirement applicable to any former juvenile court school students who transfer into an EDCOE program after his/her second year of high school, regarding the award of credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from Board-imposed graduation requirements.
- g. The requirements of Education Code 51228.1 and 51228.2 prohibiting 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.
- h. The physical education instructional minutes requirement for elementary school students.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to the process set forth in this policy unless these procedures are made applicable by separate interagency agreements (5 CCR § 4611):

1. Allegations of child abuse shall be referred to the El Dorado County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to the El Dorado County Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination complaints shall be sent to the California Department of Fair Employment and Housing.
4. Allegations of fraud shall be referred to the California Department of Education (CDE).

Responsibilities of the El Dorado County Office of Education

EDCOE is responsible for compliance with applicable state and federal laws and regulations. EDCOE is also responsible for addressing qualifying allegations of unlawful discrimination, harassment, intimidation, bullying, and retaliation. EDCOE will investigate qualifying complaints and seek to resolve those complaints in accordance with these procedures.

The identity of a complainant alleging discrimination, harassment, intimidation, bullying, and retaliation shall remain confidential, as appropriate. (5 CCR § 4621)

Where Can a Complaint Be Submitted?

The following compliance officers are the Superintendent’s designees and are responsible for receiving and investigating complaints and ensuring compliance with state and federal laws and regulations are (5 CCR § 4621):

Special Education
Executive Director, Special Services

Child Development and Nutrition
Executive Director, Child Development Programs and Services

Charter Programs
Executive Director, Charter Alternative Programs

Employment/Personnel/Title IX
Executive Director, Personnel Services

Address: 6767 Green Valley Road, Placerville, CA 95667
Phone Number: 530-622-7130

The Superintendent or designee shall ensure that employees responsible for compliance and/or investigations are knowledgeable about the laws and programs that he/she/they are assigned to investigate. EDCOE encourages the early, voluntary, informal resolution of complaints at the site level whenever possible.

Notification

EDCOE shall annually notify in writing our students, parents or guardians of our students, employees, advisory committees, appropriate private school officials or representatives, and other interested parties of this policy, by disseminating the UCP Annual Notice to all of the above required groups each school year.

Civil law remedies that may be available under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3. EDCOE's UCP Annual Notice shall be in English and in the primary language, pursuant to Education Code section 48985, or mode of communication of the recipient of the notice.

A copy of this UCP complaint policy shall be available free of charge.

Filing a Complaint

Except for complaints ("Williams Complaints") regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, any individual, public agency or organization may file a written complaint with the Superintendent or his or her designee alleging a matter which, if true, would constitute a violation by of federal or state law or regulation governing a program by EDCOE.

Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred.

A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, bullying, or retaliation) may be filed by a person who alleges that he/she/they personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, bullying, or retaliation. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant stating the reasons for such extension.

An investigation of a discrimination, harassment, intimidation, bullying, and retaliation complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

EDCOE prohibits any form of retaliation, intimidation, or harassment against any individual who files or otherwise participates in the filing of or investigation of a complaint of discrimination. Any individual who believes he/she/they have been subjected to retaliation may file a separate complaint under this procedure.

Complaint Investigation

Except for Williams Complaints, within 60 calendar days from the date of the receipt of the complaint, EDCOE shall conduct and complete an investigation of the complaint in accordance with these policies and procedures and prepare a written decision (Decision or Final Report). This time period may be extended by written agreement of the complainant. The investigation will:

1. Began immediately;
2. Be thorough, reliable, and impartial;
3. Include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations;
4. Include interviews of individuals who have knowledge relevant to the complaint, including, but not limited to, the complainant, the person who was the subject of the discrimination (if different), the person accused of discrimination, anyone who witnessed the reported discrimination, and individuals identified as having relevant information;
5. A review of any records, notes, memoranda, correspondence, or statements related to the discrimination; and
6. Additional appropriate investigative steps, as determined by EDCOE, such as visiting the location where the discrimination was alleged to have taken place.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint due to a lack of evidence to support the allegations.

Refusal by EDCOE to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Complaint Decision

The Superintendent or designee shall issue a Decision based on the outcome of the investigation. The Decision shall be in writing and sent to the complainant and/or target of the alleged discrimination within 60 calendar days from receipt of the complaint by the Superintendent or designee. The Decision will contain:

1. An explanation of EDCOE's investigative process;
2. The findings of fact based on the evidence gathered;
3. Conclusion of law;
4. Disposition of the complaint;
5. The rationale for such disposition;

6. Corrective or remedial actions, to address the discrimination and prevent retaliation or recurrence, if any are warranted;
7. Notice of the complainant's right to appeal EDCOE's Decision to the California Department of Education (CDE) within 15 calendar days; and
8. Procedures to be followed for initiating an appeal to the CDE.

If allegations of unlawful discrimination (such as discriminatory harassment, intimidation, bullying, or retaliation) are sustained, EDCOE will take steps to end the unlawful discrimination, prevent recurrence, and remedy the conduct's effect on the complainant and others, if appropriate.

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. A complainant alleging discrimination or harassment will not be asked to resolve the complaint directly with the alleged perpetrator. Nor is the Superintendent prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint. Any mediation between the parties is voluntary and must be supervised and the targeted individual will be advised that he/she/they have the right to terminate the informal resolution process at any time.

Appeals and Civil Law Remedies

The complainant has a right to appeal the Superintendent's Decision to the CDE by filing a written appeal within 15 days of receiving the LEA's Decision. The appeal must include a copy of the complaint filed with the LEA and a copy of the LEA's Decision.

Civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to complainants.

Legal References:

Government Code §§ 11135, 11138

34 Code of Federal Regulations §§ 300.510-511

California Code of Regulations Title 5 §§ 4600 et seq.

Education Code §§ 200, 220, 222, 262.3, 262.3(d), 4610, 35186, 48853, 48853.5, 49013, 49069.5, 51210, 51223, 51225.1-51225.2, 51228.3, 52075