

UNIFORM COMPLAINT PROCEDURES

The Board of Education and Superintendent recognize that the Scotia USD has primary responsibility for insuring that it complies with state and federal laws and regulations governing educational programs. The Scotia USD shall investigate and seek to resolve complaints at the local level in accordance with applicable laws and administrative regulations related to this policy.

The Superintendent/designee shall follow uniform complaint procedures when addressing complaints including:

1. Complaints alleging unlawful discrimination, harassment, intimidation or bullying in Scotia USD programs or activities against any person based on age, sex, sexual orientation, gender, gender identity, gender expression or genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, color, mental or physical disability, marital or parental status, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, the perception of one or more such characteristics, 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 that receives or benefits from state financial assistance;
2. Complaints alleging the Scotia USD's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities;
3. Complaints regarding the requirements for the development and adoption of a school safety plan, and also may be used when addressing complaints alleging failure to comply with state or federal law in the following Scotia USD programs: consolidated categorical aid programs, career technical education, child care and development programs, child nutrition programs, migrant education, and special education programs;
4. Complaints regarding the implementation of the Local Control Accountability Plan (LCAP). Such complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.
5. Any complaint alleging bullying in Scotia USD programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of age, sex, sexual orientation, gender, gender identity, gender expression or genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, color, mental or physical disability, marital

or parental status, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

6. Any other complaint as specified in Scotia USD policy.

This policy prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The 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 the problem through mediation, the Superintendent or designee shall initiate that process. 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 results are consistent with state and federal laws and regulations.

Complaints alleging discrimination, retaliation or bullying shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential 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.

When an allegation that is not subject to the Uniform Complaint Procedure (UCP) is included in a UCP complaint, the Scotia USD shall refer the non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through the UCP.

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 Scotia USD policy.

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

This policy and related Administrative Guidelines are intended to comply with Title 5 of the California Code of Regulations, 4600 et seq., and are not intended to extend beyond such requirements.

Non-UCP Complaints

The following complaints shall not be subject to the UCP but shall be referred to the specified agency:

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 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.
3. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the 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.

*Legal Reference:*EDUCATION CODE*200-262.4 Prohibition of Discrimination**32289 School Safety Plan, uniform complaint procedures**35186 Williams uniform complaint procedures**48985 Languages other than English**49010-49013 Student fees**49060-49079 Student records**49490-49590 Child nutrition program**52060-52077 Local control and accountability plan, especially**52075 Local control and accountability plans**52300-52490 Career technical education**52800-52870 School-based coordinated programs**54400-54425 Compensatory education programs**56000-56865 Special education programs**59000-59300 Special Schools and Centers**64000-64001 Consolidated application process*GOVERNMENT CODE*11135 Nondiscrimination in programs or activities funded by state**12900-12996 Fair Employment and Housing Act*CODE OF REGULATIONS, TITLE 5*3080 Application of section**4600-4671 Uniform complaint procedures**4900-4965 Nondiscrimination in elementary and secondary education programs*

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Education Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6577 Title I Basic Programs

6601-6777 Title II Preparing and Recruiting High Quality Teachers and Principals

6801-6871 Title III, Language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act, including

7114 Local educational program, safety plans

7201-7283g Title V Promoting Informed Parental Choice and Innovative Programs

7301-7372 Title VI Rural and Low-Income School Programs

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

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

Policy

Adopted: October 21, 1992

Revised: Feb.12, 2015

SCOTIA USD
Scotia, California