

Uniform Complaint Procedure

Policy 2-204

Scope:

The Board hereby adopts the Uniform Complaint Procedures as specified in 5 C.C.R. § 4600-4670.

This policy applies to all complaints related to all topics listed in Education Code § 33315, including:

1. Adult Education programs established pursuant to Education Code §§ 8500-8538, 52500-52617.
2. Consolidated categorical aid programs listed in Education Code § 64000(a).
3. Migrant child education established pursuant to Education Code §§ 54440-54445.
4. Career technical and technical education and career technical and technical training programs established pursuant to Education Code §§ 52300-52462.
5. Childcare and development programs established pursuant to Education Code §§ 8200-8498.
6. Discrimination, harassment, intimidation, and bullying based on protected characteristics, including but not limited to race, color, ancestry, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.
7. Lactation accommodations.
8. Educational rights of foster youth pursuant to Education Code §§ 48853, 48853.5, and 49069.6, and graduation requirements for foster youth, homeless youth, and other youth pursuant to Education Code § 51225.1.
9. Pupil fees pursuant to Education Code §§ 49010-49013.
10. Courses of study pursuant to Education Code § 51228.3.
11. Instructional minutes for physical education pursuant to Education Code § 51223.
12. Local control and accountability plans pursuant to Education Code § 52075.
13. Juvenile court schools pursuant to Education Code § 48645.7.

Purpose

The Governing Board is committed to ensuring compliance with applicable state and federal laws and regulations governing educational programs, services, and activities. The Board hereby provides a uniform system of complaint procedures to address allegations of violations covered under Education Code § 33315(a)(1). These procedures shall promote and prompt an equitable resolution of complaints to foster a safe and inclusive learning environment.

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14. School safety plans pursuant to Education Code § 32289.
15. Deficiencies related to preschool health and safety issues for California state preschool program pursuant to Education Code § 8235.5.
16. School or athletic team names, mascots, or nicknames pursuant to Education Code § 221.3.
17. Violation of Education Code § 243 regarding instructional materials.
18. Retaliation for reporting a violation of this policy, bringing complaining or participating in the complaint process.
19. Any other state or federal educational program the Superintendent or designee deems appropriate.

These complaint procedures do not apply to:

1. Complaints regarding employment discrimination, harassment, and retaliation, which are handled pursuant to Board Policy and Administrative Regulation 1-101.
2. Complaints regarding sexual harassment covered under Title IX, which are handled pursuant to Board Policy and Administrative Regulation 1-103.
3. Complaints regarding child nutrition programs established pursuant to Education Code §§ 49490-49590. Those complaints are governed by 7 C.F.R. §§ 210.19(a)(4), 215.11(e), 220.13(c), 225.11(b), and 250.15(d) and 5 C.C.R. § 15580-15584.
4. Complaints regarding special education programs established pursuant to Education Code §§ 56000-56856, 5900-59300. These complaints are governed by 34 C.F.R. §§ 300.151-300.153 and 5 C.C.R. §§ 3200-3205.
5. Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments. These complaints are governed by 5 C.C.R. §§ 4680-4687.
6. Complaints regarding state preschool health and safety issues that are exempt from licensing. Those complaints are governed by 5 C.C.R. §§ 4690-4694.
7. Complaints alleging child abuse. Those complaints will be referred to the County Department of Social Services, Protective Services Division, or law enforcement.
8. Complaints regarding the health and safety of licensed facilities operating a Child Development Program. Those complaints will be referred to the County Department of Social Services.

The Board prohibits retaliation against any individual who files a complaint, participates in the complaint investigation process, or reports a concern.

Administrative Regulations

Definitions

1. Compliance Officer: The person responsible for receiving complaints, investigating complaints, and ensuring the District's compliance:

Judith Szpor, Principal/Superintendent
12449 S. Smith Ave., Kingsburg, CA 93631
(559) 897-4185
jszpor@clayelementary.org

The Compliance Officer may designate another person as the Compliance Officer to investigate and resolve a complaint, including requesting assistance from legal counsel. The District will ensure that the Compliance Officer or designee shall be knowledgeable about the laws/programs that they are assigned to investigate.

2. Complaint: A written and signed statement (including an email) alleging a violation of law or regulation, including discrimination, harassment, intimidation, or bullying. If the complainant is not able to put the complaint in writing, the District will assist the complainant in filing the complaint.
3. Complainant: Any individual, including a person's authorized representative or interested third party, public agency, or organization who files a complaint under this policy. A complaint on behalf of an individual student may only be filed by that student or that student's authorized representative.
 - Complaints alleging discrimination, harassment, intimidation, or bullying pursuant to this policy may be filed by anyone who believes they have personally suffered such discrimination, harassment, intimidation, or bullying or who believes a specific class of individuals have been subjected to discrimination, harassment, intimidation, or bullying, or by an authorized representative that alleges an individual student has been subjected to discrimination, harassment, intimidation, or bullying.
 - Complaints regarding pupil fees and local control and accountability plans may be filed anonymously if the Complaint provides evidence or information leading to evidence to support the allegations.
4. Respondent: The person or entity alleged to have violated policy, law, or regulation.

