

El Dorado County Board of Education Policy

COMMUNITY RELATIONS

BP 1312.3 - Uniform Complaint Procedures

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

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

1. Any complaint alleging EDCOE 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 EDCOE-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 EDCOE 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 EDCOE 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 EDCOE 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 EDCOE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the EDCOE'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 as defined in Education Code 51225.2, alleging EDCOE 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 EDCOE 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 EDCOE 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 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 EDCOE'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 Child care and development programs
- 8500-8538 Adult basic education
- 18100-18203 School libraries
- 32289 School safety plan, uniform complaint procedures
- 35186 Williams uniform complaint procedures
- 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
 4600-4687 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
 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
 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

First Reading: September 5, 2017

Second Reading:

Adoption:

Supercedes: Board Policy 1010 adopted June 10, 2014