

Uniform Complaint Procedures (UCP)

The Solano County Office of Education (SCOE) recognizes that it has a primary responsibility to ensure compliance with applicable state and federal laws and regulations governing its educational programs. SCOE encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which may require a more formal process, SCOE adopts the uniform system of complaint processes specified in 5 CCR 4600- 4670.

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

1. Any complaint alleging SCOE's violation of applicable state or federal law or regulations governing any SCOE-implemented program as listed in Education Code (E.C.) section 64000(a) including the following programs: (5 CCR 4610)
 - Adult Education
 - After School Education and Safety Agricultural Career Technical 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 Economic Impact Aid
 - Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district and Pupils of Military Families
 - Every Student Succeeds Act / No Child Left Behind Local Control and Accountability Plans (LCAP) Migrant Education
 - Physical Education Instructional Minutes Pupil Fees
 - Reasonable Accommodations to a Lactating Pupil Regional Occupational Centers and Programs School Safety Plans
 - Special Education State Preschool
 - Tobacco-Use Prevention Education
2. Any complaint alleging the occurrence of unlawful discrimination (such as harassment, intimidation, or bullying) against any student, employee, or other person participating in SCOE's programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity; color; ancestry; nationality; national origin; ethnic group identification; student's immigration status; age; religion; marital, pregnancy, family, or parental status; physical or mental disability; sex; sexual orientation; gender; gender identity; gender expression; or genetic information, or any other characteristic identified in E.C. §§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 (5 CCR 4610)

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3. Any complaint alleging SCOE's noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (E.C. §222)
4. Any complaint alleging SCOE's noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
5. Any complaint alleging SCOE's noncompliance with legal requirements related to the implementation of the local control and accountability plan (LCAP) (E.C. §52075)
6. Any complaint, by or on behalf of any student who is a foster youth, alleging SCOE's noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of SCOE's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from district governing board-imposed graduation requirements (E.C. §§48853, 48853.5, 49069.5, 51225.1, 51225.2)
7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging SCOE's noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from district governing board-imposed graduation requirements (E.C. §§51225.1, 51225.2).
8. Any complaint, by or on behalf of a former juvenile court school student who transfers into a district after his/her second year of high school, alleging SCOE's noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from district governing board-imposed graduation requirements (E.C. §§51225.1, 51225.2)
9. Any complaint alleging SCOE's noncompliance with the requirements of E.C. §§51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (E.C. §51228.3)
10. Any complaint alleging SCOE's noncompliance with the physical education instructional minutes requirement for students in elementary school (E.C. §§51210, 51223)
11. 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
12. Any other complaint as specified in SCOE's policy

The Compliance Officer shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and SCOE policy. All such records shall be destroyed in accordance with applicable state law and SCOE policy. (5 CCR 4631 and 4633)

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

Privacy

SCOE 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 harassment, intimidation, or bullying), the County Superintendent or designee shall keep confidential, when appropriate, the identity of the complainant and/or the subject of the complaint, as long as the integrity of the complaint process is maintained.

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Those who wish to file anonymously should submit their complaint using U.S. Mail, because electronic addresses may be identifiable.

Alternative Dispute Resolution (ADR)

SCOE 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 acceptable to all parties. ADR, 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. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the County Superintendent or designee shall initiate that process. The County Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

Compliance Officer(s)

The County Superintendent designates the individual identified below as responsible for coordinating SCOE's response to complaints and ensuring compliance with state and federal civil rights laws. This individual also serves as the Compliance Officer specified in SCOE Policy 5145.3 — Nondiscrimination/Harassment as the responsible employee to handle complaints regarding unlawful discrimination such as harassment, intimidation, or bullying. This individual shall receive and coordinate the investigation of complaints and shall ensure SCOE's compliance with law.

Name:	Manolo Garcia
Title or Position:	Associate Superintendent – Human Resources and Educator Effectiveness
Work Address:	5100 Business Center Drive, Fairfield, CA 94534-1658
Telephone Number:	(707) 399-4400
Email:	complianceofficer@solanocoe.net

The Compliance Officer who receives a complaint may assign another Compliance Officer to investigate and resolve the complaint. The Compliance Officer shall promptly notify the complainant and respondent, if applicable, if another Compliance Officer is assigned to the complaint.

