

Community Relations**Uniform Complaint Procedures**

The Superintendent recognizes that the El Dorado County Office of Education (EDCOE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Superintendent encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Superintendent adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The Superintendent'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 laws or regulations governing any program subject to the UCP which is offered by EDCOE, including adult education programs; American Indian education centers and early childhood education program assessments; state career technical and technical education, career technical, and technical training programs; child nutrition programs; compensatory education; consolidated categorical aid programs; the federal Every Student Succeeds Act; school safety plans; special education programs; California State Preschool Programs; Tobacco-Use Prevention Education programs; and any other implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000.
2. Any complaint, by a student, employee, or other person participating in an EDCOE program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in EDCOE programs and activities, including in 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 the person's 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 requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete graduation requirements.

5. Any complaint alleging EDCOE noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.
6. Any complaint alleging EDCOE noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians.
7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding.
8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any requirement applicable to the 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, district, or country; school or records transfer; or the grant of an exemption from EDCOE-imposed graduation requirements.
9. Any complaint, by or on behalf of a student who transfers into EDCOE after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in and EDCOE program, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from EDCOE-imposed graduation requirements.
10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging EDCOE noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country.
11. Any complaint alleging 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.
12. Any complaint alleging EDCOE noncompliance with the physical education instructional minutes requirement for students in elementary school.
13. 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.

The Superintendent 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.

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

When an allegation that is not subject to UCP is included in a UCP complaint, EDCOE 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 EDCOE's UCP.

The Superintendent or designee shall provide training to EDCOE staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to EDCOE'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 Protective Services Division and the appropriate law enforcement agency.
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.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by EDCOE in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

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, teacher vacancies and misassignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

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
46015 Parental leave for students
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49014 Student fees
49060-49079 Student records, especially:
49069.5 Records of foster youth
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, military-connected students, migrant students, and newly arrived immigrant 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
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; school plan for student achievement
65000-65001 School site councils
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act
HEALTH AND SAFETY CODE
1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations
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 Applicability of uniform complaint procedures to complaints regarding students with disabilities
4600-4670 Uniform complaint procedures
4680-4687 Williams 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
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged
6801-7014 Title III language instruction for limited English proficient and immigrant students
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
12101-12213 Title II equal opportunity for individuals with disabilities
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

Approved: October 2019

Community Relations

Uniform Complaint Procedures

Except as the Superintendent or Governing Board may otherwise specifically provide in other El Dorado County Office of Education (EDCOE) policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in SP 1312.3.

Compliance Officers

The Superintendent designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating EDCOE's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure EDCOE compliance with law.

DEPUTY SUPERINTENDENT
(title)

EDUCATIONAL SERVICES
(unit or office)

6767 GREEN VALLEY ROAD, PLACERVILLE
(address)

(530) 295-2271
(telephone number)

KMONSMA@EDCOE.ORG
(email)

The compliance officer who receives a complaint may assign another compliance officer or designee to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer or designee is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until EDCOE issues its final written decision, whichever occurs first.

Notifications

EDCOE's UCP policy and administrative regulation shall be posted in all EDCOE schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of EDCOE's UCP to students, employees, parents/guardians of EDCOE students, EDCOE advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that the EDCOE is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of EDCOE's educational program, including curricular and extracurricular activities
4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred
5. A statement that EDCOE will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the EDCOE, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints
7. A statement that complaints will be investigated in accordance with EDCOE's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
8. A statement that the complainant has a right to appeal the EDCOE's decision to CDE by filing a written appeal, including a copy of the original complaint and the EDCOE's decision, within 15 days of receiving the EDCOE's decision
9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or

federal antidiscrimination laws, if applicable

10. A statement that copies of the EDCOE's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the EDCOE web site.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in EDCOE's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular EDCOE school speak a single primary language other than English, EDCOE's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, EDCOE shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, EDCOE staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging EDCOE violation of applicable state or federal law or regulations governing the programs specified in the accompanying Superintendent's policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against 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. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that 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 setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation,

or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit EDCOE's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the EDCOE shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. Mediation shall 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 an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend EDCOE's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then EDCOE shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, EDCOE shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide EDCOE's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide EDCOE's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, EDCOE shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of EDCOE to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Final Decision

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of EDCOE's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the County Superintendent of Schools.

