

Mt. Diablo USD

Red-lined Existing Board Policy with Proposed Changes

Uniform Complaint Procedures

BP 1312.3

Community Relations

The Governing Board recognizes that the district ~~is responsible for complying~~ has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs, ~~and local agency~~ The district shall investigate and seek to resolve any complaints alleging failure to comply with applicable state and federal such laws and regulations and/or alleging unlawful discrimination, and seek to resolve those complaints harassment, intimidation, or bullying in accordance with the uniform complaint procedures, set out in Sections 4600-4687 of the Title 5 Regulations and in accordance with the policies and procedures of the Board. (5 CCR 4620)

The district shall ~~follow~~ use the uniform complaint procedures ~~when addressing complaints to resolve any complaint~~ alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived age, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, mental or physical disability, 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 that receives or benefits from state financial assistance. characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or 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 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

(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 ~~when addressing complaints~~ 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, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, vocational career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs, and federal school safety planning requirements.

Uniform Complaint Procedures (continued)

(cf. 0450 - Comprehensive Safety 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 in any form for participating in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination, against any complainant in the complaint process. Such participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

~~The Board acknowledges and respects every individual's right to privacy. In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the Superintendent or designee may keep the identity of the complainant confidential except to the extent necessary to carry out that the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. of the complaint is not obstructed.~~

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

The district's Williams uniform complaint procedures, AR 1312.54, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials

Uniform Complaint Procedures (continued)

2. Emergency or urgent facilities conditions that pose a treat to the health or safety of students or staff
3. Teacher vacancies and misassignments
4. Deficiency in the district's provision of instruction and/or services to any student who, by completion of grade 12, has not passed one or both of the high school exit examination.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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*

37254 *Intensive instruction and services for students who have not passed exit exam*

41500-41513 *Categorical education block grants*

48985 *Notices in language other than English*

49010-49013 *Student fees*

49060-49079 *Student records*

49490-49590 *Child nutrition programs*

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*

Legal Reference continued: (see next page)

Uniform Complaint Procedures (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20

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*

Management Resources:

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>