

**ALL PERSONNEL**

**Uniform Complaint Procedures**

For students, employees, parents/guardians, school and district advisory committee members, appropriate private school officials, and other interested parties

This policy applies to the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by the El Dorado County Office of Education “EDCOE” of federal or state law or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, and bullying.

The EDCOE shall investigate and seek to resolve UCP complaints concerning particular programs or activities in which we receive state or federal funding. A complaint is a written and signed statement by a complainant alleging a violation of law. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, and bullying in programs and activities funded directly by the state or receiving any financial assistance from the state. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the public agency shall assist the complainant in the filing of the complaint.

Programs or activities in which the EDCOE receives state or federal funding are:

- Adult Basic Education
- Consolidated Categorical Aid Programs
- Migrant Education
- Career Technical and Technical Education and Training Programs
- Child Care and Developmental Programs
- Child Nutrition Programs
- Special Education Programs
- Federal School Safety Planning Requirements

This policy also applies to the filing of complaints which allege non-compliance with requirements of the local control and accountability plan (LCAP), improper student fees, unlawful discrimination, harassment, intimidation, and bullying against any protected group as identified under Education Code section 200 and 220 and Government Code section 11135, including those with actual or perceived characteristics such as age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, disability, nationality, race or ethnicity, religion, sex, or sexual orientation, 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 conducted by a local agency, which is funded directly by, or that receives or benefits from any state financial assistance.

A pupil enrolled in a public school shall not be required to pay a fee for participation in an educational activity.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to the EDCOE's UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Dept. 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 Dept of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination complaints shall be sent to the State Dept. of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

***Responsibilities of the El Dorado County Office of Education***

The EDCOE is primarily responsible for compliance with applicable state and federal laws and regulations and to address certain qualifying allegations of unlawful discrimination, harassment, intimidation, and bullying as well as qualifying complaints alleging violation of state or federal laws governing educational programs. We shall investigate qualifying complaints and seek to resolve those complaints in accordance with EDCOE UCP procedures.

Complainants shall not be subject to any form of retaliation and identity of a complainant alleging discrimination, harassment, intimidation, and bullying shall remain confidential as appropriate. This UCP policy and procedure has been submitted to the El Dorado County Board of Education for approval and adoption.

The following compliance officers are responsible for receiving and investigating complaints and ensuring compliance with state and federal laws and regulations are:

Special Education	Executive Director
Child Development and Nutrition	Executive Director
Charter Programs	Executive Director
All Other Areas	Deputy/Associate Superintendent

Address: 6767 Green Valley Road, Placerville, CA 95667  
Phone Number: 530-622-7130

The Superintendent or designee shall ensure that employees responsible for compliance and/or investigations are knowledgeable about the laws and programs that he or she is assigned to investigate.

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

We shall annually notify in writing our students, parents or guardians of our students, employees, advisory committees, appropriate private school officials or representatives, and other interested parties of our UCP process, including the opportunity to appeal to the County Board of Education and the provisions of this document by disseminating the UCP Annual Notice to all of the above required groups each school year. An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

Civil law remedies that may be available under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3. Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

A copy of this UCP complaint policy shall be available free of charge.

### ***Filing a Complaint***

Except for Williams Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancies or misassignments, any individual, public agency or organization may file a written complaint with the Superintendent or his or her designee alleging a matter which, if true, would constitute a violation by our LEA of federal or state law or regulation governing a program.

A complaint of non-compliance with requirements of the LCAP may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to the LCAP.

If merit is found in a LCAP complaint, the Superintendent shall provide a remedy to all affected pupils, parents, and guardians.

A pupil fees complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.

If merit is found in a pupil fees complaint, the Superintendent shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established by the state board.

An investigation of alleged unlawful discrimination, harassment, intimidation, and bullying shall be initiated by filing a complaint no 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, and bullying. The time for filing may be extended in writing by the Superintendent or his or her designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing may be extended by the Superintendent or his or her designee for good cause for a period not to exceed 90 calendar days following the expiration of the six month time period. The Superintendent shall respond immediately upon a receipt of a request for extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to prohibited discrimination, harassment, intimidation, and bullying.

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Except for Williams Complaints, within 60 calendar days from the date of the receipt of the complaint, we shall conduct and complete an investigation of the complaint in accordance with our UCP policies and procedures and prepare a written Decision; also known as a final report. This time period may be extended by written agreement of the complainant.

The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the complaint(s) and evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the EDCOE to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage 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.

The Superintendent or designee shall issue a Decision based on the evidence. The Decision shall be in writing and sent to the complainant within 60 calendar days from receipt of the complaint by the Superintendent. The Decision will contain:

- (i) the findings of fact based on the evidence gathered,
- (ii) conclusion of law,
- (iii) disposition of the complaint,
- (iv) the rationale for such disposition,
- (v) corrective actions, if any are warranted,
- (vi) notice of the complainant's right to appeal our LEA Decision to the CDE, and
- (vii) procedures to be followed for initiating an appeal to the CDE.

Nothing in this document shall prohibit anyone involved in the complaint from utilizing alternative methods to resolve the allegations, such as mediation. Nor is the Superintendent prohibited from resolving complaints prior to the formal filing of a written complaint. Mediation is a problem solving activity whereby a third party assists the parties to the dispute in resolving the complaint.

### ***Appeals and Civil Law Remedies***

The complainant has a right to appeal the Superintendent's Decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the LEA's Decision. The appeal must include a copy of the complaint filed with the LEA and a copy of the LEA's Decision.

Civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available to complainants.

### **Legal References:**

Government Code §§ 11135, 11138  
34 Code of Federal Regulations §§ 300.510-511  
California Code of Regulations Title 5 §§ 4600 et seq.  
Education Code §§ 200, 220, 262.3, 262.3(d), 35186, 49013, 52075