UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing 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 shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)

   (cf. 3553 - Free and Reduced Price Meals)
   (cf. 3555 - Nutrition Program Compliance)
   (cf. 5141.4 - Child Abuse Prevention and Reporting)
   (cf. 5148 - Child Care and Development)
   (cf. 6159 - Individualized Education Program)
   (cf. 6171 - Title I Programs)
   (cf. 6174 - Education for English Language Learners)
   (cf. 6175 - Migrant Education Program)
   (cf. 6178 - Career Technical Education)
   (cf. 6178.1 - Work-Based Learning)
   (cf. 6178.2 - Regional Occupational Center/Program)
   (cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any person, based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression or the perception of one or more of such characteristics; or association with a person or a group with one or more of these actual or perceived characteristics, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610)

   (cf. 0410 - Nondiscrimination in District Programs and Activities)
   (cf. 4030 - Nondiscrimination in Employment)
   (cf. 4031 - Complaints Concerning Discrimination in Employment)
   (cf. 5145.3 - Nondiscrimination/Harassment)
3. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)
(cf. 3320 - Claims and Actions Against the District)

4. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

5. 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

6. Any other complaint as specified in a district policy

The Board 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 agreeable to all parties. One type of ADR is mediation, which 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.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

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

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

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district'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, the County 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 employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.

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

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, 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. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
UNIFORM COMPLAINT PROCEDURES (continued)

8500-8538  Adult basic education
18100-18203  School libraries
32289  School safety plan, uniform complaint procedures
35186  Williams uniform complaint procedures
48985  Notices in language other than English
49010-49013  Student fees
49060-49079  Student records
49490-49590  Child nutrition programs
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
UNIFORM COMPLAINT PROCEDURES (continued)

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

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

WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.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

Policy
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NEWPORT-MESA UNIFIED SCHOOL DISTRICT
Costa Mesa, California