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

Complaints Subject to UCP

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

1. Any complaint alleging the MCOE’s violation of applicable state or federal law or regulations governing any program subject to the UCP which is offered by the MCOE, including accommodations for the list below and any other MCOE-implemented state categorical program that is not funded through local control funding formula pursuant to Education Code 64000.

- Accommodations for Pregnant and Parenting Pupils [Education Code (EC) 46015]
- Adult Education [EC 8500-8538, 52334.7, 52500-52616.4]
- After School Education and Safety [EC 8482-8484.65]
- Agricultural Career Technical Education [EC 52460-52462]
- Career Technical and Technical Education, Career Technical, Technical Training (state) [EC 52300-52462]
- Career Technical Education (federal) [EC 51226-51226.1]
- Child Care and Development [EC 8200-8493]
- Compensatory Education [EC 54400]
- Course Periods without Educational Content [EC 51228.1-51228.3]
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in a MCOE program and Children of Military Families [EC 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2]
- Every Student Succeeds Act [EC 52059; 20 United States Code 6301]
- Local Control Accountability Plans (LCAP) [EC 52075; Government Code 17581.6(f)]
- Migrant Education [EC 54440-54445]
- Physical Education Instructional Minutes [EC 51210, 51223]
- Pupil Fees [EC 49010-49011]
- Reasonable Accommodations to a Lactating Pupil [EC 222]
- Regional Occupational Centers and Programs [EC 52300-52334.7]
- School Plans for Student Achievement [EC 64001]
- School Safety Plans [EC 32280-32289]
- Schoolsite Councils [EC 65000]
- State Preschool [EC 8235-8239.1]
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing [EC 8235.5(a), 33315; Government Code 17581.6(f); California Health & Safety Code 1596.7925]
2. Any complaint, by a student, employee, or other person participating in a MCOE program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory, harassment, intimidation, or bullying) in MCOE programs and activities, including in 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, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender identity, gender expression, or genetic information, or any other characteristics identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person’s association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

3. Any complaint alleging MCOE 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)

4. Any complaint alleging MCOE noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and imposed graduation requirements (Education Code 46015)
5. Any complaint alleging MCOE noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)
(cf. 3320 - Claims and Actions Against the MCOE)

6. Any complaint alleging MCOE noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including a development of a local control funding formula budget overview for parents/guardians (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)

(cf. 0420 - School Plans/Site Councils)

8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging MCOE noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the MCOE educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer, or the grant of an exemption from imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

9. Any complaint, by or on behalf of a student who transfers into the MCOE after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the MCOE, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging MCOE noncompliance with any requirement applicable to the student regarding the grant of an exemption from imposed graduation requirements (Education Code 51225.1)

(cf. 6173 - Education for Homeless Children)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6173.3 - Education for Juvenile Court School Students)
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10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging MCOE noncompliance with any requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)

11. Any complaint alleging MCOE 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)

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

(cf. 6142.7 - Physical Education and Activity)

13. 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

14. Any other complaint as specified in a MCOE policy

The MCOE 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. The County Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The MCOE shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory
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harassment, intimidation, or bullying), the County 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.

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

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

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

(cf. 4331 - Staff Development)

The County 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 4631 and 4633.

(cf. 3580 - MCOE Records)

Non-UCP Complaints

The following complaints shall not be subject to the MCOE’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 Protective Services Division and the appropriate law enforcement agency.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

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 fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.
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Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the MCOE in accordance with the procedures specified in Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

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, teacher vacancies and misassignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedure)

Legal Reference: (see next page)
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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
32280-32289  School safety plan, uniform complaint procedures
33380-33384 California Indian Education Centers
35186  Williams uniform complaint procedures
44500-44508 California Peer Assistance and Review Program for Teachers
46015 Parental leave for students
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
49490-49590  Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
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
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
52500-52616.24  Adult schools
54000-54029 Economic Impact Aid
54400-54425  Compensatory education programs
54440-54445  Migrant education
54460-54529  Compensatory education programs
56000-56865  Special education programs
59080-59300  Special schools and centers
64000-64001  Consolidated application process; school plan for student achievement
65000-65001 School site councils
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
104420  Tobacco-Use Prevention Education
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
3080  Applicability of uniform complaint procedures to complaints regarding students with disabilities
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Legal Reference: (continued)

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
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
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
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

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Sample UCP Board Policies and Procedures
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Bullying of Students with Disabilities, October 2014
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
Family Policy Compliance Office: http://www2.ed.gov/policy/gen/guid/fpco
U.S. Department of Justice: http://www.justice.gov

Policy Adopted: 8/1/2008;
Revised: 2/25/09, 10/24/12, 10/23/13, MERCED COUNTY OFFICE OF EDUCATION
5/13/15, 6/9/15, 6/33/15, 2/15/17, 8/28/19 Merced, California