The Superintendent will consider the matter in order to meet the 60-day time limit within which the complaint must be answered. The Superintendent may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Superintendent hears the complaint, the compliance officer shall send the Superintendent's decision to the complainant within 60 calendar days of EDCOE's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent EDCOE's final written decision, and, in the same manner as the complainant, may file a complaint with the Superintendent if dissatisfied with the decision.

Final Written Decision

For all complaints, EDCOE's final written decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. The manner in which the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
- b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
- c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

6. Notice of the complainant's and respondent's right to appeal the EDCOE's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of EDCOE's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code 48985. In all other instances, EDCOE shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of EDCOE's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions may include, but are not limited to, actions to reinforce EDCOE policies; training for faculty, staff, and students; updates to superintendent policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent shall take appropriate

disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

EDCOE may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that EDCOE does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the Superintendent shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the superintendent shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with EDCOE's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving EDCOE's decision. (5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and how the facts of EDCOE's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of EDCOE's decision in that complaint. (5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with EDCOE's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

Upon notification by CDE that EDCOE's decision has been appealed, the Superintendent or designee shall forward the following documents to CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by EDCOE, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the EDCOE's UCP
7. Other relevant information requested by CDE

Approved: October 2019

All Personnel

Travel Reimbursements

EDCOE may require or allow employees to travel or attend conferences as part of their work duties in service to EDCOE. Travel regulations apply uniformly to the Superintendent of Schools, members of the Personnel Commission and employees. This policy serves to provide clarity for the travel expenses EDCOE will fund and those expenses which are considered to be the personal responsibility of the employee. These regulations provide the necessary elements for an Accountable Plan as required by the Internal Revenue Service (IRS).

An accountable plan is one that has a business connection, requires the employee to substantiate expenses within a reasonable time, and requires the return of any excess advanced amounts. According to IRS regulations, accountable plan payments are not wages and are not subject to FICA, FUTA, or federal income tax withholding. However, non-accountable plan payments are considered wages and are subject to FICA, FUTA, and federal income tax withholding.

Primary Work Site

Primary work site is defined as the general vicinity of the employee's principal place of assigned work regardless of their place of residence. An employee may have multiple primary work sites if part of a regular assignment. Employees assigned to other regions in California who have multiple work locations will use their residence as a primary work site.

Method of Reimbursement

A. Travel Expense Claim Form

If travel is necessary during the normal workday of the employee and involves no cost to the County Office other than employee salary, mileage, and/or registration costs, the Superintendent or employees designated by the Superintendent for such purposes may authorize travel.

1. Mileage

Employees who use their own vehicles in the conduct of business on behalf of the County Office shall maintain at least the California minimum liability insurance. We recommend that employees carry a minimum of \$100,000 in liability insurance.

The employee's insurance will be considered the primary source in seeking a liability claim, and the County Office will assume, as a secondary source, any liability costs that exceed the employee's required insurance coverage.

Employees performing authorized travel involving the use of their own vehicle shall be reimbursed for mileage at the allowable IRS mileage reimbursement rate.

Employees shall be eligible for mileage reimbursement for travel that is necessary for the job and

- a. takes place between the first district/assignment and the final district/assignment before returning home
- b. for the circumstances when an employee is requested to proceed directly to a work site that is a longer distance from the employee's home than it is from the employee's home to the primary work site, the **difference** between the two distances may be claimed. Reimbursement for a longer distance may also apply when an employee is returning home from a work site that is a longer distance than the distance from the employee's primary work site to home.
- c. no travel reimbursement will be made when the distance to the initial work site or home from the final work site in a day is less than the distance to/from the primary work site.

2. Meals

- a. Meals with an overnight stay

Actual meal expenses are reimbursable when the employee is authorized to attend a meeting or conference that requires an overnight stay.

