PROPOSED CHANGES

Community Relations BP 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

Non-Compliance/Discrimination

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 District shall investigate complaints alleging failure to comply with applicable state and federal regulations alleging discrimination, harassment, intimidation, and bullying, and seek to resolve those complaints in accordance with the procedures set out in Sections 4600-4687, Title V regulations, and in accordance with policies and procedures of the governing Board. The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation, and bullying, against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, gender identity* and gender expression**, ethnic group identification, race or ethnicity, ancestry, national origin, nationality, religion, color, genetic information***, mental or physical disability, **marital or parental status,** age, 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 District program or activity that receives or benefits from state financial assistance. The District shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal laws in adult basic education, consolidated categorical aid programs, career/technical and technical education programs, child care and development programs, child nutrition programs and special education programs.

Education Code 32289 authorizes an individual to file a complaint if he/she believes that the district has not complied with the school safety planning requirements of the *No Child Left Behind Act*, 20 USC 7114(d)(7).

Uniform complain 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 acitivities, the equirements 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, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

(*gender identity; **gender expression; *** Genetic information, see page BP 1312.3(~~e~~ **f**))

UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 0410 – Nondiscrimination in District Programs and Activities)
(cf. 0450 – Comprehensive Safety Plan)
(cf. 1312.1 – Complaints Concerning District Employees)
(cf. 1312.2 – Complaints Concerning Instructional Materials)
(cf. 1312.4 – Williams Uniform Complaint Procedures)
(cf. 0420.1 – School-Based Coordinated Programs)
(cf. 0420.2 – School Improvement Program)
(cf. 0430 – Comprehensive Local Plan for Special Education)
(cf. 3553 – Free and Reduced -Price Meals)
(cf.4031 – Complaints Concerning Discrimination in Employment)
(cf. 5141.4 – Child Abuse Prevention and Reporting)
(cf. 6159 – Individualized Education Program)
(cf. 6171 – Title I Programs)
(cf. 6174 – Education for English Language Learners)
(cf. 6178 – Vocational Education)
(cf. 6200 – Adult Education)

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

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

~~The Board acknowledges and respects pupil and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. 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.~~

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, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation 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)

UNIFORM COMPLAINT PROCEDURES (continued)

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, harassment, intimidation, and bullying, or participation in complaint procedures. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Reporting Procedures)

The Board recognizes that a neutral mediator can often suggest an early 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 process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Nothing in this policy precludes a complainant from pursuing available civil law remedies under state or federal discrimination, harassment, intimidation, and bullying laws, such as injunctions, restraining orders, public/private interest groups, attorneys, or mediation centers.

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**
4. **Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination**

(cf. 1312.4 - Williams Uniform Complaint Procedures)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE
200-262.3 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18179 School libraries
32289 School safety plan, uniform complaint procedure
35146 Closed sessions
35186 Alternative uniform complaint procedure
35160 Authority of governing boards
44670.1-44671.5 School personnel staff development and resource centers
48985 Notices in language other than English
49060-49079 Student records
49490-49560 Child nutrition programs
51513 Personal beliefs
52000-52049.1 School improvement programs
52160-52178 Bilingual education programs
52300-52483 Vocational education
52500-52616.24 Adult schools
52800-52863 School-based coordinated programs
54000-54041 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
56000-56885 Special education programs
59000-59300 Special schools and centers
64000 Consolidated application process
GOVERNMENT CODE
54957-54957.8 Closed sessions
CODE OF REGULATIONS, TITLE 5
3080 Application of section 4600-4671
4600-4671 Uniform Complaint Procedures
UNITED STATES CODE, TITLE 20
1221-1232g General Education Provisions Act
1681-1688 Discrimination based on sex or blindness, Title IX
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1-100.13 Nondiscrimination

UNIFORM COMPLAINT PROCEDURES (continued)

*Gender identity is defined as a person's identity, expression, or physical characteristics regardless of whether those characteristics are traditionally associated with one's assigned biological sex at birth. Gender identity refers to the gender the individual experiences.

**Gender expression refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, hairstyle, voice and other forms of presentation.

***Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).

Policy **SAN LEANDRO UNIFIED SCHOOL DISTRICT**
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