In no instance shall the Compliance Officer be assigned to a complaint in which s/he has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint.

Any complaint against a Compliance Officer, or that raises a concern about the Compliance Officer's ability to investigate the complaint fairly and without bias, may be filed with the County Superintendent or designee who shall determine how the complaint will be investigated.

The County Superintendent or designee shall ensure that employees designated to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the County Superintendent or designee.

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The Compliance Officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the Compliance Officer or the administrator shall consult with the County Superintendent, the County Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more interim measures. The interim measures may remain in place until the Compliance Officer determines that they are no longer necessary or until SCOE issues its final written decision, whichever occurs first.

Non-UCP Complaints

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

The following complaints shall not be subject to SCOE'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, SCOE's *Williams* Uniform Complaint Procedures, Policy 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. (E.C. §35186)

Notifications

SCOE's UCP policy and administrative regulation shall be posted in all its schools and offices, including staff lounges and student government meeting rooms. (E.C. §234.1)

The County Superintendent or designee shall annually provide written notification of SCOE's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth, homeless students, and former juvenile court school students, to SCOE's students, parents/guardians of its students, its employees, its advisory committees, appropriate private school officials or representatives, and other interested parties. (E.C. §§262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

The annual notification, complete contact information of the Compliance Officer(s), and information related to Title IX as required pursuant to E.C. §221.61, shall be posted on SCOE's website and, if available, may be provided through SCOE-supported social media.

The County Superintendent or designee shall ensure that all students and parents/guardians, including those with limited English proficiency, have access to the relevant information provided in SCOE's policy, regulation, forms, and notices concerning the UCP.

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If 15% or more of students enrolled in a particular SCOE program speak a single primary language other than English, SCOE's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with E.C. §§234.1 and 48985. In all other instances, SCOE shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as harassment, intimidation, or bullying).
4. Include statements that:
 - a. SCOE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within sixty (60) calendar days of SCOE's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging retaliation or unlawful discrimination (such as harassment, intimidation, or bullying) must be filed not later than six months from the date the alleged incident occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to ninety (90) days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put their complaint in writing, for example, due to conditions such as a disability or illiteracy, SCOE staff shall assist them in filing the complaint.
 - e. If a complaint is not filed in writing but SCOE receives notice of any allegation that is subject to the UCP, SCOE shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the circumstances.

If the allegation involves retaliation or unlawful discrimination (such as harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, SCOE will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.
 - f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of SCOE's educational program, including curricular and extracurricular activities. A complaint alleging unlawful pupil fees shall be filed no later than one year from the date the alleged violation occurred. (5 CCR 4630(c)(2))
 - g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

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- h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when s/he transfers between schools, programs, or districts.
- i. A foster youth, homeless student, or juvenile court school student who transfers into a high school program or between programs shall be notified of SCOE's responsibility to:
 - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed.
 - (2) Not require the student to retake any course or a portion of a course that they have satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency
 - (3) If the student has completed their second year of high school before the transfer, provide the student with information about SCOE-adopted coursework and district governing board-imposed graduation requirements from which they may be exempted pursuant to E.C. §51225.1.
- j. The complainant has a right to appeal SCOE's decision to the CDE by filing a written appeal within fifteen (15) calendar days of receiving SCOE's decision.

In any complaint alleging unlawful discrimination (such as harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if s/he is dissatisfied with SCOE's decision.
- k. The appeal to the CDE must include a copy of the complaint filed with SCOE and a copy of SCOE's decision.
- l. A copy of SCOE's UCP will be available free of charge. (5 CCR 4622)

SCOE's UCP will be distributed to all interested parties in the following manner:

- To parents/guardians in the parent packet distributed at the beginning of each school year and, for families new to the county, at the time of student enrollment;
- To students at the beginning of each school year;
- To private school officials at the beginning of each school year;
- To employees with the first pay voucher of each fiscal year and, for new employees, at the orientation meeting; and
- To members of any advisory committees at the first meeting of each school year.

