

**UNIFORM COMPLAINT PROCEDURES**

The Yolo County Board of Education and County Superintendent of Schools recognize that the Yolo County Office of Education is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The County Office shall investigate complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying, noncompliance with laws relating to pupil fees for participation in an education activity and noncompliance with laws relating to the Local Control and Accountability Plan (LCAP) and shall seek to resolve those complaints in accordance with the county's uniform complaint procedures. (5 CCR 4620)

The County Office shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, ethnic group identification, race, ethnicity, ancestry, national origin, religion, color, marital or parental status, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any County Office program or activity that receives or benefits from state financial assistance. (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs. (5 CCR 4610)

*(cf. 0410 - Nondiscrimination in County Office Programs and Activities)*

*(cf. 1312.1 - Complaints Concerning County Office Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

*(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. 6200 - Adult Education)*

Complaints 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, and teacher vacancies and misassignments shall be investigated pursuant to the County Office's Williams uniform complaint procedure (AR 1312.4).

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

The County Board encourages the early, informal resolution of complaints at the site level whenever possible.

The County Board and County Superintendent acknowledge and respect every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the County Superintendent or designee, on a case-by-case basis.

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

The County Board and County Superintendent prohibit any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The County Board and County Superintendent recognize that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the County Superintendent shall initiate that process. The County Superintendent shall ensure that the results are consistent with state and federal laws and regulations.

Complaints related to the LCAP or pupil fees may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of Education Code 52060 through 52071 or laws relating to pupil fees.

An LCAP complainant not satisfied with the decision of the county superintendent of schools, or charter school may appeal the decision to the Superintendent of Public Instruction and shall receive a written appeal decision within 60 days of the Superintendent's receipt of appeal.

If the County Superintendent, or charter school finds merit in an LCAP or pupil fees complaint, or the County Superintendent finds merit in an appeal, the County Superintendent or charter school shall provide a remedy to all affected pupils, parents, and guardians.

In the case of pupil fees reasonable and good faith efforts will be made to ensure full reimbursement to all affected pupils, parents, and guardians who paid a pupil fee within one year prior to the filing of the complaint (5 CCR 4600 u), subject to procedures established through regulations adopted by the state board (EC 49013 (d), 52075 (d)) A pupil fees complaint may be filed with the principal of a school, may be filed anonymously and shall be

filed no later than one year from the date the alleged violation occurred. (EC 49013(a); 5CCR 4630(c)(2))

*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  
32289 School safety plan, uniform complaint procedure  
35186 Williams uniform complaint procedure  
41500-41513 Categorical education block grants  
48985 Notices in language other than English  
49060-49079 Student records  
49490-49590 Child nutrition programs  
52075 Complaints Local Control Accountability Plans  
52160-52178 Bilingual education programs  
52300-52490 Career-technical education  
52500-52616.24 Adult schools  
52800-52870 School-based coordinated programs  
54000-54028 Economic impact aid programs  
54100-54145 Miller-Unruh Basic Reading Act  
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

PENAL CODE

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

6301-6577 Title I basic programs  
6601-6777 Title II preparing and recruiting high quality teachers and principal  
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

*Management Resources:*

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/offices/OCR>

**UNIFORM COMPLAINT PROCEDURES**

**Filing, Investigation, and Resolution Procedures**

This procedure applies to the filing, investigation and resolution of a complaint regarding an alleged violation by the Yolo County Office of Education of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation or bullying, noncompliance with laws relating to pupil fees for participation in an education activity and noncompliance with laws relating to the Local Control and Accountability Plan (LCAP).

In compliance with Education Code 48985, these procedures have also been translated into and are available in Spanish.