The following will apply to all meal expense reimbursements:

- i. Reimbursement will be limited to the amounts prescribed herein.
- ii. No reimbursement will be made for alcoholic beverages.
- iii. If a meal is not taken; no amount may be claimed.
- iv. Tips are limited to 15% of the meal subtotal, before taxes.
- v. Reimbursement will not be made for a meal when that meal is included in a registration or conference.
- vi. Receipts are required
- vii. If the actual cost is less than the limitation prescribed herein, only the actual amount may be claimed. The intent of this policy is to provide reimbursements for individual meals to employees during approved overnight travel. In the event some meal(s) fall below the maximum amount and the employee is eligible for another meal during the same travel period, the remaining amount may be added to another meal. In this case only, no individual meal may exceed \$36 (including tax and tip).

Reimbursements for meals and incidental expenses will be limited to the maximum rates as established by the US General Services Administration (GSA). A current list of rates is available from the Internal Business department. Where a location is not specified for reimbursement, the following approved maximum rates apply and include the meal, taxes and tip:

Breakfast	\$15.00
Lunch	\$16.00
Dinner	\$28.00
Incidentals	\$5.00

Pro-rata reimbursement of meals when the employee is on the **first** day of overnight travel is as follows:

Event	Cost	Requirements
Breakfast	Actual expense up to \$15	Trip begins before 7:00 AM
Lunch	Actual expense up to \$16	Trip begins before 11:00 AM
Dinner	Actual expense up to \$28	Trip begins before 7:00 PM

Pro-rata reimbursement of meals when the employee is on the **last** day of overnight travel is as follows:

Event	Cost	Requirements
Breakfast	Actual expense up to \$15	Trip ends after 7:00 AM
Lunch	Actual expense up to \$16	Trip ends after 11:00 AM
Dinner	Actual expense up to \$28	Trip ends after 7:00 PM

For out of state or international travel please contact the Internal Business department for guidelines.

b. Meals without an overnight stay:

When the authorized travel for business purposes does not involve an overnight stay, one of the following exceptions must be met in order to be reimbursed for meal(s):

- i. Reimbursements for meal expenses directly related to and necessary for attending business meetings or conventions of certain exempt organizations (including chambers of commerce, business leagues, trade or professional organizations) when attendance is required by the employer (IRS regulations section 1.274-2(d)(3)). Receipts must include the name of the organization as well as the purpose of the meeting or convention.
- ii. Reimbursements provided to employees while meeting with customers if it is directly related or associated to a substantial business discussion for a clear business reason in a clear business setting (IRS regulations section 1.274-2(c) and (d)). Receipts must include the name of the customer(s) and the specific topic of the meeting.

Event	Cost	Requirements
Breakfast	Actual expense up to \$15	Between 7:00 AM and 10:00 AM
Lunch	Actual expense up to \$16	Between 11:00 AM and 2:00 PM
Dinner	Actual expense up to \$28	Between 5:00 PM and 8:00 PM

iii. Same-Day Travel Allowance

Employees will receive a taxable flat allowance of \$20 when the following conditions are met:

- Travel does not require overnight stay; and

- One-way travel is 100 miles or more from their home or primary work sight, whichever is the starting place; or
- Workday exceeds 10 hours

When the travel is less than 100 miles but the workday exceeds 10 hours, the employee must submit a Non-Overnight Travel Form to their supervisor in order to obtain ~~prior~~ approval.

Receipts are not required for this allowance.

The following are ineligible for this allowance:

- Employees required to transport students as a regular function of their job responsibilities
- Any travel within El Dorado county and the contiguous counties

3. Registration Fees

Receipts are required

4. Incidentals

Incidentals may not be claimed on travel without an overnight stay and are limited to \$5.00 per day. Incidental expenses include tips for services such as porters and baggage handlers.

Incidentals do not include taxicab fares, lodging taxes, or the cost of telephone calls. Incidental expenses may not include personal expenses.