SCOE Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as harassment, intimidation, or bullying), SCOE shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

Policy 1312.3 (Continued)

The Compliance Officer 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.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the Compliance Officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Procedures

Except as otherwise specifically provided in other SCOE policies, these procedures shall be used to investigate and resolve only the complaints specified in this policy which allege that SCOE has violated federal or state laws or regulations governing educational programs.

Step 1: Filing of Complaint

Complaints filed under the UCP may be filed directly with the Compliance Officer or with any site administrator not designated as a Compliance Officer. If a site administrator not designated as a Compliance Officer receives a UCP complaint, s/he shall immediately present the complaint to the Compliance Officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, SCOE staff shall assist him/her in the filing of the complaint. (5 CCR 4600) All complaints shall be filed in accordance with the following rules, as applicable:

1. A complaint alleging 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, and special education programs may be filed by any individual, public agency, or organization. Complaints may also include violations of applicable state and federal law or regulations governing the following: (5 CCR 4630):
 - After School Education and Safety
 - Agricultural Career Technical Education
 - American Indian Education Centers and Early Childhood Education Program Assessments
 - Bilingual Education
 - California Peer Assistance and Review Programs for Teachers
 - Career Technical Education
 - Compensatory Education
 - Course Periods without Educational Content
 - Economic Impact Aid
 - Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district and Pupils of Military Families
 - Every Student Succeeds Act/No Child Left Behind

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- Physical Education Instructional Minutes
 - Reasonable Accommodations to a Lactating Pupil
 - Regional Occupational Centers and Programs
 - School Safety Plans
 - State Preschool
 - Tobacco-Use Prevention Education
2. A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school/program or with the County Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (E.C. §§49013, 52075; 5 CCR 4630)
- SCOE shall engage in reasonable efforts to attempt in good faith 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. (5 CCR 4600(u))
3. A complaint alleging unlawful discrimination (such as harassment, intimidation, or bullying) may be filed only by a person who alleges that s/he personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to any of these unlawful acts. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to ninety (90) days by the County Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (E.C. §234.1; 5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as harassment, intimidation, or bullying) is filed anonymously, the Compliance Officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant or alleged victim of unlawful discrimination (such as harassment, intimidation, or bullying) requests confidentiality, the Compliance Officer shall inform them that the request may limit SCOE's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, SCOE shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Step 2: Mediation

Within three (3) business days after the Compliance Officer receives the complaint, they may informally discuss with all the parties the possibility of using mediation. Mediation shall 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 an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the Compliance Officer shall make all arrangements for this process.

Policy 1312.3 (Continued)

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as harassment, intimidation, or bullying) the Compliance Officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The Compliance Officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the Compliance Officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend SCOE's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, SCOE shall take only the actions agreed to through the mediation. If mediation is unsuccessful, SCOE shall then continue with subsequent steps specified in this policy. (5 CCR 4631)

Step 3: Investigation of Complaint

Within ten (10) business days after the Compliance Officer receives the complaint, or an attempt to mediate the complaint has been unsuccessful, the Compliance Officer shall begin an investigation into the complaint.

Within one (1) business day of initiating the investigation, the Compliance Officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the Compliance Officer and notify the complainant and/or his/her representative of the opportunity to present the Compliance Officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

The Compliance Officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. S/he shall individually interview all available witnesses with information pertinent to the complaint and may visit any reasonably accessible location where the relevant actions are alleged to have taken place.

To investigate a complaint alleging retaliation or unlawful discrimination (such as harassment, intimidation, or bullying), the Compliance Officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide SCOE's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide SCOE's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, SCOE shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. SCOE's failure or refusal to cooperate in 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.

Policy 1312.3 (Continued)

The Compliance Officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Step 4: Report of Findings

Unless extended by written agreement with the complainant, the Compliance Officer shall prepare and send to the complainant, and respondent if there is one, a written report of SCOE's investigation and decision, as described in Step #5 below, within sixty (60) calendar days of receiving the complaint. (5 CCR 4631)

Step 5: Final Written Decision

SCOE's decision on how it will resolve the complaint shall be in writing and sent to the complainant and respondent. (5 CCR 4631)

In consultation with SCOE's legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, if the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as harassment, intimidation, and bullying), notice of SCOE's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

The decision shall be written in English and, when required by E.C. §48985, in the complainant's primary language. If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15% or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, SCOE shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

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The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The relationship between the alleged victim(s) and offender(s)
 - d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), if any are warranted, including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with E.C. §49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal SCOE's decision to the CDE within fifteen (15) calendar days and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of SCOE's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, sixty (60) calendar days after the filing of an appeal with the CDE. (E.C. §262.3)
2. The 60-day moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (E.C. 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights, at www.ed.gov/ocr within one-hundred-eighty (180) days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the Compliance Officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or program environment may include, but are not limited to, actions to reinforce or update SCOE's policies; training for faculty, staff, and students; or school climate surveys.

