

UNIFORM COMPLAINT PROCEDURES (UCP)

The **Richland School District** has the primary responsibility to ensure compliance with applicable state and federal laws and regulations, and shall investigate complaints alleging failure to comply with those laws and regulations alleging discrimination, harassment, intimidation, or bullying and unauthorized charging of pupil fees for educational activities. The District shall seek to resolve those complaints in accordance with the procedures set out in CA Code of Regulations §§ 4600-4687 and the policies and procedures of the District.

The UCP complaint is a written statement alleging discrimination, harassment, intimidation, or bullying of a student based on the actual or perceived characteristics set forth in CA Penal Code § 422.5 and CA Education Code § 220 which includes; actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, color, mental or physical disability, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived categories, in any program or activity it conducts or to which it provides significant assistance, or a violation of a federal or state law or regulation.

A UCP complaint must be filed by way of the Uniform Complaint Procedures as written in the CA Code of Regulations §§ 4600-4687. Issues that may involve filing a complaint using the UCP are under various state and federal programs that use categorical funds. A pupil shall not be required to pay a pupil fee for participation in an educational activity, unless the charge for such a fee is specifically authorized by law and does not violate CA Education Code § 49011. A complaint of noncompliance should be filed first with the principal of the school under the Uniform Complaint Procedures. A complainant not satisfied with the decision of the school may appeal the decision to the District's Compliance Officer and shall receive a written appeal decision within 60 days of receipt of the school site complaint.

The District's Uniform Complaint Procedures may be used for complaints alleging discrimination, harassment, intimidation, or bullying and allegations of noncompliance involving the educational programs indicated as follows:

1. Discrimination, Harassment, Intimidation, or Bullying
 - a. Employee to student
 - b. Student to student
 - c. Third party to student
2. Various State and Federal Programs that use Categorical Funds
 - a. Adult Education
 - b. Consolidated Categorical Aid
 - c. Migrant Education
 - d. Career Technical/Technical Education/Technical Training
 - e. Child Care and Development
 - f. Child Nutrition
 - g. Special Education
3. Unauthorized Charging of Pupil Fees* for Educational Activities
 - a. A District pupil shall not be required to pay a pupil fee for participation in an educational activity.
 - b. All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.

* *"Pupil fee" means a fee, deposit, or other charge imposed on pupils, or pupil's parents or guardians, in violation of CA Ed. Code § 49011 and Section 5 of Article IX of the California Constitution.*

In addition, as of June 30, 2014, Local Education Agencies (LEAs) are required to have established local policies and procedures to implement these complaint provisions. The elements which must be included in an LEA's locally adopted UCP policies and procedure, as outlined in EC Section 52075, are as follows:

- (a) A complaint that a School District, County Superintendent of Schools, or Charter School has not complied with the requirements of Article 4.5 (EC Sections 52060 through 52076) or Sections 47606.5 and 47607.3, as applicable, may be filed with a School District, County Superintendent of Schools, or Charter School pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.
- (b) A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article.
- (c) A complainant not satisfied with the decision of a School District, County Superintendent of Schools, or Charter School may appeal the decision to the Superintendent of Public Instruction (Superintendent).
- (d) If a School District, County Superintendent of Schools, or Charter School finds merit in a complaint, the School District, County Superintendent of Schools, or Charter School shall provide a remedy to all affected pupils, parents, and guardians.

- (e) Information regarding the requirements of Article 4.5 (EC Sections 52060 through 52076) shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations or any successor regulation.

As noted above, a complainant who is not satisfied with a local decision regarding an LCAP-related complaint may file an appeal with the Superintendent. Any such appeals should be directed to the Local Agency Systems Support Office (LASSO) at the CDE for processing.

For complaints alleging noncompliance with the legal prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities or noncompliance with the legal requirements pertaining to the Local Control Accountability Plan (LCAP), the complaint can be filed anonymously if the complaint provides enough evidence or information leading to evidence to support an allegation of noncompliance and to allow an appropriate investigation. However, if the complainant wishes to receive a copy of the District's decision in response to the complaint, the complainant's contact information requested above must be provided.

For additional information regarding the District's Uniform Complaint Procedures process or assistance in filing a complaint, please contact the District Compliance Officer Rocio Muñoz at (661) 746-8606.

Compliance Officer

The Assistant Superintendent—Educational Services has been designated as the District's Compliance Officer responsible to receive and direct the investigation of complaints, maintain records of complaints and subsequent related actions, and ensure District compliance with the law.

