

# Campbell Union ESD

## Board Policy

### Uniform Complaint Procedures

BP 1312.3

#### Community Relations

The Governing Board recognizes that the district is primarily responsible for ensuring that it complies with 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 the accompanying administrative regulation. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, after school education and safety programs, migrant education, child care and development programs, child nutrition programs, special education programs, consolidated categorical aid programs, and any other district-implemented program which is listed in Education Code 64000(a) (5 CCR 4610)

~~The district shall follow uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code 200 and 220, Penal Code 422.55, or Government Code 11135, including age, marital or parental status, actual or perceived sex, sexual orientation, gender, gender identity, gender expression, or genetic information, ethnic group identification, race, ancestry, national origin, religion, color, physical or mental 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.~~

~~Uniform complaint procedures shall also be followed when addressing complaints alleging failure to comply with state and or federal laws in collection of student fees, consolidated categorical aid programs, child care and development programs, after school education and~~

safety programs, child nutrition programs, special education programs, and the development and adoption of the school safety plan (5 CCR 4610).

~~(cf. 0450—Comprehensive Safety Plan)~~  
~~(cf. 0410—Nondiscrimination in District Programs and Activities)~~  
~~(cf. 1312.1—Complaints Concerning District Employees)~~  
~~(cf. 1312.2—Complaints Concerning Instructional Materials)~~  
~~(cf. 3260—Fees and Charges)~~  
~~(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. 5148.2—Before/After School Programs)~~  
~~(cf. 6159—Individualized Education Program)~~  
~~(cf. 6175—Migrant Education Program)~~  
~~(cf. 6171—Title I Programs)~~  
~~(cf. 6174—Education for English Learners)~~

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, 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, ethnic group identification, age, religion, marital, pregnancy, 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, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district 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)

(cf. 5146 - Married/Pregnant/Parenting Students)

4. Any complaint alleging district 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 District)

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

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

(cf. 6173.1 - Education for Foster Youth)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

9. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student 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)

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

(cf. 6142.7 - Physical Education and Activity)

11. 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

12. Any other complaint as specified in a district 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 Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district 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 Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint

if he/she is 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, 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 in accordance with applicable law and district policy.

(cf. 3580 - District Records)

#### 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.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve 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, or teacher vacancies and misassignments. (Education Code 35186)~~

~~(cf. 1312.4 - Williams Uniform Complaint Procedures)~~

~~Complaints 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, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedures (AR 1312.4).~~

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

This process includes:

1. Level 1 - Discussion with teacher (if appropriate).

If resolution is not reached refer to item #2 below.

2. Level 2 - Discussion with principal

If resolution is not reached refer to item #3 below.

3. Level 3 - Discussion with Assistant/Associate/Deputy Superintendent of Human Resources, Instructional Services or Administrative Services, as appropriate.

~~The Board acknowledges and respects every individual's right to privacy while at the same time emphasizing its responsibility for the safety of all students and employees. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties, the facts, and the integrity of the process. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case by case basis.~~

~~(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 Board prohibits retaliation in any form for the participation in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant.~~

~~For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.~~

~~The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.~~

*Legal Reference:*

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

222 Reasonable accommodations; lactating students

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*~~

48853-48853.5 Foster youth

48985 *Notices in language other than English*

49010-49013 *Student fees*

49060-49079 *Student records*

49069.5 Rights of parents

49490-49590 *Child nutrition programs*

51210 Courses of study grades 1-6

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, and former juvenile court school students; course credits; graduation requirements

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*  
~~52300-52490 *Career technical education*~~  
~~52500-52616.24 *Adult schools*~~  
~~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*

Legal Reference: (continued)

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 *Application of section*  
4600-4687 *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

6301-6577 *Title I basic programs*  
~~6601-6777 *Title II preparing and recruiting high quality teachers and principals*~~  
6801-~~6871~~ 7014 *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

UNITED STATES CODE, TITLE 42

[2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended](#)

[2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964](#)

[6101-6107 Age Discrimination Act of 1975](#)

[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](#)

[CODE OF FEDERAL REGULATIONS, TITLE 34](#)

[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:](#)

[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](#)

*Management Resources:*

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

Policy

DISTRICT

adopted: August 27, 1998

California

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CAMPBELL UNION SCHOOL

Campbell,