**Purpose and Scope of Complaint Procedure**

This procedure applies to the filing, investigation and resolution of a complaint regarding an alleged violation of federal or state laws or regulations governing the following educational programs:

1. Basic Education established pursuant to Education Code 8500 through 8538 and 52500 through 52616.5;
2. Consolidated Categorical Aid Programs as listed in Education Code 64000 (a);
3. Migrant Education established pursuant to Education Code 54440 through 54445;
4. Vocational Education established pursuant to Education Code 52300 through 52480;
5. Child Care and Development programs established pursuant to Education Code 8200 through 8493;
6. Child Nutrition programs established pursuant to Education Code 49490 through 49560; and
7. Special Education programs established pursuant to Education Code 56000 through 56885 and 59000 through 59300.
8. Complaints which allege unlawful discrimination on the basis of ethnic group identification, ethnicity, religion, age, sex, color, marital or parental status or physical or mental disability, in any program or activity conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.
9. Alternative Education programs established pursuant to Education Code 1900 et seq. and 52300 et seq.

## **UNIFORM COMPLAINT PROCEDURES** (continued)

AR 1312.3(b)

10. Instructional Materials section established pursuant to Education Code 200-262.3, 35146, 35160.5, 35203, 35204, 44932-44949, 56500-56506.
11. LCAP pursuant to Education Code 52060-52071.

This procedure does not apply to the following complaints which will be referred to the proper agency for investigation:

1. Allegations of child abuse or neglect shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Discrimination issues involving Child Nutrition Programs for Title IX of the Educational Amendments of 1972 shall be referred to the U.S. Office of Civil Rights (OCR). Title IX complainants will only be referred to the OCR if there is no state discrimination law or regulation at issue. Unless otherwise negotiated through a memorandum of understanding agreement, a preliminary inquiry and/or investigation concerning these complaints will be conducted by OCR. The complainant shall be notified by certified mail if his or her complaint is transferred to OCR by the Uniform Complaint Officer (Deputy Superintendent, Administrative Services).
4. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to 22 CCR 98410. The complainant shall be notified by certified mail of any DFEH transferrable.
5. Allegations of fraud shall be referred to the Uniform Complaint Officer who will investigate and refer the allegations to the proper agency, if appropriate.

### **Persons Who May File Complaint**

A complaint may be filed by any individual, including a person's duly authorized representative or an interested third party, public agency, or organization. Individuals who may file complaints include department employees, students, and parents or guardians.

A complaint filed pursuant to this procedure shall be filed with the Uniform Complaint Officer (Deputy/Associate Superintendent of Administrative Services) whose office is located at 1280 Santa Anita Court, Suite 100, Woodland, CA 95776 (form(s) may be obtained at this location).

**Retaliation; Confidentiality**

A complainant shall be protected from retaliation as a consequence of filing a complaint.

The identity of a complainant alleging discrimination, harassment, intimidation or bullying shall remain confidential, as appropriate.

**Complaint Officer**

The Uniform Complaint Officer (Deputy/Associate Superintendent of Administrative Services) or Superintendent Designee shall ensure that the County Office complies with the provisions of this procedure. The Uniform Complaint Officer shall be knowledgeable about the laws and programs that he or she is assigned to investigate. The Uniform Complaint Officer may appoint a designee to investigate the complaint.

**Filing a Complaint; Timelines**

For other than discrimination, harassment, intimidation, or bullying complaints, any individual, public agency or organization may file a written complaint with the Uniform Complaint Officer, alleging a matter which, if true, would constitute a violation by County Office of a federal or state law or regulation governing any of the programs listed above as covered by these regulations.

A written complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, or bullying or by one who believes an individual or any specific class of individuals has been subjected to prohibited discrimination, harassment, intimidation, or bullying. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be filed with the Uniform Complaint Officer, not later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. (EC § 234.1; 5 CCR §4360) If the complaint has not been filed in a timely manner, a complainant may file a written request for an extension of time for filing a complaint of unlawful discrimination, harassment, intimidation, or bullying with the State Superintendent of Public Instruction.

The Uniform Complaint Officer shall complete the following:

1. Notify the complainant whether or not the complaint is applicable to these regulations.

2. Provide the complainant with a copy of the County Office policy advising complainant of those instances when a complaint may be filed directly with the State Superintendent of Public Instruction.