Complaint Process:

1. Filing a Complaint

- Complaints may be filed in writing using the District's Uniform Complaint Form, available on the District's website, however the Complainant is not required to use this form
- Complaints must be submitted to the Compliance Officer or designee within one (1) year of the alleged violation.
 - For Complaints alleging unlawful discrimination, harassment, intimidation, or bullying the Complaint must be submitted within six (6) months from the date the alleged violation occurred or the date the Complainant became aware of the issue. Extensions for good cause, not to exceed ninety (90) days, may be granted upon written request by the Complainant. The Superintendent or designee will respond to such requests immediately.
 - For Complaints regarding the educational rights of foster youth, as specified in 5 C.C.R. § 4630.5, the one-year time line shall not apply.

2. Acknowledgment and Review

- The Compliance Officer or designee will acknowledge receipt of the Complaint in writing within five (5) business days.
- A preliminary review will determine whether the Complaint falls under the UCP or another District policy.

3. Investigation

- An impartial investigation will be conducted and completed within sixty (60) calendar days of receipt of the Complaint, unless extended by written agreement of the Complainant.
- The investigation will include interviews, document reviews, and other relevant fact-finding steps, as necessary.
- The investigation will include an opportunity for the Complainant, and/or their representative, to present evidence or information leading to evidence to support the allegations.
 - If a Complainant refuses to provide documents or other evidence related to the allegations, fails or refuses to cooperate in the investigation, or engages in any other obstruction of the investigation, the Complaint may be dismissed because of lack of evidence.
 - If the District refuses to provide the Compliance Officer or designee with access to records, information related to the allegations, fails or refuses to cooperate in the

investigation, or engages in any other obstruction of the investigation, it may result in a finding that a violation has occurred and a remedy in favor of Complainant may be imposed.

4. Resolution

- The Compliance Officer or designee will issue and send Complainant a written investigation report within sixty (60) calendar days of receipt of the Complaint, unless extended by written agreement of the Complainant. The investigation report will include:
 - Findings of fact
 - Conclusion of law
 - Disposition of the complaint
 - Corrective actions, if warranted
 - Notification of appeal rights
 - Procedures to be followed for initiating an appeal to CDE
- If dissatisfied with the District's decision, the Complainant may appeal to the California Department of Education within thirty (30) calendar days of the investigation report. The appeal must include the Complaint, a copy of the investigation report, and must specify and explain the basis for appeal, including at least one of the following:
 - The District failed to follow its complain procedures;
 - The investigation report lacks material findings of fact necessary to reach a conclusion of law;
 - The material findings of fact in the investigation report are not supported by substantial evidence;
 - The legal conclusions in the investigation report are inconsistent with the law; and/or
 - In cases where the District finds noncompliance, the corrective action fails to provide a proper remedy.
- A Complaint that alleges discrimination, harassment, intimidation, or bullying may also be able to pursue civil law remedies including, but not limited to, injunctions, restraining orders, or other remedies or orders after sixty (60) have elapsed from the filing of an appeal to CDE. The sixty (60) day moratorium does not apply to injunctive relief and is applicable only if the District has appropriately and timely informed the Complainant of their right to file a complaint.
- Complaints alleging discrimination, harassment, and retaliation may also be filed with the U.S. Department of Education's Office for Civil Rights.

Confidentiality:

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The policies are developed in collaboration with the Small School Districts' Association for general informational, educational and procedural purposes only and are not intended to constitute legal advice for any specific situation.

Confidentiality shall be maintained to the extent possible without interfering with the investigation process or the District's legal obligations. The identity of Complainants alleging discrimination, harassment, intimidation, or bullying will remain confidential as appropriate. All parties involved in a Complaint are expected to respect the privacy of others.

Annual Notice:

The District shall annually notify all students, parents/guardians, employees, and other interested parties of its UCP policy and procedures. The notice will include the information required under 5 C.C.R. § 4622(b). The notice shall be provided in English and any other language spoken by 15% or more of the student population.

Recordkeeping

The Compliance Officer or designee shall maintain all Complaint records in accordance with state and federal law.

No Retaliation

The District prohibits retaliatory behavior or action against any person who complains, testifies, assists, or otherwise participates in the complaint process. However, disciplinary action may be taken against any person who is found to have made a complaint that he or she knew to be false.

Uniform Complaint Procedures (UCP) Complaint Form

Clay Joint Elementary School District

Address: 12449 South Smith Avenue, Kingsburg, CA 93631

Phone: (559) 897-4185

Website: <https://www.clayschool.k12.ca.us>

Uniform Complaint Form

This form is to be used to file a complaint under the district's Uniform Complaint Procedures (UCP). For assistance in completing this form, please contact Judith Szpor, Principal/Superintendent at (559) 897-4185 or jszpor@clayelementary.org.

Complainant Information

• Name: _____

• Address: _____

• Phone Number: _____

• Email Address: _____

Student Information (if applicable)

• Student Name: _____

• Grade Level: _____

• School Name: _____

Details of the Complaint

1. Date of Incident: _____

2. Location of Incident: _____

3. Describe the specific issue or incident. (Include names of individuals involved, dates, and any other relevant information. Attach additional pages if necessary.)

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4. What steps have you taken, if any, to resolve this issue prior to filing this complaint?

5. What specific remedy or resolution are you seeking?

Optional Demographic Information

Providing this information is voluntary and will not affect the investigation of your complaint.

- Ethnicity: _____
- Gender: _____
- Primary Language: _____

Acknowledgment and Signature

By signing below, I affirm that the information provided in this complaint is true and correct to the best of my knowledge.

- Signature: _____
- Date: _____

For District Use Only

- Date Received: _____
- Received By: _____
- Complaint Number: _____
- Assigned To: _____

Notes:
