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 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 against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender (including gender identity*), ethnic group identification, race, ancestry, national origin, religion, color, ~~or~~ **genetic information****,** mental or physical disability, ~~or~~ 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).

(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)

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*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.

****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).**

UNIFORM COMPLAINT PROCEDURES (continued)

(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.

(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 filing of a complaint, the reporting of instances of discrimination 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)

UNIFORM COMPLAINT PROCEDURES (continued)

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, such as injunctions, restraining orders, public/private interest groups, attorneys, or mediation centers.

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

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference (continued):
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

Policy **SAN LEANDRO UNIFIED SCHOOL DISTRICT**
adopted: February 3, 1998 San Leandro, California
revision adopted: September 8, 2004
revision adopted: March 1, 2005
revision adopted: July 29, 2008
revision adopted: April 21, 2009
BPC: December 13, 2011
Board: January 10, 2012

E (3) 1312.3 (c) PROPOSED CHANGES

San Leandro Unified School District

UNIFORM COMPLAINT PROCEDURES
COMPLAINT FORM

FOR OFFICE USE ONLY

Date Received: _____
Received by: _____
Log No. _____
Response Due: _____
Mailed to: _____
Date Mailed: _____
Copy filed by:

Please complete the following form if there is a complaint involving Program Non-compliance/Discrimination or Discrimination against any protected group as listed in Board Policy 1312.3. Submit this complaint form to the District Office, Assistant Superintendent of Educational Services, 14735 Juniper Street, San Leandro, CA 94579. The telephone number is (510) 667-3538, FAX (510) 297-6156. Expect a response within thirty (30) calendar days.

TO: Assistant Superintendent, Educational Services
San Leandro Unified School District
14735 Juniper Street
San Leandro, CA 94579

FROM: _____
Name(s)

_____
Address

_____
Telephone Number(s)

Name of school, program or office or name of employee and job location against whom charge or complaint was directed:

_____

(A copy of the written complaint against an employee will be provided to the employee, except for sexual harassment and discrimination complaints.)

Nature of complaint:

_____
_____
_____
_____

Please check next to the kind of complaint you are presenting:

Program Non-compliance/Program Discrimination:

___ Adult Basic Education
___ Program for English Learners
___ Career Technical Ed. & Civil Rights
___ Child Care and Development
___ Child Nutrition
___ Consolidated Categorical Programs
___ Educational Equity
___ Gifted and Talented Education (GATE)
___ State Compensatory Education (SCE)
___ School Improvement Program (SIP)
Special Education

___ Title I – *No Child Left Behind*
___ Safe and Drug Free Schools & Tobacco Use and Prevention Education (TUPE)

and/or Discrimination on basis of:

___ Ethnic Group Identification
___ Race
___ Ancestry/National Origin
___ Religion
___ Color
___ Mental/Physical Disability
___ Actual or perceived Sexual orientation
___ Actual or perceived Gender (including gender identity*)
___ **Genetic Information****
___ Age

OTHER:

___ Sexual Harassment
___ _____

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****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).**

When did event(s) occur? Date(s): _____

Has charge or complaint been discussed with the school principal, employee or his/her supervisor?

_____

To whom, if anyone, have you spoken? (Write name(s) in spaces provided.)

___	Director	_____	Date: _____
___	Principal	_____	Date: _____
___	Assistant Principal	_____	Date: _____
___	Counselor	_____	Date: _____
___	Teacher	_____	Date: _____
___	Supervisor	_____	Date: _____
___	Staff Member	_____	Date: _____
___	Other	_____	Date: _____

If a discussion took place, what was the result of the discussion?

_____
_____
_____
_____
_____
_____
_____

If you desire a remedy or wish the District to take a particular course of action, please specify:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

I understand that the District will maintain this information confidential, to the extent provided by law; that I will be protected from retaliation for filing this complaint; that the District may request further information about this matter; and if such information is available, I agree to present it upon request.

I believe that the foregoing is true and correct.

Signature: _____ Date: _____