

PIEDMONT UNIFIED SCHOOL DISTRICT

Board Policy

BP 1312.3

Community Relations

UNIFORM COMPLAINT PROCEDURES

The Board of Education recognizes that the District is responsible for ensuring that it complies with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint process 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 that are subject to the Uniform Complaint Procedure (UCP). A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations.~~

~~The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.~~

~~The Superintendent or designee shall meet the notification and posting requirements of 5 CCR 4622 and 4684, including the annual dissemination to students, employees, parents/guardians, district/school councils, advisory committees and other interested parties, of District complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.~~

~~UCP-Complaints~~ Subject to UCP

~~Upon receipt of a written complaint from an individual, public agency, or organization, UCPs shall be initiated. UCPs are a very specialized form of complaint for violation of certain federal and state laws and regulations used specifically to investigate and resolve the following:~~

- ~~1. Any complaint to identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment.~~
- ~~2. Any complaint alleging the occurrence of unlawful discrimination. This, however, shall not apply to employer/employee relations such as hiring and evaluations of staff, assignments of classrooms or duties or other issues within the purview of the Public Employees Relations Board or a Memorandum of Understanding or other collective bargaining agreement; the provision of core curricula subjects;~~

student classroom assignments; student discipline; student advancement retention or grades; graduation requirements; homework policies and practices; selection of instructional materials; or the use of general education funds. The district will review and address any report or complaint of unlawful discrimination involving a student, employee or third party against another student, employee or third party. Specifically:

- a. Any sexual harassment or sexual violence report or complaint involving a student complainant or a student respondent shall be addressed through BP 5145.7 and the Uniform Complaint Procedures. Any other report or complaint of unlawful discrimination involving a student complainant or a student respondent shall be addressed through BP/AR 5145.3 and the Uniform Complaint Procedures.
- b. Any unlawful discrimination report or complaint, including sexual harassment or sexual violence complaints, between employees or between employees and third parties, but not involving student complainants or student respondents, shall be addressed through BP/AR 4119.11/4219.11/4319.11 and AR 4031.
- c. Any unlawful discrimination report or complaint, including sexual harassment or sexual violence complaints, between third parties which took place in the educational setting shall be referred to the District Compliance Officer to determine how to appropriately address the complaint.

A “report” or “complaint” is defined as any oral or written communication to a school district employee or administrator which alleges behavior or misconduct that may constitute unlawful discrimination. A report or complaint may include an oral report, an email, a text message or other message conveyed to a school district employee or administrator. The report or complaint does not have to be on a particular form or use specific words to identify the law which may have been violated.

A “third party” is defined as someone who is connected to the school or the district for educational, business or extra-curricular purposes. For example, a third party may include a vendor, volunteer, coach, or other person who is on school or district grounds during the hours of operation or who is present in the educational setting.

“Educational setting” includes all educational programs and activities of the school or district, including all the academic, educational, extra-curricular, athletic, and other programs and activities of the school, whether those programs or activities take place in a school’s facilities, on a school bus, or at a class or training program sponsored by the school at another location.

(cf. 5145.7 - Sexual Harassment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.3 - Nondiscrimination/Harassment)

3. Any complaints alleging failure to comply with state or federal law for all specified programs, including adult education, career-technical education, child development, consolidated categorical aid programs, migrant education, special education and child nutrition programs. 5-CCR-4610

- ~~4. 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)~~
- ~~5. 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)~~
- ~~6. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)~~
- ~~7. (cf. 0460 - Local Control and Accountability Plan)
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)~~
- ~~8. 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 district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code

52300-52462)

6. Child care and development programs (Education Code 8200-8498)

7. Compensatory education (Education Code 54400)

8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)

9. Course periods without educational content, when students in grades 9-12 are assigned to such courses more than one week in any semester or in a course the student has previously satisfactorily completed, unless specified conditions are met (Education Code 51228.1-51228.3)

10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in 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 immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, 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 the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

12. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)

13. Local control and accountability plan (Education Code 52075)

14. Migrant education (Education Code 54440-54445)

15. Physical education instructional minutes (Education Code 51210, 51222, 51223)

16. Student fees (Education Code 49010-49013)

17. Reasonable accommodations to a lactating student (Education Code 222)

18. Regional occupational centers and programs (Education Code 52300-52334.7)

19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)

20. School safety plans (Education Code 32280-32289)

21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)

22. State preschool programs (Education Code 8235-8239.1)

23. State preschool health and safety issues in license-exempt programs (Education Code 8235.5)

24. 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

25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

Alternative Dispute Resolution

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 complainant that is agreeable to all parties. ~~One type of ADR is~~ An ADR process such as mediation, which will be ~~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 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 different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to 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 requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

Retaliation and Confidentiality

~~The Board prohibits any retaliatory behavior or action against any person who reports, testifies about, files a complaint, or otherwise participates in a district complaint, investigation, or grievance process under the Uniform Complaint Procedures. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant. An individual who believes he or she has been subjected to retaliation defined herein may also file a complaint under the Uniform Complaint Procedures.~~

~~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.~~

~~The Board acknowledges and respects student and employee rights to privacy. In investigating complaints, the confidentiality of the parties involved and facts shall be protected, as required by law. As appropriate for any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the district shall keep confidential the identity of all parties except when the Principal/designee or the District Compliance Officer has a duty to share the parties' identifying information as necessary to gather a response to the complaint, in order to take subsequent corrective action if misconduct is found to have occurred, and/or to conduct ongoing monitoring. When a complainant requests confidentiality, the Principal/designee or the District Compliance Officer shall notify the complainant that the request may limit the District's ability to investigate the harassment or take other necessary action. An intentional breach of the complainant's confidentiality by a student or employee may be considered a violation of this policy or a retaliatory act.~~

