



Book	Board Policies and ARR
Section	1000 Community Relations
Title	Uniform Complaint Procedures
Code	1312.3 ARR
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These Uniform Complaint Procedures shall be used to investigate and resolve complaints alleging violations of federal or state laws as specified in BP 1312.3 and discussed herein.

I. Compliance Officer or Designee

The Sacramento County Office of Education (SCOE) has designated its Title IX Coordinator as its Compliance Officer to receive and investigate complaints and ensure SCOE's compliance with law: complianceofficer@scoe.net, 10474 Mather Boulevard, Mather, CA 95655, P.O. Box 269003, Sacramento, CA 95826-9003; (916) 228-2201.

The Compliance Officer or designee shall maintain a record of each complaint and subsequent related actions, as required by law, including all information required for compliance with California Code of Regulations, title 5, sections 4631 and 4633. (See, Ed. Code, § 234.1.) All complaints and responses are public records, unless otherwise provided by law.

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee. (Cal. Code Regs., tit. 5, § 4621.)

II. Notifications

The Superintendent or designee will annually disseminate a written notice of SCOE's Uniform Complaint Procedures (Annual Notice) to all pupils, employees, parents or guardians of its pupils,

school and SCOE advisory committee members, appropriate private school officials or representatives, and other interested parties as appropriate. The notice may be available on SCOE's website.

The Annual Notice will include the list of all federal and state programs within the scope of the UCP and information regarding allegations about discrimination, harassment, intimidation, or bullying. It will also include the title of the position whose occupant is responsible for processing complaints, and the identity(ies) of the person(s) currently occupying that position, if known and a statement that the occupant responsible for processing complaints is knowledgeable about the laws and programs they are assigned to investigate.

SCOE's Annual Notice shall be in English, and, when necessary, in the primary language of the pupils (if 15 percent or more of pupils enrolled in a particular school speak a single primary language other than English) or the mode of communication of the recipient of the notice. (Ed. Code, § 48985; Cal. Code Regs., tit. 5, § 4622.)

III. Scope of Uniform Complaint Procedures

- A. SCOE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Uniform Complaint Procedures will be used for any claim alleging noncompliance with laws relating to all programs and activities implemented by SCOE that are subject to the Uniform Complaint Procedures. All complainants are protected from retaliation.
- B. The Uniform Complaint Procedures shall be used to address complaints that allege that SCOE has violated federal or state laws or regulations governing academic and educational programs, including:
 1. Accommodations for pregnant and parenting pupils (Ed. Code, § 46015.)
 2. Adult education (Ed. Code, §§ 8500-8538, 52334.7, 52500-52616.4.)
 3. After school education and safety (Ed. Code, §§ 8482-8484.65.)
 4. Agricultural career technical education (Ed. Code, §§ 52460-52462.)
 5. Career technical and technical education; career technical; technical training (state) (Ed. Code, §§ 52300-52462.)
 6. Career technical education (federal) (Ed. Code, §§ 51226-51226.1.)
 7. Child care and development (Ed. Code, §§ 8200-8493.)
 8. Compensatory education (Ed. Code, § 54400.)
 9. Consolidated Categorical Aid Programs (Ed. Code, § 33315.)
 10. Course periods without educational content (Ed. Code, §§ 51228.1-51228.3.)
 11. Educational and graduation requirements for pupils in foster care, pupils who are homeless, current juvenile court school pupils, former juvenile court pupils now enrolled in a SCOE school, pupils of military families, pupil who is a migratory child, and pupil participating in a newcomer program (Ed. Code, §§ 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2.)
 12. Every Student Succeeds Act (20 U.S.C. § 6301 et seq.)
 13. Local control and accountability plans (LCAP) (Ed. Code, § 52075.)
 14. Migrant education (Ed. Code, §§ 54440-54445.)
 15. Physical education instructional minutes (Ed. Code, §§ 51210, 51223.)
 16. Pupil fees (Ed. Code, §§ 49010-49011.)

