

## 1000 - COMMUNITY RELATIONS

### UNIFORM COMPLAINT PROCEDURES

**ARR 1312.3**  
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These Uniform Complaint Procedures shall be used to investigate and resolve complaints alleging violations of federal or state laws as specified in BP 1312.3 and discussed herein.

#### I. Compliance Officer or Designee

The Sacramento County Office of Education (SCOE) has designated the following Compliance Officer or designee to receive and investigate complaints and ensure SCOE's compliance with law: Deputy Superintendent (or such other person designated by the Sacramento County Superintendent of Schools (Superintendent)), 10474 Mather Boulevard, Mather, CA 95655, P.O. Box 269003, Sacramento, CA 95826-9003; (916) 228-2409; complianceofficer@scoe.net.

The Compliance Officer or designee shall maintain a record of each complaint and subsequent related actions, as required by law, including all information required for compliance with California Code of Regulations, title 5, sections 4631 and 4633. (See, Ed. Code, § 234.1.)

The Superintendent or designee shall ensure that employees designated to investigate 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. (Cal. Code Regs., tit. 5, § 4621.)

#### II. Notifications

SCOE's Uniform Complaint Procedures policy and administrative regulation shall be posted in all schools and offices, including staff lounges and pupil government meeting rooms. If 15 percent or more of pupils enrolled in a particular school speak a single primary language other than English, SCOE's policy, regulations, forms, and notices concerning Uniform Complaint Procedures shall be translated into that language. (Ed. Code, §§ 234.1, 48985.)

The Superintendent or designee shall annually provide written notification of SCOE's Uniform Complaint Procedures to pupils, employees, parents/guardians, SCOE/school advisory committees, appropriate school officials or representatives, and other interested parties. The notification will contain information about SCOE's complaint procedures, available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education (CDE). Copies of SCOE's Uniform Complaint Procedures are available free of charge. (Ed. Code, §§ 262.3, 49013; Cal. Code Regs., tit. 5, § 4622.)

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#### III. Scope of Uniform Complaint Procedures

- A. SCOE has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Uniform Complaint Procedures shall be used to address complaints that allege that SCOE has violated federal or state laws or regulations governing academic and educational programs, including:
1. Consolidated Categorical Aid Programs (Ed. Code, § 64000(a).)
  2. Career/Technical Education (Ed. Code, §§ 52300- 52480.)
  3. Adult Education (Ed. Code, §§ 8500-8538 and 52500-52616.4.)
  4. Child Nutrition Programs (Ed. Code, §§ 49490-49570.)
  5. Child Care and Development Programs (Ed. Code, §§ 8200-8493.)
  6. Special Education Programs (Ed. Code, §§ 56000 et seq., 59000-59300.)
  7. Compensatory Education (Ed. Code, §§ 54400-54425.)
  8. Tobacco Use Prevention Education (Health & Saf. Code, §§ 104420, 104559.)
  9. Every Student Succeeds Act/No Child Left Behind.  
(See Cal. Code Regs., tit. 5, § 4610.)
- B. SCOE will also use its Uniform Complaint Procedures when addressing allegations of:
1. Unlawful discrimination harassment, intimidation, retaliation, or bullying on the basis of any actual or perceived characteristic in Education Code sections 200 and 220, Government Code section 11135, or Penal Code section 422.55 including: age, sex, sexual orientation, gender, gender identity, gender expression, genetic information, ethnicity, race, ancestry, national origin, immigration status, ethnic group identification, nationality, religion, color, or mental or physical disability; or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by a local agency that is funded by, or receives or benefits from, any state financial assistance. (Cal. Code Regs., tit. 5, § 4610.)

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2. Violations of SCOE Board Policies prohibiting discrimination, harassment, intimidation, or bullying in SCOE educational programs.
3. Failure to comply with the prohibition against requiring pupils to pay fees, deposits, or other charges for participation in educational activities. (Ed. Code, § 49013.)
4. Failure to comply with the school safety planning requirements. (Ed. Code, § 32289.)
5. Failure to comply with the requirements regarding Local Control and Accountability Plans (LCAP). (Ed. Code, § 52075.)
6. Course periods without educational content; improperly requiring a pupil to repeat a course which the pupil completed and received a sufficient grade. (Ed. Code, § 51228.3.)
7. Failure to provide reasonable accommodation to a lactating pupil. (Ed. Code, § 222.)
8. Noncompliance with legal requirement applicable to a foster youth regarding educational placement decisions, the responsibilities of SCOE's educational liaison to the pupil, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from SCOE's graduation requirements. (Ed. Code, §§ 48853, 48853.5, 49069.5, 51225.1, 51225.2.)
9. Noncompliance with any requirement applicable to a pupil experiencing homelessness, a former juvenile court school pupil, or a child of a military family as defined in Education Code section 49071, regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from SCOE's graduation requirements. (Ed. Code, §§ 51225.1, 51225.2.)
10. Noncompliance with any requirement regarding a juvenile court school pupil obtaining a diploma upon completion of statewide graduation requirements while attending a juvenile court school. (Ed. Code, § 48645.7.)

