

UNIFORM COMPLAINT PROCEDURES

The Monterey County Superintendent of Schools (County Superintendent) and the Monterey County Board of Education (County Board) recognize that the Monterey County Office of Education (MCOE) is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. MCOE shall investigate complaints alleging failure to comply with such laws and/or alleging retaliation, unlawful discrimination, or bullying and shall seek to resolve those complaints in accordance with the MCOE's uniform complaint procedures (UCP). [5 CCR 4620]

The County Board encourages the County Superintendent to seek early, informal resolution of complaints at the site level whenever possible and appropriate, and to ensure that prompt, thorough and impartial investigations are conducted. To resolve complaints which cannot be resolved through such informal process, the County Board has adopted this uniform system of complaint processes as specified in 5 CCR 4600-4670 to codify the procedure.

MCOE's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging MCOE's violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs or in any other program receiving state or federal funding.. [5 CCR 4610]

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)

2. Any complaint alleging unlawful the occurrence of discrimination (such as discriminatory harassment, intimidation, or bullying) against any person, based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender,

gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics, in MCOE programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance. [5 CCR 4610]

(cf. 0410 - Nondiscrimination in MCOE's Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging MCOE violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. [5 CCR 4610]

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions against MCOE)

4. Any complaint alleging that MCOE has not complied with legal requirements related to the development, adoption and implementation of the local control and accountability plan. [Education Code 52075]

(cf. 0460 - Local Control and Accountability Plan)

5. Any complaint alleging non-compliance with the requirement for the development and adoption of a Comprehensive School Safety Plan.
6. 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
7. Any other complaint as specified in an MCOE policy.

The County Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which shall be offered to resolve complaints that involve more than one student and no adults. 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 County Superintendent or designee is urged to ensure that the use of ADR is consistent with state and federal laws and regulations.

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

(cf. 4119.23/4219.23/4319.23 Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the UCP is included in a UCP complaint, MCOE staff 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 MCOE's UCP.

Non-UCP Complaints

The following complaints shall not be subject to the MCOE's UCP but shall be referred to the specified agency: [5 CCR 4611]

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, MCOE's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve 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. [Education Code 35186]

(cf. 1312.4 - Williams Uniform Complaint Procedures)

*Legal Reference:*EDUCATION CODE

200-262.4	Prohibition of discrimination,
8200-8498	Child care and development programs
8500-8538	Adult basic education
18100-18203	School libraries
32289	School safety plan, uniform complaint procedures
35186	Williams uniform complaint procedures
44110-44114	Reporting by School Employees of Improper Government Activities Act
48985	Notices in language other than English
49010-49013	Student fees
49060-49079	Student records
49490-49590	Child nutrition programs
52060-52077	Local control and accountability plan, especially
52075	Complaint for lack of compliance with local control and accountability plan requirements
52160-52178	Bilingual education programs
52300-52490	Career technical education
52500-52616.24	Adult schools
52800-52870	School-based program coordination
54400-54425	Compensatory education programs
54440-54445	Migrant education
54460-54529	Compensatory education programs
56000-56867	Special education programs
59000-59300	Special schools and centers
64000-64001	Consolidated application process

GOVERNMENT CODE

11135	Nondiscrimination in programs or activities funded by state
12900-12996	Fair Employment and Housing Act

PENAL CODE

422.55	Hate crime; definition
422.6	Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080	Application of section
4600-4687	Uniform complaint procedures
4900-4965	Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221	Application of laws
1232g	Family Educational Rights and Privacy Act
1681-1688	Title IX of the Education Amendments of 1972
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

99.1-99.67 Family Educational Rights and Privacy

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Adopted: 3/1/95

Revised: 7/01; 3/20/02; 6/16/04; 9/03/08; 11/04/15