

UNIFORM COMPLAINT PROCEDURES

The Governing Board of the Walnut Valley Unified School District recognizes that the District has primary responsibility for compliance with state and federal laws and regulations governing educational programs. The District shall investigate and seek to resolve complaints alleging failure to comply with such laws or alleging unlawful discrimination, harassment, intimidation, or bullying at the local level. The District's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English Learner programs, After School Education and Safety programs, Agricultural Career Technical Education, American Indian education centers and early childhood education program assessments, State Preschool Programs, Every Student Succeeds Act/No Child Left Behind, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code 64000(a)

The programs and activities subject to the UCP in which the Walnut Valley Unified School District implements are adult education programs, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English Learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code 64000(a)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3555 - Nutrition Program Compliance)
(cf. 5131.62 - Tobacco)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work-Based Learning)
(cf. 6200 - Adult Education)

UNIFORM COMPLAINT PROCEDURES (continued)

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district 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, immigration status, ethnic group identification, age, religion, marital status, pregnancy, 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 (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district 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 (Education Code 222)

(cf. 5146 - Married/Pregnant/Parenting Students)

4. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district'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 Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

5. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school, alleging district 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 Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

UNIFORM COMPLAINT PROCEDURES (continued)

6. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 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 (Education Code 51228.3)

(cf. 6152 - Class Assignment)

7. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

8. 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

9. Any other complaint as specified in a District policy

10. Any complaints alleging District noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (Education Code section 49013).

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

11. Any complaints alleging District noncompliance with the legal requirements related to the implementation of the Local Control and Accountability Plans (LCAP) (Education Code 52075). This type of complaint may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. If an LCAP complainant is not satisfied with the decision of the District, the complainant may appeal to the State Superintendent of Public Instruction (see Appeals, below) and will receive a written appeal decision within 60 days of the State Superintendent's receipt of the appeal.

Complainants are notified that matters listed below under "Referring Complaint to Appropriate Agencies" are not issues covered by these procedures. However, the District may elect to investigate complaints of such matters in accordance with these procedures.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

UNIFORM COMPLAINT PROCEDURES (continued)

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 the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and 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)

The confidentiality of the parties involved and the integrity of the process shall be protected to the extent required by law in connection with the investigation of complaints.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

Williams Uniform Complaints

The District's *Williams* uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials;
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff;
3. Teacher vacancies and misassignments;

(cf. 1312.4 – Williams Complaint Procedures)

Notifications

The District shall annually notify, in writing, its students, employees, parents/guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of these procedures.

(cf. 0420 – School Plans/Site Councils)
(cf. 3260 – Fees and Charges)
(cf. 4112.9/4212.9/4312.9 – Employee Notifications)
(cf. 5145.6 – Parental Notifications)

UNIFORM COMPLAINT PROCEDURES (continued)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant that 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 pursuant to Education Code 262.3, including 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.
4. Include statements that:
 - a. The District is primarily responsible for compliance with state and federal laws and regulations.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date of the alleged unlawful act(s), or six months from the date the complainant first obtains knowledge of the facts of the alleged unlawful act(s).
 - d. The complainant has a right to appeal the District's decision to the CDE by filing a written appeal within 15 days of receiving the District's determination.
 - e. The appeal to the CDE must include a copy of the original complaint filed with the District and a copy of the District's decision.
 - f. Copies of the District's uniform complaint procedures are available free of charge.

In addition, the District's uniform complaint procedures shall be posted in all District schools and the administrative office, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular District school speak a single primary language other than English, the policy, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code sections 234.1, 48985)

Complainants are hereby notified that they may have alternative civil law remedies via governmental agencies such as OCR, DFEH, EEOC, local bar associations, law schools, the State Superintendent of Public Instruction, or mediation services.

UNIFORM COMPLAINT PROCEDURES (continued)

The Superintendent or designee shall ensure that employees designated to investigate or direct investigation of complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4131/4231/4331 - Staff Development)

Filing of Complaint

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. The complaint may be filed with the principal of the school or the Superintendent or his or her designee. A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code section 49013)

A written complaint of alleged non-compliance with a federal or state law or regulation governing education programs listed above must be filed with the compliance officer. When the subject matter of a complaint is not covered by this policy, the complainant shall be so advised.

(cf. 5131.2 - Bullying)

The complaint must be filed no later than six months from the date of the alleged discrimination, harassment, intimidation, or bullying or when the complainant first obtained knowledge of the facts of the alleged conduct.

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. The complaint may be filed with the principal of the school. A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code section 49013)

The complaint shall be presented to the compliance officer, who shall maintain a log of complaints received. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, District staff shall assist in filing the complaint.

Investigation of Complaint

The compliance officer may designate an outside investigator, as appropriate, to investigate a complaints. The investigator shall be knowledgeable about the laws and programs he or she is assigned to investigate.

UNIFORM COMPLAINT PROCEDURES (continued)

In the discretion of the compliance officer/designee, and with the consent of the parties, the compliance officer/designee may undertake a resolution of the dispute via mediation. This step is optional.

The compliance officer/designee shall hold investigative meetings promptly upon receipt of the complaint. Complainant and/or complainant's representatives and the District representatives shall have the opportunity to present any evidence or relevant information.

To ensure that all pertinent facts are discovered, the compliance officer/designee may conduct interviews with other individuals or request others to provide additional information and evidence.

Complainants are advised that while the District will make an effort to protect their privacy and confidentiality, investigation of their complaints may require disclosure of certain information to others. By filing a complaint, complainant authorizes the District to investigate and make disclosures as may be reasonably necessary to the investigation and resolution of the complaint.