**Yolo County Office of Education Investigation/Resolution of the Complaint**

Within 60 days from receipt of the complaint, the Uniform Complaint Officer shall complete an investigation of the complaint and prepare a written Yolo County Office of Education Decision. This time may be extended by written agreement of the complainant.

Each complaint shall be investigated by the Uniform Complaint Officer or designee who shall:

- a. Provide an opportunity for the complainant or complainant's representative or both, and the local educational representative, to present information or evidence relevant to the complaint either orally or by way of written documents. (5 CCR § 4631)

A complainant's refusal to provide the investigator with documents or other evidence related to allegations in the complaint, or 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 due to a lack of evidence to support the allegations. (5CCR 4631)

YCOE will 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. YCOE's failure or refusal to cooperate or engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

- b. Obtain statements from other individuals who were witnesses to the alleged violation or who can provide relevant information concerning the alleged violation.
- c. Review documents that may provide information relevant to the alleged violation.
- d. Prepare a written decision containing findings of fact based on the evidence gathered, conclusion of law and disposition of the complaint; corrective action, if any; rationale for the disposition of the complaint; notice of the complainant's right to appeal the decision by filing a written appeal with the State Superintendent of Public Instruction within 15 days of receiving the Yolo County Office of Education Decision; and procedures to be followed for initiating an appeal to the CDE. Appeals regarding Items 1 through 8 and Item 11 (under "Purposes and Scope of Complaint Procedure") can be made to the California Department of Education, and appeals regarding Items

9 and 10 can be made to the Yolo County Board of Education (EC §§ 234.1,52075©; 5 CCR § 4631).

The Uniform Complaint Officer shall provide a copy of the decision to the complainant.

**Civil Law Remedies**

Civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to complainants, under state or federal discrimination, harassment, intimidation or bullying laws. The administrative complaint process described in these procedures need not be exhausted before civil law remedies may be pursued.

A person who alleges that he or she is a victim of discrimination, however, may not seek civil remedies pursuant to their complaint until at least 60 days have elapsed from the filing of an appeal to the State Department of Education (5 CCR 4600-4687). The moratorium does not apply to injunctive relief and is applicable only if the local educational agency has appropriately, and in a timely manner, apprised the complainant of his or her right to file a complaint.

**Appeal to State Superintendent of Public Instruction for Items 1 through 8 and Item 11**

Any complainant(s) may appeal a Yolo County Office of Education Decision to the State Superintendent of Public Instruction. The complainant shall specify the reason(s) for appealing the Yolo County Office of Education Decision. The appeal shall include:

1. A copy of the complaint
2. A copy of the Yolo County Office of Education Decision

Upon notification by the State Superintendent of Public Instruction that the Yolo County Office of Education Decision has been appealed, the Uniform Complaint Officer shall forward the following to the State Superintendent:

1. The original complaint
2. A copy of the Yolo County Office of Education Decision
3. A summary of the nature and extent of the investigation conducted by the YCOE, if not covered in the Decision
4. A report of any action taken to resolve the complaint
5. A copy of this complaint procedure



6. Such other relevant information as the State Superintendent may require

**Appeal to the Yolo County Board of Education for Items 9 and 10**

Any complainant who wishes to appeal a decision for Items 9 and 10 (under “Purposes and Scope of Complaint Procedure”) may request time on the Yolo County Board of Education meeting agenda to present their appeal.

**Notice**

Notice of these YCOE complaint procedures that includes information regarding unlawful pupil fees and LCAP requirements shall be given annually to students, parents or guardians, employees, school and YCOE advisory committees, appropriate private school officials or representatives and other interested parties. (EC §234.1,49013,52075 (e );5 CCR § 4622)

Such notice shall be in writing or as necessary in the primary language or mode of communication of the recipient and shall state that copies of the uniform complaint procedures are available free of charge. The policy will also be posted on YCOE’s web site.