17. Reasonable accommodations to a lactating pupil (Ed. Code, § 222.)
18. Regional occupational centers and programs (Ed. Code, §§ 52300-52334.7.)
19. School plans for student achievement (Ed. Code, § 64001.)
20. School safety plans (Ed. Code, §§ 32280-32289.)
21. School site councils (Ed. Code, § 65000.)
22. State preschool (Ed. Code, § 8235-8239.1.)
23. State preschool health and safety issues in LEAs exempt from licensing (Ed. Code, §§ 8235.5, 33315; Health & Saf. Code, § 1596.7925.)
24. Any other state or federal educational programs the State Superintendent of Public Instruction (SSPI) or designee deems appropriate (Ed. Code, § 33315.)
25. Other complaints or concerns received regarding the operation of SCOE, at the discretion of the Superintendent or designee.[\[1\]](#)

c. SCOE will also use its Uniform Complaint Procedures when addressing allegations of:

1. Unlawful discrimination harassment, intimidation, retaliation, or bullying against any protected group on the basis of any actual or perceived characteristic in Education Code sections 200 and 220, Government Code section 11135, or Penal Code section 422.55 including: age, sex, sexual orientation, gender, gender identity, gender expression, genetic information, ethnicity, race, ancestry, national origin, immigration status, ethnic group identification, nationality, religion, color, or mental or physical disability; 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 program or activity conducted by an educational institution as defined in Education Code section 210.3 that is funded by, or receives or benefits from, any state financial assistance. (Cal. Code Regs., tit. 5, § 4610.)
2. Violations of SCOE Board Policies prohibiting discrimination, harassment, intimidation, or bullying in SCOE educational programs.

d. These Uniform Complaint Procedures may also be used to file complaints with SCOE or to appeal SCOE decisions that concern unlawful discrimination in SCOE's educational programs under federal law, including:

1. Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990 (ADA) for charges of discrimination based on physical or mental disability.
2. Title IX of the Education Amendments of 1972 for charges of discrimination based on sex, including charges of sexual harassment.

e. The following complaints are not subject to SCOE's Uniform Complaint Procedures:

1. Allegations of child abuse shall be referred to the applicable County Department of Child Protective Services or to the appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to the Sacramento County Department of Health and Human Services for licensed facilities and to the appropriate Child Development regional administrator for licensing exempt facilities.
3. Allegations of unlawful employment discrimination shall be resolved in accordance with SCOE's employee complaint resolution procedures in SP 1006 and SP 1006.1 and may be filed with the State Department of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in CDE.

IV. Procedures

A. Step 1: Filing of Complaint

1. Any individual, public agency, or organization may file a written complaint of alleged noncompliance with federal or state laws or regulations governing educational programs, as set forth above.

Except as stated below, the complaint shall be presented to SCOE's Compliance Officer or designee not later than one year from the date the alleged violation occurred unless otherwise provided by law. The Compliance Officer shall maintain a log of complaints received, including the date of receipt.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, SCOE staff shall assist the complainant in the filing of the complaint. (Cal. Code Regs., tit. 5, § 4600.)

2. Unlawful Discrimination, Harassment, Intimidation, Retaliation, and Bullying. A complaint concerning unlawful discrimination, harassment, intimidation, retaliation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, retaliation, or bullying; or by a person who believes that an individual or specific class of individuals has been subjected to it; or by a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (Cal. Code Regs., tit. 5, § 4630)

When the complainant or the alleged victim requests confidentiality, the Compliance Officer shall inform the requester that the request may limit SCOE's ability to investigate or take other necessary action. SCOE will, nevertheless, take all reasonable steps to investigate and respond to the complaint to the extent possible.

A complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, retaliation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, retaliation, or bullying. However, upon written request by the complainant, the Superintendent or designee may, for good cause, extend in writing the filing period for up to 90 calendar days. (Cal. Code Regs., tit. 5, § 4630.)

3. Pupil Fees. A complaint alleging noncompliance with the law prohibiting pupils to pay pupil fees must be filed within one year of the alleged violation. (Cal. Code Regs., tit. 5, § 4630.) Complaints regarding the unlawful charging of pupil fees may be filed with the school principal, Superintendent, or Compliance Officer. Pupil fee complaints may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Ed. Code, §§ 49013, Cal. Code Regs., tit. 5, § 4630.)
4. LCAP. For complaints relating to the LCAP, the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that SCOE adopted. An LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Ed. Code, § 52075; Cal. Code Regs., tit. 5, § 4630.)