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11. Noncompliance with physical education instructional minute requirement. (Ed. Code, §§ 51210, 51223.)
  12. Noncompliance with the requirements of the California Peer Assistance and Review (PAR) program for teachers. (Ed. Code, § 44500 et seq.)<sup>1</sup>
- C. These Uniform Complaint Procedures may also be used to file complaints with SCOE or to appeal SCOE decisions that concern unlawful discrimination in SCOE's educational programs under federal law, including:
1. Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990 (ADA) for charges of discrimination based on physical or mental disability.
  2. Title IX of the Education Amendments of 1972 for charges of discrimination based on sex, including charges of sexual harassment.
- D. The following complaints are not subject to SCOE's Uniform Complaint Procedures and shall be referred to the specified agencies for resolution:
1. Allegations of child abuse shall be referred to the applicable County Department of Child Protective Services or to the appropriate law enforcement agency.
  2. Health and safety complaints regarding a Child Development Program shall be referred to the Sacramento County Department of Health and Human Services for licensed facilities and to the appropriate Child Development regional administrator for licensing exempt facilities.
  3. Allegations of unlawful employment discrimination shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to California Code of Regulations, title 22, section 98410. The complainant shall be notified by first class mail of any DFEH transferal.
  4. Allegations of fraud shall be referred to the CDE Division Director. (Cal. Code Regs., tit. 5, § 4611.)

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<sup>1</sup> The Local Control Funding Formula (LCFF) eliminated categorical funding for PAR. Its compliance requirements no longer remain in effect. However, CDE requires it to be included in the list of programs covered by the UCP.

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#### IV. Procedures

##### A. Step 1: Filing of Complaint

1. Any individual, public agency, or organization may file a written complaint of alleged noncompliance with federal or state laws or regulations governing educational programs listed in California Code of Regulations, title 5, section 4610(b). (Cal. Code Regs., tit. 5, § 4630.)
2. A complaint concerning unlawful discrimination, harassment, intimidation, retaliation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, retaliation, or bullying or by a person who believes that an individual or specific class of individuals has been subjected to it. The identity of the complainant will be kept confidential as appropriate.
3. A complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, retaliation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, retaliation, or bullying. However, upon written request by the complainant, the Superintendent or designee may, for good cause, extend in writing the filing period for up to 90 calendar days. (Cal. Code Regs., tit. 5, § 4630.)
4. A complaint alleging noncompliance with the law prohibiting pupils to pay pupil fees must be filed within one year of the alleged violation. (Cal. Code Regs., tit. 5, § 4630.)
5. Pupil fee and LCAP complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Ed. Code, §§ 49013, 52075.)
6. The complaint shall be presented to the Compliance Officer or designee who shall maintain a log of complaints received, providing each with a code number and a date stamp. Complaints regarding the unlawful charging of pupil fees may be filed with the school principal Superintendent, or Compliance Officer.
7. 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. (Cal. Code Regs., tit. 5, § 4600.)

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#### B. Step 2: Mediation

1. After receipt of the written complaint, if deemed appropriate, SCOE's Compliance Officer or designee may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the Compliance Officer or designee shall make all arrangements for the process.
2. Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the Compliance Officer or designee shall ensure that all parties agree to make the mediator a party to related confidential information.
3. If the mediation process does not resolve the problem within the parameters of law, the Compliance Officer or designee shall proceed with his/her investigation of the complaint. Mediation may not extend the 60-day timeline for investigation and resolution of the complaint unless the complainant agrees, in writing, to the extension.

#### C. Step 3: Investigation of Complaint

1. Within 30 days of receiving the complaint, the Compliance Officer or designee shall provide the complainant and/or his/her representative an opportunity to present any evidence, or information leading to evidence, to support the allegations in the complaint. The Compliance Officer or designee also shall collect documents and interview witnesses with information pertinent to the complaint.
2. A complainant's refusal to provide the SCOE Compliance Officer or designee 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. (Cal. Code Regs., tit. 5, § 4631.)
3. In accordance with law, SCOE shall provide the Compliance Officer or designee with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of SCOE 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. (Cal. Code Regs., tit. 5, § 4631.)

