

Board Policy Manual
Redlands Unified School District
Policy 1312.3: Uniform Complaint Procedures

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable State and Federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The district'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 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a 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, Penal Code 422.55, or Government Code 11135, 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)

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and 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 52059.5; 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. Student 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 site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 6500)

21. State preschool programs (Education Code 8207-8225)

22. State preschool health and safety issues in license-exempt programs (Education Code 8212)

23. 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

24. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation may be offered to resolve complaints that involve more than one student and no adult. 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 use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the district'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 that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.

4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.
5. 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 (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
6. 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 Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
7. 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 Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582)
8. 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 Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Accompanying Administrative Regulation

The administrative regulation that accompanies this board policy shall:

1. Explicitly permit the filing of UCP complaints by third parties on behalf of alleged individual victims to the extent required under section 4600, subdivisions (d) and (e) of title five of the California Code of Regulations;
2. Provide that any school personnel who witness or receive an oral complaint of harassment, discrimination, or retaliation shall immediately notify the Assistant Superintendent of Compliance or trained designee and, once notified, the Assistant Superintendent of Compliance or trained designee shall enter the complaint in the district's centralized electronic tracking and response system for reports and complaints of sex discrimination, sexual harassment, assault, intimidation, assault, or abuse, and retaliation (the "Centralized System") and resolve the complaint under this board policy and its accompanying administrative regulation.

3. Require that all documents received or generated during the investigation, resolution, and appeal of any complaint filed under BP/AR 1312.3 be uploaded to the Centralized System;
4. Provide for express notification to all parties that the mediation process is voluntary;
5. Provide that the district may delay initiating an investigation by no longer than 30 days in the event of a parallel investigation by a law-enforcement agency, provided that the district notifies the complainant of its intention to delay initiating its investigation and the complainant agrees;
6. Specify that, in the event of a parallel investigation by a law enforcement agency, the district shall not delay the mandatory provision of interim and/or supportive measures to the complainant or alleged victim and/or take other necessary actions to protect the complainant or alleged victim from further harm;
7. Require the Assistant Superintendent of Compliance to, in the event of a parallel investigation by a law enforcement agency, make and document in the Centralized System weekly inquiries with the relevant law enforcement agency as to whether the investigation in question has concluded;
8. Provide that a law enforcement agency's decision at the conclusion of an investigation not to recommend criminal charges does not excuse the district from any of its independent obligations under AR 1312.3;
9. Require the recusal and substitution of the Assistant Superintendent of Compliance, Title IX Decision-Maker, investigator and any other participant from any investigation in which they have, or would be perceived by a reasonable observer as having, bias or a conflict of interest;
10. Ensure that all complainants, alleged victims, and other individuals participating in the complaint investigation and resolution process are protected from retaliation
11. Ensure that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying, as well as that of all alleged victims of that conduct, shall remain confidential as appropriate, except as required by law and as needed to conduct the investigation and resolve the complaint;
12. Explicitly require that investigations be conducted in a manner that protects confidentiality of all parties consistent with law and maintains the integrity of the process;
13. Require, in the event of sustained allegations, all investigation reports to also include measures to eliminate any hostile environment, remedy the harm to the victim, and prevent recurrence of the misconduct found to have occurred;

14. Require the Assistant Superintendent of Compliance, in the event of a complaint involving a student with a disability, to consult with that student's Individualized Education Program (IEP) team and/or Section 504 team throughout the process of investigating and resolving the complaint and ensure that the student with a disability is not discriminated against on the basis of disability, including with respect to requests for supportive measures and remedies; and

15. Require the Assistant Superintendent of Compliance to maintain in the Centralized System a record of all subsequent actions taken in relation to any complaint received.