

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 early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts 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 to resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal laws 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, and any other district-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 student, employee, or other person participating in district 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 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 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 district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in education activities
5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan
6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district'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
7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student 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
8. Any complaint, by or on behalf of a former juvenile courts school student who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student 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

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9. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course the student has previously satisfactorily completed, without meeting specified conditions
10. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school
11. 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
12. 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. 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.

The district 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 he/she is 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 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.

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

Non-UCP Complaints

The following complaints shall not be subject to the district'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 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.

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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.

Legal Reference:

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, homeless children, and former juvenile court school students; 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
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 2

11023	Harassment and discrimination prevention and correction
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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
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1232g	Family Educational Rights and Privacy Act
1681-1688	Title IX of the Education Amendments of 1972
6301-6577	Title I basic programs
6801-7014	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
<u>UNITED STATES CODE, TITLE 29</u>	
794	Section 504 of Rehabilitation Act of 1973
<u>UNITED STATES CODE, TITLE 42</u>	
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
<u>CODE OF FEDERAL REGULATIONS, TITLE 28</u>	
35.107	Nondiscrimination on basis of disability; complaints
<u>CODE OF FEDERAL REGULATIONS, TITLE 34</u>	
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
<u>CODE OF FEDERAL REGULATIONS, TITLE 34</u>	
106.8	Designation of responsible employee for Title IX
106.9	Notification of nondiscrimination on basis of sex
110.25	Notification of nondiscrimination on the basis of age

Management Resources:

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

Dear Colleague Letter: Title IX Coordinators, April 2015

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

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

Dear Colleague Letter: Sexual Violence, April 2011

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITESCSBA: <http://www.csba.org>California Department of Education: <http://www.cde.ca.gov>Family Policy Compliance Office: <http://familypolicy.ed.gov>U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>U.S. Department of Justice: <http://www.justice.gov>

Adopted:

Date: 10-26-92Revised: 10-9-95, 8-21-00, 11-19-01, 7-15-02, 6-16-03, 1-24-05, 7-10-06, 7-30-13, 10-13-15Revised: 10-10-17

Silver Valley Unified School District