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4. Investigations of discrimination, harassment, intimidation, retaliation, and bullying complaints shall be conducted in a manner that protects the confidentiality of the parties (including their immigration status) and the integrity of the process. (Cal. Code Regs., tit. 5, § 4630.)

#### D. Step 4: Written Response

Unless extended by written agreement with the complainant, within 60 days of receiving the complaint, the SCOE Compliance Officer or designee shall prepare and send to the complainant a written report of SCOE's decision, as described in Step 5 below.

#### E. Step 5: Final Written Decision

SCOE's decision shall be in writing and sent to the complainant. The decision shall be written in English and in the language of the complainant whenever feasible or required by law.

For all complaints, the report shall include:

1. the findings of fact based on the evidence gathered,
2. conclusion(s) of law,
3. disposition of the complaint,
4. the rationale for such disposition,
5. corrective actions, if any are warranted, including any pupil fee remedies,
6. notice of the complainant's right to appeal SCOE's Decision within 15 days to CDE,
7. procedures to be followed for initiating an appeal to CDE. (Cal. Code Regs., tit. 5, § 4631.)

In addition, any decision concerning a discrimination complaint based on State law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with CDE before pursuing civil law remedies. (Ed. Code, § 262.3.)

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If a complaint alleging noncompliance with the laws regarding LCAP requirements or pupil fees is found to have merit, SCOE shall provide a remedy to all affected pupils and parents/guardians. (Ed. Code, §§ 49013, 52075.) Where applicable, this shall include reasonable efforts to reimburse pupil fees subject to procedures established through State Board adopted regulations. Reasonable efforts means good faith attempts 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. (Ed. Code, § 49013; Cal. Code Regs., tit. 5, § 4600.)

If a course period without educational content complaint is found to have merit, the remedy shall go to the affected pupil. (Ed. Code, § 51228.3.)

#### F. Step 6: Appeals to the California Department of Education

If dissatisfied with SCOE's decision, the complainant may appeal in writing to CDE within 15 days of receiving SCOE's written decision. (Cal. Code Regs., tit. 5, § 4632.)

When appealing to CDE, the complainant must specify the reason(s) for appealing SCOE's decision and whether the facts are incorrect and/or the law has been misapplied. The appeal must include a copy of the locally filed complaint and SCOE's decision. (Cal. Code Regs., tit. 5, § 4632.)

Upon notification by CDE that the complainant has appealed SCOE's decision, the Superintendent or designee shall forward the following documents to CDE:

1. A copy of the original complaint;
2. A copy of the 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 SCOE Compliance Officer or designee;
5. A report of any action taken to resolve the complaint;
6. A copy of SCOE's Uniform Complaint Procedures;
7. Other relevant information requested by CDE. (Cal. Code Regs., tit. 5, § 4633.)



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CDE may directly intervene in a complaint without waiting for action by SCOE when one of the conditions listed in California Code of Regulations, title 5, section 4650 exists, including cases in which SCOE has not taken action within 60 days of the date the complaint was filed with SCOE. (Cal. Code Regs., tit. 5, § 4650.)

#### V. Civil Law Remedies

A complainant may pursue available civil law remedies outside of SCOE's complaint procedures under state or federal discrimination, harassment, intimidation or bullying laws. 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.

The U.S. Department of Education, Office for Civil Rights, enforces compliance with Section 504, Title II of the ADA, Title VI, and Title IX and may be contacted for assistance with complaints relating to these laws and their regulations.

The State DFEH and the Federal Equal Employment Opportunity Commission are agencies that enforce compliance with state and federal laws and regulations protecting individuals from employment discrimination and may be contacted for assistance with complaints of employment discrimination.

For discrimination complaints based on State law, a complainant shall wait until 60 days have elapsed from the filing of an appeal with 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 California Code of Regulations, title 5, section 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law.

