

**Uniform Complaint Procedures**

The San Mateo County Office of Education (SMCOE) shall establish procedures for dealing with complaints. These procedures shall comply with all aspects of the law and with these guidelines adopted by the Board.

1. Scope - Complaint procedures shall address alleged violations of non-compliance or other inappropriate action or circumstance in areas of employee behavior, instructional materials, *Williams* court settlement, compliance with legal requirements pertaining to the Local Control Accountability Plan (LCAP), pupil fees, child abuse, special education, unlawful discrimination harassment, intimidation, bullying and any other areas where such allegations may be received.
2. Resolution of Complaints - Upon receipt of a complaint, the SMCOE shall implement appropriate complaint procedures. The SMCOE encourages early, informal resolution of complaints when appropriate. However, all complaints, including those quickly resolved, shall be monitored and reported appropriately.
3. Retaliation - There shall be no retaliation in any form for the good-faith filing of a complaint, the reporting of instances of discrimination or other violations, or for participation in complaint procedures.
4. Privacy - Complaints shall be investigated, resolved and reported in a manner that protects, to the greatest extent possible, the privacy rights of all parties.
5. Implementation - The SMCOE shall ensure that employees designated to receive and investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees shall have access to consultation with legal counsel to the extent determined necessary and appropriate by the SMCOE.
6. Dissemination of Information - The SMCOE shall ensure full, appropriate dissemination of complaint policies and procedures. The SMCOE shall ensure that complainants are informed of complaint procedures and of any rights of appeal or civil law remedies that may pertain.
7. Uniform Complaint Procedures (UCP) – Complaints that allege unlawful discrimination, harassment, intimidation, bullying, or other violation of state or federal law shall be addressed through uniform complaint procedures, which shall include the following provisions:
  - a. The SMCOE has primary responsibility for compliance with state and federal laws and regulations.
  - b. The SMCOE shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations including noncompliance with laws relating to pupil fees for participation in an educational activity and LCAP and/or alleging

**Community and Public Relations**

**BP 1312**  
Page 2 of 4

discrimination, harassment, intimidation, and/or bullying. The SMCOE shall seek to resolve those complaints in accordance with these uniform complaint procedures, the procedures set out in sections 4600-4687 of the Title 5 regulations, and with the policies of the County Board.

- c. Programs and activities implemented by the SMCOE that are subject to these Uniform Complaint Procedures in which the SMCOE receives state or federal funding include:
- Adult Education
  - After School Education and Safety
  - Career Technical Education
  - Child Care and Development Programs including State Preschool
  - Consolidated Categorical Programs
  - Discrimination, Harassment, Intimidation, and Bullying
  - Foster and Homeless Youth
  - Local Control Funding Formula and Local Control Accountability Plans
  - Migrant Education
  - Federal Programs - Titles I-VII
  - Nutrition Services - USDA Civil Rights
  - Regional Occupational Centers and Programs
  - School Facilities
  - Special Education
  - Tobacco-Use Prevention Education Program
  - Unlawful Pupil Fees
- d. These uniform complaint procedures are established to protect civil rights including protections against unlawful discrimination regarding disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.
- e. Complainants are protected from retaliation and the identity of a complainant alleging discrimination will remain confidential as appropriate.
- f. The SMCOE shall designate a Civil Rights Compliance Officer who shall be responsible for receiving uniform complaints and ensuring that uniform complaint procedures are followed.
- g. The Civil Rights Compliance Officer and those others assigned to any investigation of allegations shall be knowledgeable about the laws/programs that he/she is assigned to investigate.
- h. Complainants have the right to pursue civil law remedies under state or federal discrimination laws.

**Community and Public Relations**

**BP 1312**  
Page 3 of 4

- i. The SMCOE shall annually disseminate these uniform complaint procedures to students, employees, parents or guardians, advisory committees, appropriate private school officials or representatives, and other interested parties.
- j. Unlawful discrimination, harassment, intimidation, and bullying complaints shall be filed no later than six months from the date the alleged discrimination occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination.
- k. The SMCOE shall investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 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 the SMCOE, which is funded directly by, or that receives or benefits from any state financial assistance.
- l. A pupil fees complaint may be filed with the principal of a school. Further, a pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees. (EC §§ 49013(b),
- m. A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.
- n. If the SMCOE finds merit in a pupil fees and/or an LCAP complaint, the SMCOE shall provide a remedy to all affected pupils, parents, and guardians that, in the case of pupil fees, includes reasonable efforts by the SMCOE to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the State Board.
- o. The SMCOE will attempt in good faith 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.
- p. The SMCOE shall provide an opportunity for complainants and/or representatives to present evidence or information.
- q. Refusal by complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of lack of evidence to support the allegations.

**Community and Public Relations**

**BP 1312**  
Page 4 of 4

- r. Refusal by the SMCOE to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to cooperate in the investigation or engage in any other obstruction of 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.
- s. The complaint will be investigated and a written report issued to the complainant within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.
- t. The report will contain the findings of fact based on the evidence gathered, conclusions of law, disposition of the complaint, the rationale for such a disposition, corrective actions, if any are warranted, notice of the complainant's right to appeal to the California Department of Education (CDE), and procedures to be followed for initiating an appeal to CDE.

*Legal References:*

*Education Code 33308.1 Guidelines on procedure for filing child abuse  
Complaints*

*Education Code 52075 Filing of complaint for lack of compliance by school  
district, county superintendent of schools, or charter school*

*Education Code 56500-56507 IDEA Procedural Safeguards*

*Code of Regulations, Title 5—90-101, 3080, 4600 et seq. Uniform  
Complaint Procedures*

*General Education Provisions Act, 20, U.S.C., 1221 et seq., especially:  
Family Education and Privacy Rights Act, 20 U.S.C., 1232g*

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