

**CLOVIS UNIFIED  
SCHOOL DISTRICT****COMMUNITY RELATIONS  
UNIFORM COMPLAINT PROCEDURES**

**PURPOSE:** To establish procedures for resolving complaints that are required to be resolved through the District's uniform complaint procedures.

The Board recognizes that the District has primary responsibility for ensuring that it complies with state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4694 and the accompanying administrative regulation.

**A. Complaints Subject to Uniform Complaint Procedures**

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

1. Accommodations for pregnant and parenting students. (Education Code 46015)
2. Adult education programs. (Education Code 8500-8538, 52234.7, 52500-52617)
3. After School Education and Safety programs. (Education Code 8482-8484.65)
4. Agricultural career technical education. (Education Code 52460-52462)
5. Career technical and technical education, career technical, and technical training programs. (Education Code 52300-52462)
6. Childcare and development programs. (Education Code 8200-8488)
7. Compensatory education. (Education Code 54400)
8. Consolidated categorical aid programs. (34 CFR 299.10-299.12, Education Code 33315)
9. Course periods without educational content. (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in District programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a 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, medical condition, 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

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the person's association with a person or group with one or more of these actual or perceived characteristics. (5 CCR 4610)

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, and students formerly in a juvenile court school. (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act. (20 USC 6301 et seq., Education Code 52059.5)
13. Local control and accountability plan. (Education Code 52075)
14. Migrant education. (Education Code 54440-54445)
15. Physical education instructional minutes. (Education Code 51210, 51222, 51223)
16. Student fees. (Education Code 49010-49013)
17. Reasonable accommodations to a lactating pupil. (Education Code 222)
18. Regional occupational centers and programs. (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 64001)
20. School safety plans. (Education Code 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 65000)
22. California State Preschool Programs. (Education Code 8207-8225)
23. State preschool and safety issues in license-exempt programs. (Education Code 8212)
24. 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.
25. Any other state or federal education program the Superintendent of Public Instruction deems appropriate. (Education Code 33315)

The Superintendent or designee shall ensure that employees responsible for compliance and/or investigations of complaints are knowledgeable about the laws and programs for which they are assigned to investigate. (5 CCR 4621) Such employees may have access to legal counsel as determined by the Superintendent or designee.

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The Superintendent or designee 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 sections 4631 and 4633.

**B. Non-UCP Complaints**

When an allegation that is not subject to UCP is included in a UCP complaint, the District 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 the District's UCP. Non-UCP complaints and/or allegations shall be investigated and resolved using the procedures set forth in the applicable policy and administrative regulation.

The following complaints shall not be subject to the District's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Allegations of child abuse shall be referred to the county department of social services, protective services division or the appropriate law enforcement agency. (5 CCR 4611(a))
2. Health and safety complaints regarding licensed facilities operating a child development program shall be referred to the county department of social services. (5 CCR 4611(b))
3. Any complaint alleging that a student, while in an education program or activity in which the District exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation No. 4119.12, 4219.12, 4319.12/5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Allegations of employment discrimination or harassment may be addressed by the District in accordance with applicable District policies and administrative regulations as appropriate, including the right to file a complaint with the California Civil Rights Department (CCRD). Employment discrimination complaints against the District shall be addressed by the District in accordance with the procedures specified in Administrative Regulation (AR) No. 4030 – Nondiscrimination in Employment. Employment discrimination complaints received under this UCP policy will be referred for processing under AR 4030, unless the person filing the complaint declines the referral in which case the complaint shall be sent to the CCRD consistent with 5 CCR 4611(c).
5. 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 missing assignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186; 5 CCR 4610(f))

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6. Complaints regarding child nutrition programs are addressed under federal provisions pursuant to Title 7 Code of Federal Regulations (CFR) §§ 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d). Other provisions governing complaints regarding child nutrition programs are found in Title 5 CCR §§ 15580 through 15584. (5 CCR § 4610(c)) Any complaint alleging noncompliance of the District's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE. (5 CCR 15580-15584.) Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the District's food service program shall be filed with or referred to the U.S. Department of Agriculture. (5 CCR 15582)
7. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (except an attorney fees provision), a failure or refusal to implement a due process hearing order to which the District is subject, a failure or refusal to comply with a law or regulation by a public agency other than the District that is applicable to that public agency as it pertains or relates to the provision of a free appropriate public education to individuals with disabilities, or physical safety concerns that interfere with the provision of a free appropriate public education shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205, 4610(d)) Complaints regarding special education programs are addressed under 34 CFR §§ 300.151 through 300.153 and 5 CCR §§ 3200 through 3205. (5 CCR 4610(d))
8. Complaints involving "Title IX Sexual Harassment" as that term is defined in Title IX regulations shall be investigated and resolved as set forth in District AR 4119.12, 4219.12, 4319.12 – Sexual Harassment (Personnel) and AR 5145.7 – Sexual Harassment (Students).

**C. No Retaliation**

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, harassment, intimidation or bullying, or for participation in complaint procedures. The District shall protect all complainants from retaliation. (5 CCR 4621) For allegations of retaliation based on the filing of a complaint, the District also shall follow the UCP.

**D. Privacy/Confidentiality**

In investigating complaints, the confidentiality of the parties shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discrimination, harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant and/or the subject of the complaint, if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained. (5 CCR 4621)

Adopted: 07/08/1992

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Reviewed: 10/14/2009

Amended: 04/10/1996, 09/22/1999, 04/24/2002, 07/19/2006, 01/23/2008, 02/27/2013,  
03/12/2014, 09/24/2014, 05/25/2016, 06/28/2017, 09/27/2017, 08/28/2019,  
09/23/2020 (BP 9208 renumbered as BP 1312.3), 04/07/2021, 11/09/2022

**EDUCATION CODE**

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8482-8484.65 After school education and safety

8500-8538 Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures

33315 Uniform complaint procedures

35186 Williams uniform complaint procedures

46015 Parental leave for students

48645.7 Juvenile court schools

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49014 Student fees

49060-49079 Student records, especially:

49069.5 Records of foster youth

49701 Interstate Compact on Educational Opportunity for Military Children

51210 Courses of study grades 1-6

51222 Physical education, secondary schools

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements

51226-51226.1 Career technical education

51228.1-51228.3 Course periods without educational content

52059.5 Statewide system of support

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

52300-52462 Career technical education

52500-52617 Adult schools

52059.5 Statewide system of support

54400-54425 Compensatory education programs

54440-54445 Migrant education

59000-59300 Special schools and centers

64000-64001 Consolidated application process; school plan for student achievement

65000-65001 School site councils

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## GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

## HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions

1596.7925 California Child Day Care Act; health and safety regulations

## 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

## CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4680-4687 Williams 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

6301-6576 Title I Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient and immigrant students

7114(d)(7) School safety plans

## 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

11431-11435 McKinney-Vento Homeless Assistance Act

12101-12213 Title II equal opportunity for individuals with disabilities

## 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

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- 104.7 Designation of responsible employee for Section 504
- 106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:
- 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

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