Policy 1312.3 (Continued)

For complaints involving retaliation or unlawful discrimination (such as harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as harassment, intimidation, or bullying), SCOE shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

SCOE may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as harassment, intimidation, or bullying), that SCOE does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, SCOE shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. Specifically, if the Solano County Office of Education finds merit in a complaint regarding Pupil Fees; Local Control and Accountability Plan (LCAP); Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district, and pupils in military families; Reasonable Accommodations to a Lactating Pupil; Course Periods without Educational Content (grades nine through

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twelve); and Physical Education Instructional Minutes (grades one through eight), the public school or LEA shall provide a remedy. (E.C. §§49013, 51223, 52075)

The remedy shall go to the affected pupil in the case of complaints regarding:

- Course Periods without Educational Content;
- Reasonable Accommodations to a Lactating Pupil, and/or
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school district, and pupils in military families.

For complaints alleging noncompliance with the laws regarding student fees, SCOE shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (E.C. §49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with SCOE's final written decision may file an appeal in writing to the CDE within fifteen (15) calendar days of receiving SCOE's decision. (E.C. §§222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

When appealing to the CDE, the complainant or respondent must specify the basis for the appeal of the decision and whether the facts are incorrect, and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of SCOE's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant or respondent has appealed SCOE's decision, the County Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by SCOE, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of SCOE's uniform complaint procedures (UCP)
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by SCOE when one of the conditions listed in 5 CCR 4650 exists, including cases in which SCOE has not taken action within sixty (60) calendar days of the date the complaint was filed with SCOE.

Complaint issues that are not subject to SCOE's complaint procedures and not under the jurisdiction of the CDE include, but are not limited to, allegations of child abuse, health and safety complaints related to a child development program, employment discrimination complaints, and allegations of fraud. (5 CCR 4611)

Policy 1312.3 (Continued)

Civil Law Remedies

A complainant may pursue any civil law remedies outside of SCOE's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging discrimination, harassment, intimidation, or bullying based on state law, a complainant shall wait until sixty (60) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided SCOE has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
222 Reasonable accommodations, lactating students
8200-8498 Childcare and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedure
35186 *Williams* uniform complaint procedure
48853-48853.5 Educational Rights of Foster Youth
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records; Rights of parents (49069.5)
49490-49590 Child nutrition programs
51210 Courses of study, grades 1-6
51223 Physical education, elementary school
51225.1-51225.2 Foster and homeless youth, course credits, graduation requirements
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan (LCAP); complaints for lack of compliance (52075)
52160-52178 Bilingual education programs
52300-52490 Career- technical education
52500-52616.24 Adult schools
54400-54429 Compensatory education programs
54440-54445 Migrant education
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 2

11023 Harassment and discrimination prevention and correction

Policy 1312.3 (Continued)

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 Education Amendments Act 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 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 Act
- 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

Policy Cross-Reference:

- 0410 Nondiscrimination in Programs and Activities
- 0420 School Plans/Site Councils
- 0460 Local Control and Accountability Plan
- 1113 Websites
- 1114 Social Media
- 1220 Citizen Advisory Committees
- 1312.1 Complaints Concerning Employees
- 1312.2 Complaints Concerning Instructional Material
- 1312.4 Williams Uniform Complaint Procedures
- 3260 Fees and Charges
- 3320 Receipt of Claim, Action, Summons, or Complaint
- 3580 Records
- 4030 Nondiscrimination in Employment
- 4031 Complaints Concerning Discrimination in Employment
- 4112.9 Employee Notifications
- 4119.23 Unauthorized Release of Confidential/Privileged Information
- 4131 Staff Development
- 4144 Complaints
- 5125 Student Records
- 5141.4 Child Abuse Prevention and Reporting

