

COMMUNITY LEARNING CENTER SCHOOLS
UNIFORM COMPLAINT POLICY AND PROCEDURES

Revised August 2019

The Board of Directors recognizes that Community Learning Center Schools (“CLCS”) (d/b/a Alameda Community Learning Center and Nea Community Learning Center) has the primary responsibility to ensure compliance with applicable 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 4600-4670 and this policy.

Complaints Subject to UCP

CLCS's uniform complaint procedures (UCP) shall be used to investigate and resolve the following types of complaints:

1. Any complaint alleging CLCS’s violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by CLCS, including:
 - a. Adult Education;
 - b. After School Education and Safety;
 - c. Agricultural Vocational Education;
 - d. American Indian Education Centers and Early Childhood Education Program Assessments;
 - e. Bilingual Education;
 - f. California Peer Assistance and Review Programs for Teachers;
 - g. Career Technical and Technical Education, and Career Technical and Technical Training;
 - h. Child Care and Development;
 - i. Child Nutrition;
 - j. Compensatory Education (Title I);
 - k. Consolidated Categorical Aid;
 - l. Course Periods without Educational Content;
 - m. Economic Impact Aid;

- n. Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in CLCS;
 - o. English Learner Programs;
 - p. Every Student Succeeds Act / No Child Left Behind (Titles I–VII);
 - q. Local Control and Accountability Plans (LCAP);
 - r. Migrant Education;
 - s. Physical Education Instructional Minutes;
 - t. Pupil Fees;
 - u. Reasonable Accommodations to a Lactating Pupil;
 - v. Regional Occupational Centers and Programs;
 - w. School Safety Plans;
 - x. Special Education;
 - y. State Preschool;
 - z. Tobacco-Use Prevention Education; and
 - aa. Any other CLCS-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000
2. Any complaint, by a student, employee, or other person participating in a CLCS program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in CLCS 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 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 sections 200 or 220, Government Code section 11135, or Penal Code section 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics.
 3. Any complaint alleging CLCS's 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.

4. Any complaint alleging CLCS's noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code section 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 Board-imposed graduation requirements.
5. Any complaint alleging CLCS's noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.
6. Any complaint alleging CLCS's noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians.
7. Any complaint alleging CLCS's 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.
8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code section 51225.2, alleging CLCS's noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of CLCS's 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 Board-imposed graduation requirements.
9. Any complaint alleging CLCS's noncompliance with any requirement applicable to a student regarding the grant of an exemption from Board-imposed graduation requirements, or alleging CLCS's noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, CLCS, or country, if the complaint is by or on behalf of:
 - a. A student who enrolls in CLCS after the second year of high school and is a homeless child or youth as defined in 42 USC section 11434a;
 - b. A former juvenile court school student currently enrolled in CLCS;
 - c. A child of a military family as defined in Education Code section 49701;
 - d. A migrant student as defined in Education Code section 54441; or
 - e. An immigrant student participating in a newcomer program as defined in Education Code section 51225.2 in the third or fourth year of high school.
10. Any complaint alleging CLCS's noncompliance with the requirements of Education Code sections 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.

11. Any complaint alleging CLCS's noncompliance with the physical education instructional minutes requirement for students in elementary school.
12. 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.

The Board 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 Executive Director or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

CLCS 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 Executive Director 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.

When an allegation that is not subject to UCP is included in a UCP complaint, CLCS 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 CLCS's UCP.

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

The Executive Director 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.

Uniform Complaint Procedures

Except as the Board of Directors may otherwise specifically provide in other CLCS policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in this UCP Policy.

Compliance Officers

CLCS designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating CLCS's response to UCP complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in the Nondiscrimination/Harassment Policy as responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure CLCS compliance with law.

Annalisa Moore, Executive Director
Community Learning Center Schools
1900 Third Street
Alameda, CA 94501
(510) 263 - 9266

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the President of the Community Learning Center Schools Board of Directors who shall determine how the complaint will be investigated.

The Board President or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Board President or designee.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Executive Director, the Executive Director's designee, or, if appropriate, the Lead Facilitator to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until CLCS issues its final written decision, whichever occurs first.

Notifications

CLCS's UCP Policy shall be posted in all CLCS schools and offices, including staff lounges and student government meeting rooms.