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08/03/92	Draft
11/03/92	Revised
12/08/92	Reviewed
03/09/95	Revised
05/25/95	Distributed
02/28/03	Draft Revisions
05/18/03	Revised
06/08/07	Distributed to Policy Committee
06/13/07	Reviewed by Board
06/11/13	Reviewed by Cabinet
06/18/13	Reviewed by Board of Education
07/01/13	Distribution
06/18/14	Reviewed by Cabinet
06/24/14	Reviewed by Board

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06/27/14	Distribution
09/29/15	Reviewed by Cabinet
09/30/15	Technical Correction and Distribution
11/22/16	Reviewed by Cabinet
12/13/16	Reviewed by Board of Education
12/14/16	Distribution
03/27/18	Reviewed by Cabinet
06/26/18	Reviewed by Board of Education
06/29/18	Distribution

**Uniform Complaint Procedures Form (Non-Williams)\***

Last Name \_\_\_\_\_ First Name/MI \_\_\_\_\_

Pupil Name (if applicable) \_\_\_\_\_

Street Address/Apt. # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Phone \_\_\_\_\_ Message/Work Phone \_\_\_\_\_

School/Office of Alleged Violation \_\_\_\_\_

You are filing this complaint on behalf of:  yourself  your child  another student  a group  
 other \_\_\_\_\_ (Specify)

**Please check the box that appropriately refers to your complaint:**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Discrimination  | <input type="checkbox"/> Nutrition Services                            | <input type="checkbox"/> Every Student Succeeds Act                  |
| <input type="checkbox"/> Harassment (including Sexual)   | <input type="checkbox"/> Special Education                             | <input type="checkbox"/> Foster Youth                                |
| <input type="checkbox"/> Intimidation  | <input type="checkbox"/> Child Development                             | <input type="checkbox"/> Limited English Proficiency                 |
| <input type="checkbox"/> Bullying  | <input type="checkbox"/> Migrant and Indian Education                  | <input type="checkbox"/> School Improvement                          |
| <input type="checkbox"/> Civil Rights Guarantees   | <input type="checkbox"/> Adult Education                               | <input type="checkbox"/> Peer Assistance and Review                  |
| <input type="checkbox"/> School Safety Plan  | <input type="checkbox"/> Career/Technical Education                    | <input type="checkbox"/> Pupil Fees                                  |
| <input type="checkbox"/> School Safety and Violence Prevention Act   | <input type="checkbox"/> Tobacco-Use Prevention Education              | <input type="checkbox"/> Local Control and Accountability Plans      |
| <input type="checkbox"/> Compensatory Education  | <input type="checkbox"/> Course Periods Without Educational Content    | <input type="checkbox"/> Reasonable Accommodation to Lactating Pupil |
| <input type="checkbox"/> Homeless Pupil  | <input type="checkbox"/> Physical Education (Elementary School Pupils) | <input type="checkbox"/> Homeless Youth                              |
| <input type="checkbox"/> Repeat Course Pupil Completed Instructional Minutes and Received Sufficient Grade | <input type="checkbox"/> Former/Current Juvenile Court School Pupil    | <input type="checkbox"/> Child of Military Family                    |
|  |  | <input type="checkbox"/> Other _____                                 |

**For complaints regarding unlawful discrimination, harassment, intimidation, or bullying, please check the box(es) that reflect the basis for your complaint:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Sexual Orientation  | <input type="checkbox"/> Race                       | <input type="checkbox"/> Ancestry                      |
| <input type="checkbox"/> Gender              | <input type="checkbox"/> National Origin            | <input type="checkbox"/> Mental or Physical Disability |
| <input type="checkbox"/> Gender Identity     | <input type="checkbox"/> Religion                   | <input type="checkbox"/> Age                           |
| <input type="checkbox"/> Gender Expression   | <input type="checkbox"/> Color                      | <input type="checkbox"/> Sex                           |
| <input type="checkbox"/> Ethnicity           | <input type="checkbox"/> Marital or Parental Status | <input type="checkbox"/> Association with any of these |
| <input type="checkbox"/> Genetic Information | <input type="checkbox"/> Other _____                | Categories   |
| <input type="checkbox"/> Immigration Status  |   |  |

\*Schools have a separate complaint form available for *Williams* complaints (i.e. complaints regarding instructional materials, emergency and urgent facilities conditions that pose a threat to the health and safety of pupils, and teacher vacancies or misassignments). Schools will not reject a complaint if the form is not used as long as the complaint is submitted in writing.

Please explain the nature of your complaint. Please print or type. Give detailed information such as date, times, places, types of complaints, people involved, and if there were any witnesses. Use the reverse of this form or additional sheets, if necessary.

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Sacramento County Office of Education's Compliance Officer is the Deputy Superintendent,  
(916) 228-2409, [complianceofficer@scoe.net](mailto:complianceofficer@scoe.net). **Submit or mail the completed form to:**

**Deputy Superintendent**  
**Sacramento County Office of Education**

**Mailing Address:**  
**P.O. Box 269003**  
**Sacramento, CA 95826-9003**

**Physical Address:**  
**10474 Mather Boulevard**  
**Mather, CA 95655**