B. Step 2: Investigation of Complaint

1. The Compliance Officer or designee shall provide the complainant and/or the complainant's representative an opportunity to present any evidence, or information leading to evidence, to support the allegations in the complaint. The Compliance Officer or designee also shall collect documents and interview witnesses with information pertinent to the complaint. The Compliance Officer may implement interim measures, as appropriate, pending the outcome of the investigation.
2. A complainant's refusal to provide the SCOE Compliance Officer or designee 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. (Cal. Code Regs., tit. 5, § 4631.)
3. In accordance with law, SCOE shall provide the Compliance Officer or designee with access to records and other information related to the allegation in the complaint, shall cooperate in the investigation, and shall not in any way obstruct the investigation. Failure or refusal to comply with this requirement 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. (Cal. Code Regs., tit. 5, § 4631.)
4. Investigations of discrimination, harassment, intimidation, retaliation, and bullying complaints shall be conducted in a manner that protects the confidentiality of the parties to the extent permitted by law and the integrity of the process. (Cal. Code Regs., tit. 5, § 4630.)

C. Step 3: Written Response

Unless extended by written agreement with the complainant, the SCOE Compliance Officer or designee shall prepare and send to the complainant a written report of SCOE's decision within 60 days of receiving the complaint unless otherwise stated herein or required by law. If the parties choose to participate in mediation, mediation will not extend the 60-day timeline to respond unless the complainant agrees in writing to the extension.

A Uniform Complaint Procedures report shall be in writing and sent to the complainant. The decision shall be written in English and in the language of the complainant whenever feasible or required by law.

For all complaints, the report shall include:

1. the findings of fact based on the evidence gathered,
2. a conclusion that provides a clear determination for each allegation as to whether SCOE is in compliance with the relevant law,
3. corrective actions if SCOE finds merit in a complaint,
4. notice of the complainant's right to appeal SCOE's decision to CDE,
5. procedures to be followed for initiating an appeal to CDE. (Cal. Code Regs., tit. 5, § 4631.)

In addition, any decision concerning a discrimination complaint based on State law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with CDE before pursuing civil law remedies. (Ed. Code, § 262.3.)

D. Step 4: Remedy

If a complaint alleging noncompliance with the laws regarding LCAP requirements, physical education instructional minutes (grades one through eight), course periods without educational content, and/or pupil fees is found to have merit, SCOE shall provide a remedy to all affected pupils and parents/guardians. (Ed. Code, §§ 49013, 51222, 51223, 52075.) With respect to a pupil fees complaint, corrective actions shall include a remedy where in good faith, by engaging in reasonable efforts, SCOE shall attempt to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint. (Ed. Code, § 49013; Cal. Code Regs., tit. 5, § 4600.)

For all other complaints within the scope of the UCP, the remedy shall go to the affected pupil.

E. Step 5: Appeals to the California Department of Education

If dissatisfied with SCOE's decision, the complainant may appeal in writing to CDE within 30 days of receiving SCOE's written report. (Cal. Code Regs., tit. 5, § 4632.) **A complainant shall comply with the appeal requirements of 5 CCR section 4632.**

When appealing to CDE, the complainant must specify the reason(s) for appealing SCOE's decision, including at least one of the following:

1. SCOE failed to follow its complaint procedures, and/or
2. SCOE's report lacks material findings of fact necessary to reach a conclusion of law, and/or
3. the material findings of fact in SCOE's report are not supported by substantial evidence, and/or
4. the legal conclusion in the report is inconsistent with the law, and/or
5. in a case in which SCOE found noncompliance, the corrective actions fail to provide a proper remedy.

The appeal must include a copy of the locally filed complaint and SCOE's report. (Cal. Code Regs., tit. 5, § 4632.)

Upon notification by CDE that the complainant has appealed SCOE's decision, the Superintendent or designee shall forward the following documents to CDE within 10 days:

1. A copy of the original complaint;
2. A copy of the report;
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the SCOE Compliance Officer or designee;
4. A report of any action taken to resolve the complaint;
5. A copy of SCOE's Uniform Complaint Procedures;
6. Other relevant information requested by CDE. (Cal. Code Regs., tit. 5, § 4633.)

V. Civil Law Remedies

A complainant may pursue available civil law remedies outside of SCOE's complaint procedures under state or federal discrimination, harassment, intimidation or bullying laws. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and

restraining orders.

[1] SCOE does not offer all of these programs, but CDE requires the complete list to be included. The Superintendent may also choose to utilize the Uniform Complaint Procedure for other complaints that do not fall within the specific categories listed within this ARR.