

## **UNIFORM COMPLAINT PROCEDURES**

This policy contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by the Monterey County Office of Education (MCOE) of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and the MCOE's Local Control and Accountability Plan (LCAP).

This policy presents information about how MCOE processes UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of MCOE's LCAP. 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, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of MCOE's LCAP. If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, MCOE shall provide assistance to the complainant in the filing of the complaint.

MCOE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

MCOE shall investigate and seek to resolve, in accordance with the UCP process outlined in the administrative regulation, any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by MCOE that are subject to the UCP.

Programs and activities subject to the UCP are:

- Adult Education
- After School Education and Safety
- \*Agricultural Vocational Education
- \*American Indian Education Centers and Early Childhood Education Program
- Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers

Career Technical and Technical Education; Career Technical; Technical Training  
Career Technical Education  
\*Child Care and Development  
Child Nutrition  
Compensatory Education  
Consolidated Categorical Aid  
Course Periods without Educational Content (for grades nine through twelve)  
Economic Impact Aid  
Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile  
Court Pupils now enrolled in a school district  
English Learner Programs  
Every Student Succeeds Act / No Child Left Behind (Titles I–VII)  
Local Control and Accountability Plans (LCAP)  
Migrant Education  
Physical Education Instructional Minutes (for grades one through six)  
Pupil Fees  
Reasonable Accommodations to a Lactating Pupil  
Regional Occupational Centers and Programs  
School Safety Plans  
Special Education  
State Preschool  
Tobacco-Use Prevention Education

*\* (Not operated by the Monterey County Office of Education)*

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to MCOE'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 Department 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 Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Department 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).

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their

families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF MCOE is required to prepare an LCAP, which describes how MCOE intends to meet annual goals for MCOE's pupils, with specific activities to address state and local priorities identified pursuant to California *Education Code (EC)* § 52060(d).

MCOE ensures annual dissemination of a written notice of MCOE's complaint procedures to all students, employees, parents or guardians of its students and site advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

MCOE's UCP Annual Notice shall also include information regarding the requirements of *EC* §§ 49010 through 49013 relating to pupil fees and information regarding the requirements of *EC* § 52075 relating to the LCAP.

MCOE's 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.

The following is responsible for receiving and investigating complaints and ensuring MCOE's compliance:

Name or title: Chief Human Resources Officer  
Unit or office: Human Resources Office, Monterey County Office of Education  
Address: 901 Blanco Circle - P.O. Box 80851, Salinas, CA 93912-0851  
Phone: (831) 784-4143

E-mail address: [lbutler@montereycoe.org](mailto:lbutler@montereycoe.org)

The person or office responsible for compliance and investigations is knowledgeable about the laws and programs assigned to investigate.

MCOE will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in *EC* §§ 200 and 220 and *Government Code (GC)* § section 11135, including any actual or perceived characteristics as set forth in *Penal Code (PC)* § 422.55 or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity MCOE conduct, which is funded directly by, or that receives or benefits from any state financial assistance.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

All complainants are protected from retaliation. MCOE advises complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

If MCOE finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in MCOE's schools, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), MCOE shall provide a remedy. In the case of complaints regarding Course Periods without Educational Content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in MCOE's school district, the remedy shall go to the affected pupil. In the case of complaints regarding Pupil Fees, Physical Education Instructional Minutes and LCAP, the remedy shall to go all affected pupils and parents/guardians.

A pupil fees complaint may be filed with the principal of a school or MCOE's superintendent or his or her designee.

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

A pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

MCOE ensures an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

MCOE will provide an opportunity for complainants and/or representatives to present evidence or information.

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 MCOE 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 complaint will be investigated and a written report with a Decision will be issued to the complainant by MCOE within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This report will contain the following elements:

- i. The findings of fact based on the evidence gathered.
- ii. Conclusion of law.
- iii. Disposition of the complaint.
- iv. The rationale for such a disposition.
- v. Corrective actions, if any are warranted.
- vi. Notice of the complainant's right to appeal MCOE's Decision to the CDE.
- vii. Procedures to be followed for initiating an appeal to CDE.

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.

A complainant may appeal MCOE's Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP.

To appeal a UCP complaint Decision the complainant must file a written appeal within 15 days of receiving the Decision to CDE. This appeal to the CDE must fully explain the

basis for the appeal, stating how the facts of MCOE’s Decision are incorrect and/or the law is misapplied.

In addition the appeal shall be sent to CDE with: (1) a copy of the original locally filed complaint; and (2) a copy of MCOE’s Decision of this original locally filed complaint.

*Legal Reference:*

EDUCATION CODE

200-262.4	<i>Prohibition of discrimination</i>
8200-8493	<i>Child care and development programs</i>
1980-1986	<i>County Community Schools</i>
32280-32289	<i>School safety plan, uniform complaint procedures</i>
33380-33384	<i>California Indian Education Centers</i>
35186	<i>Williams uniform complaint procedures</i>
44500	<i>California Peer Assistance and Review Program for Teachers</i>
47606-47606.5	<i>District charter schools</i>
47607.3	<i>Failure to improve outcomes – charter schools</i>
48645-48645.6	<i>Juvenile Court Schools</i>
48853-48853.5	<i>Foster pupils</i>
48985	<i>Notices in language other than English</i>
49010-49013	<i>Student fees</i>
49069.5	<i>Student records</i>
49490-49570	<i>Child nutrition programs</i>
51210	<i>Course of study grades 1-6</i>
51223-51228.3	<i>Course of study grades 7-12</i>
52059	<i>Statewide System of School Support</i>
52060-52075	<i>Local control and accountability plan, especially</i>
52075	<i>Complaint for lack of compliance with local control and accountability plan requirements</i>
52160-52178	<i>Bilingual education programs</i>
52300-52480	<i>Career Technical education</i>
52800-52870	<i>School-based program coordination</i>
54400-54425	<i>Compensatory education programs for disadvantaged children</i>
54440-54445	<i>Migrant education</i>
54460-54529	<i>Compensatory education programs administration</i>
56000-56865	<i>Special education programs</i>
59000-59300	<i>Special schools and centers</i>
64000(a)	<i>Consolidated application process</i>

GOVERNMENT CODE

11135	<i>Nondiscrimination in programs or activities funded by state</i>
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HEALTH AND SAFETY CODE

104420	<i>Tobacco use prevention education</i>
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WELFARE AND INSTITUTIONS CODE

300	<i>Dependent children - jurisdiction</i>
309	<i>Temporary custody of juveniles</i>
602	<i>Juvenile court age of jurisdiction</i>

PENAL CODE

422.55 *Hate crime; definition*

CODE OF REGULATIONS, TITLE 5

4600-4687 *Uniform complaint procedures*

UNITED STATES CODE, TITLE 20

6301-6577 *Title I Basic programs*

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

7101-7184 *Safe and Drug-Free Schools and Communities Act*

7201-7283g *Title V Promoting informed parental choice and innovative programs*

7301-7372 *Title V Rural and low-income school programs*

12101-12213 *Title II Equal opportunity for individuals with disabilities*

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

299.11 *Complaint procedures of SEAs*

300.510-511 *Procedural safeguards Due Process procedures for parents*

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