B. Conference Claim Form

If travel is to involve costs to the County Office other than mileage, registration costs or the employee salary while absent from the work location, a Conference Request Form shall be prepared by the employee and shall include a detailed cost estimate. Normally, all costs in conjunction with travel shall have been provided for in the County Office budget. Exceptions require the approval of the Superintendent or designee.

The Superintendent or designee shall be required to approve the Conference Request form as appropriate.

1. Registration

Registration fees are authorized

2. Conference Fees

Conference fees for specific events shall be reimbursed, excepting that costs of conference-sponsored or unsponsored activities which are essentially entertainment or non-business shall not be reimbursed.

3. Mileage

See section **A1**.

4. Meals

See section **A2**.

5. Banquets

A banquet breakfast, luncheon or dinner, which is an official part of a conference and for which there is a prescribed fee, may exceed a meal limitation amount as previously designated and may be reimbursed at actual cost.

6. Lodging

Lodging shall be reimbursed for authorized stay-over. If a spouse is in attendance, reimbursement shall not exceed the rate for single occupancy lodging. *Note: Please be aware that government employees may be entitled to a motel occupancy tax exemption.* The appropriate form should be part of the conference packet, and indication should be made on the Purchase Order.

Also, be aware that *government agencies may be entitled to a special government rate.* It is, however, the responsibility of the person booking the room to ask for the special rate.

7. Other Transportation

Economy, standard, tourist, or similar airfare rates are allowed. First class, business class, or similar airfare rates will be allowed only in emergency situations with prior approval of the County Superintendent or Deputy Superintendents. The option for use of taxis, car services, a private vehicle or air transportation or other mode may be allowed, except that the County Office shall make reimbursement for transportation resulting in the least cost to the County Office, considering all other costs. Tips for taxis, Uber, Lyft or any other car service are limited to 15%.

8. Advances

County Office funds may be issued in advance of travel for official business trips for employees and Personnel Commission members. Advances will be limited to no more than 75% of the total estimated expenses. An advance made shall be deducted from the subsequent travel claim. If an advance exceeds actual cost, the claimant shall file a claim showing amounts expended and reimburse the County Office for the excess amount expended and reimburse the County Office for the excess amount within 15 days after return from the trip. County Office personnel with outstanding advances will not be entitled to further advances until all previous advances have been cleared. Non-employees, such as parents or community members, may be authorized to perform travel as representatives of the County Office. Any expenses incurred as a result of non-employee travel shall have been budgeted by the County Office.

9. Incidentals

See section **A4**.

10. Credit Card Usage

If an employee has been issued a credit card for the El Dorado County Office of Education, it may be used for expenses while traveling. The above limitations and conditions apply. If the employee charges an unallowable expense or an expense in excess of the above limits, the employee will reimburse EDCOE for the difference at the time of submission of their final conference claim form.

C. Documentation Requirements

Whenever travel is properly authorized and costs are incurred, the employee shall be required to prepare a claim which shows in detail all expenditures incurred. Invoices or proof of payment shall also be provided and attached to the claim.

Necessary Invoices or Proof of Payment

Air Fare/Train Fare
Lodging
Registration
Conference Fees
Car Rentals

The claimant shall certify by signature that all amounts claimed were actual and necessary. Documentation must show the inclusive dates of each trip for which allowances are claimed and the times of departure and return. Time of departure and return means the time employee starts the trip, from office or home, and ends the trip, at office or home.

Each travel claim shall be approved by authorizing signature in order to qualify for payment. In the event any travel cost item is not covered by or exceeds this policy, the claim and item in question shall be referred to the County Superintendent or designee for specific approval with a statement of justification.