Policy 1312.3 (Continued)

5145.3 Nondiscrimination/Harassment
5145.6 Parental Notifications
5145.7 Sexual Harassment
6142.7 Physical Education and Activity
6159 Individualized Education Program
6159.1 Procedural Safeguards and Complaints for Special Education
6171 Title I Programs
6173 Education for Homeless Children
6173.1 Education for Foster Youth
6174 Education for English Language Learners
6178 Career Technical Education

(Print on Letterhead)

UNIFORM COMPLAINT PROCEDURES ANNUAL NOTIFICATION

The Solano County Office of Education (SCOE) is primarily responsible for compliance with applicable state and federal laws and regulations governing its educational programs. A copy of SCOE's complaint procedures shall be available free of charge as well as posted on SCOE's website.

In accordance with Title 5 of the California Administrative Code §4600 and following, this serves as notification that you have a right to file a written complaint in the event that you believe that the Solano County Office of Education (SCOE) is in violation of any state or federal laws in any of the following programs: adult education programs, after-school education and safety programs, consolidated categorical aid programs, migrant education, career technical education and training programs, child care and development programs, child nutrition programs, special education programs, and any other SCOE-implemented program listed in Education Code section 64000(a) including the following:

- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Career Technical Education
- Course Periods without Educational Content
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a school district and Pupils of Military Families
- Every Student Succeeds Act/No Child Left Behind Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- State Preschool

You also have the right to file a written complaint following these procedures if you believe there has been unlawful discrimination, harassment, intimidation, or bullying by any student, employee, or other person participating in SCOE's programs and activities on the basis of actual or perceived characteristics of race; ethnicity; color; ancestry; nationality; national origin; ethnic group identification; age; religion; marital, pregnancy, or parental status; mental or physical disability; sex; sexual orientation; gender; gender identity; gender expression; or genetic information, or based on a person's association with a person or group with one or more of these actual or perceived characteristics. We shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families, as specified in EC sections 48853, 48853.5, 49069.5, 51225.1 and 51225.2. The notice shall include complaint process information, as applicable.

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six (6) months from the date the alleged incident occurred, or six (6) months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. (Education Code §234.1; 5 CCR 4630)

Furthermore, a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity that constitutes an integral fundamental part of SCOE's educational program. You have a right to file a complaint alleging unlawful pupil fees no later than one year from the date the alleged violation occurred. (Education Code §49011; 5 CCR 4630(c)(2))

Uniform Complaint Procedures shall be used to address any complaint alleging SCOE's failure to comply with the local control and accountability plan (LCAP) requirements in the Education Code. The complaint may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance with the LCAP requirements. A pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

The County Superintendent has designated a Compliance Officer to serve as the responsible party for receiving and responding to all written complaints. Following an investigation, a written response to the complaint will be conveyed to the person filing the complaint within sixty (60) calendar days from the date of receipt of the complaint, unless the complainant agrees in writing to extend the timeline.

If the complainant is not satisfied with SCOE's decision, this is to notify you further of your right to appeal SCOE's decision to the California Department of Education (CDE). The appeal to CDE must include a copy of SCOE's written decision and must be filed within fifteen (15) calendar days of receiving SCOE's response. CDE is required to issue a decision on the appeal within sixty (60) days of CDE's receipt of the appeal. If SCOE finds merit in the complaint or CDE finds merit in the appeal, SCOE will provide a remedy to all affected pupils and parents/guardians. (5 CCR §4622)

In addition to the complaint process set forth in SCOE's policy regarding Uniform Complaint Procedures, you may also have the right to have CDE directly intervene under certain circumstances as set forth in 5 CCR 4622, 4650. In accordance with the law, you are also notified that you may have local civil law remedies including, but not limited to, injunctions or restraining orders, in addition to remedies through this complaint procedure. (Education Code §§234.1, 262.3, 49013)

Should you have any questions concerning the complaint process and your rights to file a complaint, you may contact the Compliance Officer at the Solano County Office of Education, 5100 Business Center Drive, Fairfield, CA 94534-1658, (707) 399-4459, ComplianceOfficer@solanocoe.net.