As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent doing so does not obstruct the investigation of the complaint.

Complainants, witnesses, and all other participants are protected by law from retaliation for their participation in the complaint investigation process. A complainant's refusal to provide the compliance officer 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 based on a lack of evidence to support the allegation(s).

In accordance with law, the District shall provide the investigator with access to records and other information related to the allegation(s) in the complaint and shall not obstruct the investigation. Failure or refusal of the District to cooperate in 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.

Written Decision

Within 60 days of receiving the complaint, the compliance officer/designee shall prepare and send to the complainant a decision based on the District's investigation. The decision shall be in writing and include:

1. Findings of fact based on the evidence gathered
2. Conclusion(s) of law, as applicable;

UNIFORM COMPLAINT PROCEDURES (continued)

3. The disposition of the complaint;
4. The rationale for such disposition;
5. Corrective actions, if any are warranted;
6. Notice of the complainant's right to appeal the decision to the California Department of Education (CDE); and
7. Procedures to be followed for initiating an appeal to the CDE.

If an investigation of a complaint results in discipline to a student or an employee, the decision shall state only that effective action was taken and the student or employee was informed of District expectations. The decision shall not give any further information as to the nature of disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardian. For complaints alleging noncompliance with the laws regarding student fees, such remedies, where applicable, shall include reasonable efforts to ensure full reimbursement to affected students and parents/guardians.

The UCP policies shall ensure that an attempt in good faith will be made by engaging 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.

Completion of the complaint and investigation process will be concluded within 60 days unless the complainant agrees in writing to an extension of time.

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law.

UCP Complaint Investigation

The Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure District compliance with law:

Assistant Superintendent, Human Resources
Walnut Valley Unified School District
800 S. Lemon Ave, Walnut, CA 91789
(909) 595-1261

Electronic mail address: ucp@wvusd.k12.ca.us

UNIFORM COMPLAINT PROCEDURES (continued)

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is knowledgeable about the laws and programs assigned to investigate.

The Walnut Valley Unified School District will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in EC Section 200 and 220 and Government Code (GC) Section section 11135, including any actual or perceived characteristics as set forth in Penal Code (PC) Section 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 we 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.

We advise complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

UCP Complaint Resolution

If the Walnut Valley Unified School District finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), 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, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), we shall provide a remedy.

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 of military families.

UNIFORM COMPLAINT PROCEDURES (continued)

The remedy shall go to all affected pupils and parents/guardians in the case of complaints regarding

- Pupil Fees,
- Physical Education Instructional Minutes and/or
- Local Control and Accountability Plans.

Referring Complaint Issues to Appropriate Agencies

In accordance with 5 C.C.R. 4611, the following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to these complaints

1. Allegations of child abuse:
Department of Children and Family Services
425 Shatto Place, Los Angeles, CA 90020
2. Health and safety complaints regarding a Child Development Program:
Los Angeles County Office of Education
300 Imperial Highway · Downey, CA 90242
3. Discrimination issues involving child nutrition programs:
Administrator, U.S. Department of Agriculture Food and Nutrition Service
3101 Park Center Drive, Alexandria, VA 22302
(OR)
Secretary of Agriculture Washington, D.C. 20250
(OR)
U.S. Department of Agriculture
Food and Consumer Service, Western Regional Office
550 Kearney Street, #400, San Francisco, CA 94108
4. Title IX of the Educational Amendments of 1972:
United States Office for Civil Rights (OCR)
U.S. Department of Education, Old Federal Building
50 United Nations Plaza, Room 239, San Francisco, CA 94102-4987
5. Employment discrimination complaints:
State Department of Fair Employment and Housing (DFEH)
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
6. Allegations of fraud shall be referred to the responsible State or Federal Department Division Director and its legal office:
California Department of Education
P.O. Box 944272, Sacramento, CA 94244-2720

UNIFORM COMPLAINT PROCEDURES (continued)

Appeals to the California Department of Education

If a complainant is dissatisfied with the decision, he/she may appeal in writing to the CDE within 15 days of receiving the District's decision.

When appealing, the complainant must specify all the reason(s) for the appeal and must include copies of the original complaint and the District's decision.

Upon notification by the Superintendent of Public Instruction that the District's decision has been appealed, the compliance officer/designee shall forward the following to the Superintendent of Public Instruction:

1. A copy of the original complaint;
2. A copy of the District's decision;
3. A summary of the nature and extent of the investigation conducted by the District, if not covered in the decision;
4. A copy of the investigation file;
5. A report of any action taken to resolve the complaint;
6. A copy of the District's uniform complaint procedure; and
7. Such other relevant information as the Superintendent of Public Instruction may require.

The CDE may directly intervene in a complaint without waiting for action by the District when one of the conditions listed in 5 C.C.R. 4650 exists; including cases in which the District has not taken action within 60 days of the date the complaint was filed with the District.

Other Available Remedies

Depending on the nature of the complaint, the complainant may also have available civil law remedies, and may consult his/her attorney.

Civil law remedies include, but are not limited to, injunctions, restraining orders, or other remedies or orders. Notwithstanding any other provision of law, a person who alleges, based on state law, that he or she is a victim of discrimination, harassment, intimidation, or bullying may not seek civil remedies, other than injunctive relief or complaints based on federal law, until at least 60 days have elapsed from the filing of an appeal to the CDE. (Education Code section 262.3)

UNIFORM COMPLAINT PROCEDURES (continued)

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

37254 Intensive instruction and services for students who have not passed exit exam

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

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

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

12101-12213 Title II equal opportunity for individuals with disabilities

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference: (continued)

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: May 15, 2019