Revised: October 2019

Policy Approved: October 17, 2017

Legal Reference:

EDUCATION CODE

1096 Allowable expenses for attendance at organization meetings

1200 Traveling expenses

1201 Expenses for attendance at conventions

1942 Payment of travel expenses

CODE OF REGULATIONS, Title 5

17430 et seq. Travel expenses for County Superintendents of Schools and designated staff members

IRS REGULATION

Publication 5137 Government Fringe Benefits Guide

Publication 15-B Employers' Tax Guide to Fringe Benefits

Publication 535 Business Expenses

US GENERAL SERVICES ADMINISTRATION

Per diem rates for California

Students

Bullying

The Superintendent recognizes the harmful effects of bullying on student well-being, student learning, and school attendance and desires to provide a safe school environment that protects students from physical and emotional harm. No individual or group shall, through physical, written, verbal, visual, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel, or retaliate against them for filing a complaint or participating in the complaint resolution process.

The Superintendent or designee shall develop strategies for addressing bullying in El Dorado County Office of Education (EDCOE) schools with the involvement of students, parents/guardians, and staff. As appropriate, the Superintendent or designee may also collaborate with social services, mental health services, law enforcement, courts, and other agencies and community organizations in the development and implementation of effective strategies to promote safety in schools and the community.

Such strategies shall be incorporated into the comprehensive safety plan and, to the extent possible, into the local control and accountability plan and other applicable EDCOE and school plans.

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and EDCOE's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

52060-52077 Local control and accountability plan

PENAL CODE

422.55 Definition of hate crime

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

Approved: October 2019

Students**Bullying**

Definitions

Bullying is an unwanted, aggressive behavior that involves a real or perceived imbalance of power between individuals with the intent to cause emotional or physical harm. Bullying can be physical, verbal, or social/relational and involves repetition or potential repetition of a deliberate act.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images. Cyberbullying also includes breaking into another person's electronic account or assuming that person's online identity in order to damage that person's reputation.

Examples of the types of conduct that may constitute bullying and are prohibited by EDCOE include, but are not limited to:

1. Physical bullying that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
2. Verbal bullying that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
3. Social/relational bullying that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
4. Cyberbullying, such as sending demeaning or hateful text messages or emails, sending rumors by email or by posting on social networking sites, or posting embarrassing photos, videos, web site, or fake profiles

Measures to Prevent Bullying

The Superintendent or designee shall implement measures to prevent bullying in EDCOE schools, including, but not limited to, the following:

1. Ensuring that each school establishes clear rules for student conduct and implements strategies to promote a positive, collaborative school climate
2. Providing to students, through student handbooks and other age-appropriate means, information about district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying
3. Encouraging students to notify school staff when they are being bullied or when they suspect that another student is being bullied, and providing means by which students may report threats or incidents confidentially and anonymously
4. Conducting an assessment of bullying incidents at each school and, if necessary, increasing supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and cafeterias
5. Annually notifying EDCOE employees that, pursuant to Education Code 234.1, any school staff who

witnesses an act of bullying against a student has a responsibility to immediately intervene to stop the incident when it is safe to do so

Staff Development

The Superintendent or designee shall make the California Department of Education's online training module on the dynamics of bullying and cyberbullying, which includes the identification of bullying and cyberbullying and the implementation of strategies to address bullying, available annually to all certificated staff and to other employees who have regular interaction with students. (Education Code 32283.5)

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of EDCOE and its employees to prevent discrimination, harassment, intimidation, and bullying of EDCOE students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Student Instruction

As appropriate, EDCOE shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and conflict resolution skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

EDCOE shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

Students should be taught the difference between appropriate and inappropriate behaviors, how to advocate for themselves, how to help another student who is being bullied, and when to seek assistance from a trusted adult. As role models for students, staff shall be expected to demonstrate effective problem-solving and anger management skills.

To discourage cyberbullying, teachers may advise students to be cautious about sharing passwords, personal data, or private photos online and to consider the consequences of making negative comments about others online.

Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3 -

Uniform Complaint Procedures. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report such observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the EDCOE compliance officer identified in AR 1312.3.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

Discipline/Corrective Actions

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with Superintendent policies and regulations.

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

If any student involved in bullying exhibits warning signs of suicidal thought or intention or of intent to harm another person, the Superintendent or designee shall, as appropriate, implement EDCOE intervention protocols which may include, but are not limited to, referral to EDCOE or community mental health services, other health professionals, and/or law enforcement.

Approved: October 2019