

Uniform Complaint Procedures

Filing, Investigation, and Resolution Procedures

Except as the Yolo County Office of Education (“YCOE”) may otherwise specify in other YCOE policies, these general uniform complaint procedures (“UCP”) shall be used to investigate and resolve only the complaints specified in SP 1312.3.

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.
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 actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic 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.
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 California Civil Rights Division (“CRD”) pursuant to 22 CCR 98410. The complainant shall be notified by certified mail of any CRD 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 Yolo County Superintendent of Schools’ (“Superintendent”) designee shall ensure that the YCOE 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 YCOE 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. (Education Code 234.1; 5 CCR 4630.) 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.

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013.)

The complaint shall be presented to the Uniform Complaint Officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complaint is unable to be completed in writing due to complainant's conditions, such as a disability or illiteracy, YCOE staff shall assist them in the filing of the complaint.

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 YCOE policy advising complainant of those instances when a complaint may be filed directly with the State Superintendent of Public Instruction.

Mediation

Within three business days of receiving the complaint, the Uniform Complaint Officer may informally discuss with all parties the possibility of using mediation. If the parties agree to mediation, the Uniform Complaint Officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the Uniform Complaint Officer shall ensure that all parties agree to make the mediator

a party to related confidential information. The Uniform Compliance Officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of the law, the Uniform Complaint Officer shall proceed with their investigation of the complaint.

The use of mediation does not extend the YCOE's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631.)

YCOE 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 YCOE 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. Within 10 calendar days of receiving the complaint, 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. (5 CCR 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 YCOE 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 ("County Board") (Education Code 234.1, 52075; 5 CCR 4631.)

The Uniform Complaint Officer shall apply a “preponderance of the evidence” standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegations are more likely than not to be true.

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 YCOE Decision to the State Superintendent of Public Instruction. The complainant shall specify the reason(s) for appealing the YCOE Decision. The appeal shall include:

1. A copy of the complaint;
2. A copy of the YCOE Decision; and
3. The basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied.

Upon notification by the State Superintendent of Public Instruction that the YCOE 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 YCOE 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. A copy of the investigation file, including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator; and
7. 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 County Board meeting agenda to present their appeal. The County Board may consider the matter at its next regular County Board meeting or at a special County Board meeting convened in order to meet the 60-day limit within which the complaint must be answered. The County Board may decide not to hear the complaint, in which case the Uniform Complaint Officer’s decision shall be final.

If the County Board hears the complaint, the Uniform Complaint Officer shall send the County Board’s decision to the complainant within 60 days of the YCOE’s initial receipt of the complaint or within the time period specified in a written agreement with the complainant. (5 CCR 4631.)

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. (Education Code 234.1, 49013, 52075(e); 5 CCR 4622.)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to them under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant’s right to take a complaint directly to the California Department of Education (“CDE”) or to pursue remedies before civil courts or other public agencies.
4. Include statements that:
 - a. The YCOE has the primary responsibility to ensure compliance with applicable state and federal laws.
 - b. The complaint review shall be completed within 60 calendar days form the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
 - d. If the allegation involves retaliation or unlawful discrimination and the investigation determines that discrimination has occurred, the YCOE shall take steps to prevent the recurrence of discrimination and correct its discriminatory effects on complainant, and on others, if appropriate.

- e. The complainant has a right to appeal the YCOE's decision to the CDE by filing a written appeal within 15 days of receiving the YCOE's decision.
- f. The appeal to the CDE must include a copy of the complaint filed with the YCOE and a copy of the YCOE's decision.
- g. Copies of the YCOE's UCP are available free of charge.

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 website.

The YCOE's UCP policy and administrative regulation shall be posted in all YCOE schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1.)

Corrective Actions

When a complaint is found to have merit, the Uniform Complaint Officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or YCOE environment may include, but are not limited to, actions to reinforce YCOE policies, trainings for faculty, staff, and students, updates to school policies, or school climate surveys.

For complaints involving retaliation or unlawful discrimination, harassment, bullying, or intimidation, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic Support
3. Health Services
4. Assignment of an escort to help the victim move around campus
5. Information about available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim.
7. Restorative Justice
8. Follow-up inquiries to ensure the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to:

1. Transfer from a class or school as permitted by law

2. Parent/guardian conference
3. Education regarding the impact of conduct on others
4. Positive behavior support
5. Referral to a student planning team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, YCOE shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and the collective bargaining agreement.

YCOE may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the type of behavior that constitutes unlawful discrimination, harassment, intimidation, or bullying, that the YCOE does not tolerate it, and how to report it and respond to it.

Legal References:

Education Code, 200-262.3, 1900, 8200-8493, 8500-8538, 35146, 35160.5, 35203, 35204, 44932-44949, 48985, 49013, 49490-49560, 52060-52071, 52075, 52300-52480, 52500-52616.5, 54440-54445, 56500-56506, 59000-59300, 64000

California Code of Regulations, Title 22, 98410; Title 5, 4600-4687

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