Notifications

A written notice regarding UCP must be disseminated annually to staff, students, parents/guardians, appropriate private school officials or representatives, the district advisory committee, the school advisory committees and other interested school parties. Distribution may be in any form (brochure, newsletter, memorandum, staff/parent/student handbook, etc.) that will reach the school community.

Filing of UCP Complaints

Any student, parent, or non-employee individual, or specific group of individuals who allege that he/she or they were subject to discrimination may file a Uniform Complaint Procedures (UCP) complaint alleging discrimination. Discrimination, harassment, intimidation, or bullying complaints must be filed no later than six months from the date the alleged discrimination, harassment, intimidation, or bullying occurred or the date when the complainant first obtained knowledge of the facts of the allegations unless the time of filing is extended by the District Superintendent/designee.

A written complaint of alleged noncompliance with a federal or state law or regulation governing education programs must be filed with the District's Compliance Office. When the subject matter of a complaint is not covered by this policy, the complainant will be advised in writing. Uniform Complaint Procedures forms are available upon request from any school or District office, or by calling the District's Compliance Officer at (661) 746-8606. Any person, including, but not limited to individuals with a disability, requesting to file a complaint and who is unable to prepare a written complaint will be assisted by District staff in filing the complaint. A copy of the UCP bulletin shall be provided free of charge.

Investigation of UCP Complaints

Upon receipt of the complaint and the determination that the allegations are under the jurisdiction of the Uniform Complaint Procedures process, the Compliance Officer/designee will open a complaint investigation. At the discretion of the District's Compliance Officer/designee and with the consent of the parties, the Compliance Officer/designee may undertake a resolution of the dispute via mediation. The complainant and/or complainant's representative and the District representatives will be provided an opportunity to present information that is relevant to the complaint during the mediation and/or investigative process. By filing a complaint, the complainant authorizes the District to investigate and make disclosures, as may be reasonably necessary to the investigation and resolution of the complaint. To ensure that all pertinent facts are considered, the District's complaint investigator may request other individuals to provide additional information.

Complainants are advised that, while the District will make an effort to protect their privacy and confidentiality, investigation of their complaint may require disclosure of certain information to other. Complainants are protected by law from retaliation for filing a complaint and/or their participation in the complaint investigation process.

Written Decision

Within 60 days of receiving the complaint, unless the complainant agrees in writing to an extension of time, the Compliance Officer/designee shall prepare and send the complainant a written report of the District's investigative findings, and corrective action(s) if appropriate. The investigative report shall be written in English and in the language of the complainant whenever feasible or required by law.

Appeals of District Decisions Regarding Allegations of Discrimination and/or Harassment, Intimidation, or Bullying

Within 15 days of receiving the District decision, a written appeal may be filed with the California Department of Education (CDE) – Office of Equal Opportunity. The appeal must be in writing and include a copy of the original complaint, the District’s decision, and specific reasons for appeal. The written appeal of the District’s decision and/or findings may be sent to:

California Department of Education
Office of Equal Opportunity
1430 N Street – Suite 4206
Sacramento, California 95814

Appeals of District Decisions Regarding Special Education Compliance

Within 15 days of receiving the District decision, a written appeal may be filed with the California Department of Education (CDE) – Special Education Division. The appeal must be in writing and include a copy of the original complaint, the District’s decision, and specific reasons for appeal. The written appeal of the District’s decision and/or findings may be sent to:

California Department of Education
Special Education Division
Procedural Safeguards and Referral Services (PSRS)
1430 N Street – Suite 2401
Sacramento, California 95814

Civil Remedies

Pursuant to California Education Code § 262.3, persons who have filed a complaint, under the UCP, should be advised that civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to them. Complainants should be advised of the right to pursue civil law remedies under California or federal discrimination, harassment, intimidation or bullying laws.

Complaints Not under the Jurisdiction of the District’s Uniform Complaint Procedures Process

In accordance with § 4611 of the Title 5 of the California Code of Regulations the following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to these complaint procedures:

1. Allegations of employment/work, employee-to-employee or student-to-employee discrimination, harassment, intimidation, or bullying complaints may be referred to the District’s Complaint Officer.
2. Allegations of suspected child abuse shall be referred to the Kern County Department of Family Children Services (DFCS) or the Shafter Police Department or Kern County Sheriff’s Department, as applicable.
3. Allegations of fraud shall be referred to the Office of the Inspector General.
4. Personnel action complaints shall be referred to the responsible school site or District Administrator.
5. Health and Safety complaints regarding a Child Development Program shall be referred to the Department of Social Services, for licensed facilities.
6. Bullying complaints that are not based on a protected class/category may be referred to the school site Title IX/Bullying Principal/Designee, or the District Office.