In addition, the Executive Director or designee shall annually provide written notification of the UCP to students, employees, parents/guardians of students, school advisory committee members, and other interested parties. (5 CCR 4622)

The notice shall include:

1. A statement that CLCS is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in this Policy.
2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.
3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of CLCS's educational program, including curricular and extracurricular activities.
4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred.
5. A statement that CLCS will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in CLCS, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process.
6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints.
7. A statement that complaints will be investigated in accordance with the UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.
8. A statement that the complainant has a right to appeal the decision to CDE by filing a written appeal, including a copy of the original complaint and CLCS's decision, within 15 days of receiving the decision.
9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

10. A statement that copies of the UCP are available free of charge.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code section 221.61 shall be posted on the CLCS web site and may be provided through CLCS-supported social media, if available.

The Executive Director or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in CLCS's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a CLCS school speak a single primary language other than English, the CLCS policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code sections 234.1 and 48985. In all other instances, CLCS shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, CLCS staff shall assist in the filing of the complaint.

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging CLCS's violation of applicable state or federal law or regulations governing the programs specified in this Policy may be filed by any individual, public agency, or organization.
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with a Lead Facilitator or with the Executive Director or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred.
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint

shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Executive Director or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit CLCS's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, CLCS shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend CLCS's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then CLCS shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, CLCS shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

The compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation, that the compliance officer determines may be relevant to the material allegations in the complaint. The compliance officer shall interview available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide CLCS's investigator 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. Similarly, a respondent's refusal to provide CLCS's investigator 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 a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant.

In accordance with law, CLCS shall provide the investigator with access to records and other information related to the allegations in the complaint and shall not in any way obstruct the investigation. Failure or refusal of CLCS 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.

Timeline for Final Decision and Appeal to Board

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of CLCS's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of CLCS's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent CLCS's final written decision, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

For all complaints, CLCS's final written decision shall include:

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses,
 - b. The relative credibility of the individuals involved,
 - c. How the complaining individual reacted to the incident,
 - d. Any documentary or other evidence relating to the alleged conduct,
 - e. Past instances of similar conduct by any alleged offenders, and
 - f. Past false allegations made by the complainant.
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. The manner in which the misconduct affected one or more students' education;
 - b. The type, frequency, and duration of the misconduct;
 - c. The relationship between the alleged victim(s) and offender(s);
 - d. The number of persons engaged in the conduct and at whom the conduct was directed;
 - e. The size of the school, location of the incidents, and context in which they occurred; and
 - f. Other incidents at the school involving different individuals.
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent;
 - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent; and
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence.
6. Notice of the complainant's and respondent's right to appeal CLCS's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal.

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of CLCS's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code section 48985. In all other instances, CLCS shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of CLCS's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE.
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law.
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or CLCS environment may include, but are not limited to, actions to reinforce CLCS policies; training for faculty, staff, and students; updates to policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling;
2. Academic support;
3. Health services;
4. Assignment of an escort to allow the victim to move safely about campus;
5. Information regarding available resources and how to report similar incidents or retaliation;
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim;

7. Restorative justice; or
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law;
2. Parent/guardian conference;
3. Education regarding the impact of the conduct on others;
4. Positive behavior support;
5. Referral to a student success team;
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law; or
7. Disciplinary action, such as suspension or expulsion, as permitted by law.

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), CLCS shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreements.

CLCS may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that CLCS does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, CLCS shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education.

For complaints alleging noncompliance with the laws regarding student fees, CLCS shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected

students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint.

Appeals to the California Department of Education

Any complainant who is dissatisfied with CLCS's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving CLCS's decision.

The complainant shall specify the basis for the appeal of the decision and how the facts of CLCS's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of CLCS's decision in that complaint.

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with CLCS's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

Upon notification by CDE that CLCS's decision has been appealed, the Executive Director or designee shall forward the following documents to CDE:

1. A copy of the original complaint;
2. A copy of the written decision;
3. A summary of the nature and extent of the investigation conducted by CLCS, 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 investigator;
5. A report of any action taken to resolve the complaint;
6. A copy of this UCP policy; and
7. Other relevant information requested by CDE.

Non-UCP Complaints

The following complaints shall not be subject to CLCS's UCP, but shall be referred to the specified agency:

1. Any complaint alleging child abuse or neglect shall be referred to the Alameda County Social Services Children and Family Services Division or the appropriate law enforcement agency.

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.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by CLCS in accordance with its Nondiscrimination in Employment policy, including the right to file the complaint with the California Department of Fair Employment and Housing.