

# Mt. Diablo USD

## Board Policy

### Uniform Complaint Procedures

BP 1312.3

#### Community Relations

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation. The district shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations about discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees for participation in an educational activity and to the Local Control Accountability Plan (LCAP) and seek to resolve those complaints in accordance with the District's Uniform Complaint Procedures (EC §§ 234.1, 49010; 5 CCR § 4610, 4620-4621, 52075.)

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities on actual or perceived ancestry, age, color, disability, gender, gender identify, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, actual or potential parental, family, marital status, or the association with a person or a group with one or more the these actual or perceived characteristics identified in Education Code 200 or 220, Governmental Code Section 11135, and including any actual or perceived characteristics as set forth in Penal Code 422.55, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610.)

School personnel must take immediate steps to intervene when safe to do so when he or she witnesses an act of discrimination, harassment, intimidation, or bullying.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4031 - Complaints Concerning Discrimination in Employment)
- (cf. 5131.2 - Bullying)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)

Uniform complaint procedures shall also be used to address any complaint alleging the district's

failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, any complaint alleging that the district has not complied with legal requirements related to the implementation of the Local Control Accountability Plan (Education Code 52075), and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs. Programs and activities subject to UCP include:

Adult Education  
After School Education & Safety  
Agricultural Vocational Education  
American Indian Education Centers and  
Early Childhood Education Program  
Assessments  
Bilingual Education  
California Peer Assistance and Review  
Programs  
Career Technical and Technical Education,  
Career Technical, Technical Training, &  
Career Technical Education  
Child Care and Development  
Child Nutrition  
Compensatory Education  
Consolidated Categorical Aid  
Course Periods without Educational Content  
(grades 9-12<sup>th</sup>)  
Economic Impact Aid

Education of Pupils in Foster Care, Pupils  
who are Homeless, and former Juvenile  
Court Pupils now enrolled in a school  
district  
English Learner Programs  
Every student Succeeds Act/ No Child Left  
Behind (Title I-VII)  
Local Control and Accountability  
Migrant Education  
Physical Education Instructional Minutes  
(Grades 1-6)  
Pupil Fees  
Reasonable Accommodations to a Lactating  
Pupil  
Regional Occupational Centers and  
Programs  
School Safety Plans  
Special Education  
State Preschool  
Tobacco-Use Prevention

~~(cf. 0450—Comprehensive Safety Plan)~~  
~~(cf. 0460—Local Control and Accountability~~  
~~Plan)~~  
~~(cf. 1312.1—Complaints Concerning District~~  
~~Employees)~~  
~~(cf. 1312.2—Complaints Concerning~~  
~~Instructional Materials)~~  
~~(cf. 3260—Fees and Charges)~~  
~~(cf. 3320—Claims and Actions Against the~~  
~~District)~~  
~~(cf. 3553—Free and Reduced Price Meals)~~  
~~(cf. 3555—Nutrition Program Compliance)~~  
~~(cf. 5141.4—Child Abuse Prevention and~~

~~Reporting)~~  
~~(cf. 5148—Child Care and Development)~~  
~~(cf. 6159—Individualized Education~~  
~~Program)~~  
~~(cf. 6171—Title I Programs)~~  
~~(cf. 6174—Education for English Language~~  
~~Learners)~~  
~~(cf. 6175—Migrant Education Program)~~  
~~(cf. 6178—Career Technical Education)~~  
~~(cf. 6178.1—Work Based Learning)~~  
~~(cf. 6178.2—Regional Occupational~~  
~~Center/Program)~~  
~~(cf. 6200—Adult Education)~~

The Board prohibits any form of retaliation against any complainant in the complaint process or

other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The district shall protect all complainants from retaliation and the identity of a complainant alleging discrimination, harassment, intimidation or bullying will remain confidential as appropriate. (EC § 234.1; 5 CCR § 4621.) In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected as required by law. As appropriate for any complaint alleging retaliation or discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant and/or the subject of the complaint, if he/she is different from the complainant, 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, 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.

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

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

#### Non-UCP Complaints

The following complaints shall not be subject to the district'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, the County Protective Services Division, and 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 employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments

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
- 32289 School safety plan, uniform complaint procedures
- 35186 Williams uniform complaint procedures
- 48985 Notices in language other than English
- 49010-49013 Student fees
- 49060-49079 Student records
- 49490-49590 Child nutrition programs
- 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
- 52300-52490 Career technical education
- 52500-52616.24 Adult schools
- 52800-52870 School-based program coordination
- 54000-54028 Economic impact aid programs
- 54100-54145 Miller-Unruh Basic Reading Act
- 54400-54425 Compensatory education programs

54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process  
GOVERNMENT CODE  
11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act  
PENAL CODE  
422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege  
CODE OF REGULATIONS, TITLE 5  
3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs  
UNITED STATES CODE, TITLE 20  
52060-52077 Local control and accountability plan, especially  
52075 Complaint for lack of compliance with local control and accountability plan requirements  
6301-6577 Title I basic programs  
6601-6777 Title II preparing and recruiting high quality teachers and principals  
6801-6871 Title III language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs  
12101-12213 Title II equal opportunity for individuals with disabilities  
UNITED STATES CODE, TITLE 29  
794 Section 504 of Rehabilitation Act of 1973

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Title IX Coordinators, April 2015

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Sexual Violence, April 2011

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

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

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