

Uniform Complaint Procedures

The Yolo County Board of Education (“County Board”) and Yolo County Superintendent of Schools (“Superintendent”) recognize that the Yolo County Office of Education (“YCOE”) is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The YCOE 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 YCOE’s uniform complaint procedures. (5 CCR 4620.)

The YCOE’s uniform complaint procedures (“UCP”) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for Pregnant and Parenting Students (Education Code 46015.)
2. Adult Education Programs (Education Code 8500-8538, 52334.7, 52500-52617.)
3. After School Education and Safety Programs (Education Code 8482-8484.65.)
4. Agricultural Career Technical Education (Education Code 52460-52462.)
5. Career Technical and Technical Education and Career Technical and Technical Training Programs (Education Code 52300-52462.)
6. Child Care and Development Programs (Education Code 8200-8498.)
7. Compensatory Education (Education Code 54400-54407.)
8. Consolidated Categorical Aid Programs (Education Code 33315; 34 CFR 299.10-299.12.)
9. Course periods without educational content, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has previously satisfactorily completed, unless specified conditions are met (Education Code 51228.1-51228.3.)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in 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, 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 identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based

on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610.)

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2.)
12. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)
13. Local Control and Accountability Plan (Education Code 52075.)
14. Migrant Education (Education Code 54440-54445.)
15. Physical Education Instructional Minutes (Education Code 51210, 51222, 51223.)
16. Pupil Fees (Education Code 49010-49013.)
17. Reasonable Accommodations to a Lactating Student (Education Code 222.)
18. Regional Occupational Centers and Programs (Education Code 52300-52334.7.)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001.)
20. School Safety Plans (Education Code 32280-32289.)
21. School Site Councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000.)
22. State Preschool Programs (Education Code 8235-8239.1.)
23. State preschool health and safety issues in license-exempt programs (Education Code 8235.5.)
24. 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
25. Any other state or federal education program the Superintendent or designee deems appropriate.

(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)

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

The County Board and 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 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 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 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 Superintendent shall initiate that process. The 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 Superintendent or charter school may appeal the decision to the State Superintendent of Public Instruction (“State Superintendent”) and shall receive a written appeal decision within 60 days of the State Superintendent’s receipt of appeal.

If the Superintendent or charter school finds merit in an LCAP or pupil fees complaint, or the Superintendent finds merit in an appeal, the 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), subject to procedures established through regulations adopted by the state board (Education Code 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. (Education Code 49013(a); 5 CCR 4630(c)(2).)

The following complaints shall not be subject to the YCOE’s UCP, but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611.)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611.)
3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district 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. (5 CCR 4611.)
4. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205.)
5. Any complaint alleging noncompliance of the district’s food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584.)
6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district’s food service program shall be filed with or referred to the U.S.

Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance.
(5 CCR 15582.)

7. 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 shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186.)

Legal References:

Education Code, 222, 8200-8498, 8482-8484.65, 8500-8538, 32280-32289, 35186, 46015, 48645.7, 48853, 48853.5, 49010-49013, 49069.5, 51210, 51222, 51223, 51225.1, 51225.2, 51228.1-51228.3, 52059, 52075, 52300-52334.7, 52334.7, 52460-52462, 52500-52617, 52300-52462, 54400-54407, 54440-54445, 64001, 65000

California Code of Regulations, Title 5, 3200-3205, 4600-4670, 15580-15584

United States Code, Title 20, 6301

ADOPTED: 06/24/14

REVISED: 12/15/15, 5/24/16, [7/12/23]