

# Santa Barbara Unified School District

## Board Policy

### Community Relations

BP 1312.3

#### 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 an informal 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 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 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 (5 CCR 4610)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

3. Any complaint alleging district 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 (Education Code 222)

*(cf. 5146 - Married/Pregnant/Parenting Students)*

4. Any complaint alleging district noncompliance with 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)*

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

*(cf. 0460 - 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 (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

*(cf. 6173.1 - Education for Foster Youth)*

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 (Education Code 51225.1, 51225.2)

*(cf. 6173 - Education for Homeless Children)*

8. 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 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 (Education Code 51228.3)

*(cf. 6152 - Class Assignment)*

9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

*(cf. 6142.7 - Physical Education and Activity)*

10. 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

11. 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 acceptable 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. 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 a 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	<i>Prohibition of discrimination</i>
222	<i>Reasonable accommodations; lactating students</i>
8200-8498	<i>Child care and development programs</i>
8500-8538	<i>Adult basic education</i>
18100-18203	<i>School libraries</i>
32289	<i>School safety plan, uniform complaint procedures</i>
35186	<i>Williams uniform complaint procedures</i>
48853-48853.5	<i>Foster youth</i>
48985	<i>Notices in language other than English</i>
49010-49013	<i>Student fees</i>
49060-49079	<i>Student records</i>
49069.5	<i>Rights of parents</i>
49490-49590	<i>Child nutrition programs</i>
51210	<i>Courses of study grades 1-6</i>
51223	<i>Physical education, elementary schools</i>
51225.1-51225.2	<i>Foster youth and homeless children; course credits; graduation requirements</i>
51228.1-51228.3	<i>Course periods without educational content</i>
52060-52077	<i>Local control and accountability plan, especially</i>
52075	<i>Complaint for lack of compliance with local control and accountability plan requirements</i>
52160-52178	<i>Bilingual education programs</i>
52300-52490	<i>Career technical education</i>
52500-52616.24	<i>Adult schools</i>
52800-52870	<i>School-based program coordination</i>
54400-54425	<i>Compensatory education programs</i>
54440-54445	<i>Migrant education</i>
54460-54529	<i>Compensatory education programs</i>
56000-56867	<i>Special education programs</i>
59000-59300	<i>Special schools and centers</i>
64000-64001	<i>Consolidated application process</i>

GOVERNMENT CODE

11135	<i>Nondiscrimination in programs or activities funded by state</i>
12900-12996	<i>Fair Employment and Housing Act</i>

PENAL CODE

422.55	<i>Hate crime; definition</i>
422.6	<i>Interference with constitutional right or privilege</i>

CODE OF REGULATIONS, TITLE 5

3080	<i>Application of section</i>
4600-4687	<i>Uniform complaint procedures</i>
4900-4965	<i>Nondiscrimination in elementary and secondary education programs</i>

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

UNITED STATES CODE, TITLE 20 (continued)

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

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 National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

CSBA: <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/about/offices/list/ocr>

U.S. Department of Justice: <http://www.justice.gov>

SANTA BARBARA UNIFIED SCHOOL DISTRICT

Santa Barbara, California January 27, 2015; October 13, 2015; June 14, 2016