

COMMUNITY RELATIONS

Uniform Complaint Procedures

As the primary employer for all San Joaquin County Office of Education (SJCOE) staff, it is the intent of the Superintendent to address and resolve any concerns and/or complaints in a prompt and equitable manner. The Superintendent recognizes that SJCOE is primarily responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. Complaints against SJCOE and/or an individual that alleges sexual harassment or resulting retaliation will be processed under 5145.7 – Sexual Harassment or AR 4031 – Complaints Concerning Discrimination in Employment. Any person or group having a legitimate interest in the programs and services of SJCOE shall have the right to present a request, suggestion, or complaint concerning personnel, programs, materials, or operations. At the same time, the Superintendent has a duty to protect staff from unnecessary harassment. The Superintendent encourages the early, informal resolution of complaints at the site level whenever possible. To resolve complaints which cannot be resolved through such informal process, the Superintendent adopts the uniform system of complaint processes specified in 5 CCR §'s 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging SJCOE violation of applicable state or federal law or regulations governing any program subject to the UCP which is offered by SJCOE, including:
 - Accommodations for pregnant and parenting pupils
 - Adult Education
 - After School Education and Safety
 - Agricultural Career Technical Education
 - Career Technical and Technical Education; Career Technical; Technical Training (State)
 - Career Technical Education (Federal)
 - Child Care and Development
 - Compensatory Education
 - Course periods without educational content
 - Education of pupils in Foster care, pupils who are homeless, former Juvenile Court pupils now enrolled in a school district, and pupils of military families
 - Every Student Succeeds Act / No Child Left Behind (Titles I–VII)
 - Local Control and Accountability Plans (LCAP)
 - Migrant Education
 - Physical Education instructional minutes
 - Pupil fees

- Reasonable accommodations to a lactating pupil
 - Regional Occupational Centers and Programs
 - School Plans for Student Achievement
 - School Safety Plans
 - School-Site Councils
 - State Preschool
 - State Preschool Health and Safety Issues in LEAs Exempt from licensing
2. Any complaint, by a student, employee, or other person participating in SJCOE programs or activities, alleging the occurrence of unlawful discrimination, harassment (except for sexual harassment), intimidation, or bullying against any person in SJCOE 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, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, gender non-conformance, gender stereotyping, or any other characteristic identified in Education Code §'s 200 or 220, Government Code § 11135, or Penal Code § 422.55, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.
 3. Any complaint alleging SJCOE 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 noncompliance with requirements to provide a pregnancy 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 state and SJCOE-program graduation requirements.
 5. Any complaint alleging noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.
 6. Any complaint alleging noncompliance with legal requirements of Education Code §'s 52060 – 52077 related to the implementation of the Local Control Accountability Plan (LCAP), including the development of an LCAP 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.

8. Any complaint, by or on behalf of any student who is a foster youth, alleging noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the SJCOE'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 graduation requirements.
9. Any complaint, by or on behalf of a student who transfers into SJCOE programs after the second year of high school and is a homeless child or youth as defined in 42 USC § 11434(a), a former juvenile court school student currently enrolled in an SJCOE programs, a child of a military family as defined in Education Code § 49701, or a migrant student participating in a newcomer program as defined in Education Code § 51225.2 in the third or fourth year of high school, alleging grant of an exemption from graduation requirements.
10. Any complaint alleging noncompliance with the requirements of Education Code §'s 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.
11. Any complaint alleging noncompliance with the physical education instructional minutes requirement for students in elementary school.
12. 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.
13. Any other complaint as specified in a SJCOE 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 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.

SJCOE 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 subjects 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 the UCP is included in a UCP complaint, SJCOE 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 SJCOE UCP.

The Superintendent or designee shall provide training to staff to ensure awareness and knowledge of current laws 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 action, including steps taken during the investigation and all information required for compliance with 5 CCR §'s 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the SJCOE 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 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 Protective Services Division, 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 SJCOE 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.

In addition, SJCOE Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials.
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff.
3. Teacher vacancies and misassignments.
4. Health and safety violations in any license-exempt California State Preschool Program.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
222 Reasonable accommodations; lactating students
8200-8498 Childcare and development programs
8500-8538 Adult basic education
18100-18203 School libraries
33380-33384 California Indian Education Centers
32289 School safety plan, uniform complaint procedure
35186 Williams uniform complaint procedure
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
49010-49013 Student fees
49060-49079 Student records
49069.5 Rights of parents
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
51228.1-51228.3 Course periods without educational content
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan
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 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 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
6301-6577 Title I Improving the Academic Achievement of the Disadvantaged
6801-6871 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