~~(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)~~

~~(cf. 5125 – Student Records)~~

~~(cf. 9011 – Disclosure of Confidential/Privileged Information)~~

~~Notwithstanding the above, all complaints and responses regarding sufficient textbooks and instructional materials, including English learners; teacher vacancy or misassignment; and school facilities are matters of public record.~~

Record Keeping

The Superintendent or designee shall maintain a records of all ~~each~~ UCP complaints, the investigations of those complaints, and the resolution of the complaints in confidential complaint files, to enable the district to monitor, address, and prevent repetitive behavior in district schools, and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

~~(cf. 5125 – Student Records)~~

~~(cf. 3580 - District Records)~~

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP, but shall be referred investigated and resolved by ~~to the specified agency or by an alternative process:~~ (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~~ or the appropriate law enforcement agency. ~~However, the District may still be obligated to address and investigate any complaint alleging child abuse or neglect of a student by an employee or third party which took place in the educational setting.~~ (cf. 5141.4 - Child Abuse Prevention and Reporting)
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 or harassment shall be be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Non Discrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
4. ~~Any complaint alleging fraud shall be referred to the California Department of Education.~~ Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education, or a due process hearing order shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
5. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
6. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)
7. 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 shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186) (cf. 1312.4 - Williams Uniform Complaint Procedures)

~~5. 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)~~

~~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)~~

~~When an allegation that is not the 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.~~

Civil Law Remedies

~~A complainant may pursue available civil law remedies outside of the District's complaint procedures as delineated in the Administrative 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
- 32280-32289 School safety plan, uniform complaint procedures
- 33380-33384 California Indian Education Centers
- 35186 Williams uniform complaint procedures
- 44500-44508 California Peer Assistance and Review Program for Teachers
- 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
- 49701 Interstate Compact on Educational Opportunity for Military Children
- 51210 Courses of study grades 1-6
- 51223 Physical education, elementary schools
- 51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements
- 51226-51226.1 Career technical education
- 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
- 52300-52462 Career technical education
- 52500-52616.24 Adult schools
- 54000-54029 Economic Impact Aid
- 54400-54425 Compensatory education programs
- 54440-54445 Migrant education
- 54460-54529 Compensatory education programs
- 56000- 56865 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

HEALTH AND SAFETY CODE

[104420](#) Tobacco-Use Prevention Education

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

[6301-6576](#) Title I basic programs

[6801-7014](#) 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:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter: Title IX Coordinators, April 2015

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

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>

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

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

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

Adopted: November 10, 1999

Revised: May 28, 2003

Revised: November 19, 2003

Revised: January 24, 2006

Revised: June 13, 2018

Revised:

PIEDMONT UNIFIED SCHOOL DISTRICT
Administrative Regulation
AR 1312.3

Community Relations

UNIFORM COMPLAINT PROCEDURES

Except as the Board of Education may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in the accompanying Board policy.

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

A reference guide (Exhibit 1312.3(c)) to the various complaint procedures that are required by law or were established locally is provided.

~~The Board of Education designates the following compliance officers to receive and investigate complaints and ensure District compliance with law:~~

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment. The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

~~Complaints Concerning School Facilities:~~

~~Director of Facilities
760 Magnolia Ave.
Piedmont, CA 94611
(510) 594-877~~

~~Complaints Concerning District Employees, Teacher Assignment/Misassignment, and/or Instructional and/or Library Materials:~~

~~Superintendent
760 Magnolia Ave.~~

Piedmont, CA 94611
(510-594-2614

~~Complaints Concerning Discrimination / Hate-Motivated Incidents And Hate Crimes / Hazing / Harassment, Sexual Harassment, Intimidation, Bullying And Cyberbullying:~~

~~Director of Curriculum and Instruction Stephanie Griffin, Title IX Compliance Officer~~
760 Magnolia Ave., Piedmont, CA 94611
(510) ~~594-2686~~ 594-2674
~~sgriffin@piedmont.k12.ca.us~~

~~In addition to serving as the compliance officer and responsible employee pursuant to these Uniform Complaint Procedures, the district designates the individual identified above as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual or perceived race, color, ethnicity, ethnic group identification, culture, heritage, immigration status, national origin, nationality, ancestry, age, marital or parental status, gender, gender identity, gender expression, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices, or association with a person or group with one or more of these actual or perceived characteristics.
(cf. 9124 -Attorney)~~

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees designated to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program; applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination, harassment, intimidation, or bullying; applicable standards for reaching decisions on complaints; and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, an appropriate administrator shall determine whether

interim measures are necessary during an investigation and while the result is pending. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In addition, The Superintendent or designee shall ~~meet the notification requirements of 5 CCR 4622 and 4684, including the annual dissemination of District complaint procedures.~~ annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

~~Complainants may seek help from agencies such as legal assistance agencies, local mediation centers or the county office of education. Local resources include:~~

~~Alameda County Office of Education 313 W. Winton Avenue
Hayward, California 94544-1198~~

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than one year from the date the alleged violation occurred
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct

5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint
7. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process
8. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable
11. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's UCP policy, regulation, forms, and notices shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Procedures

The following procedures shall be used to address complaints which allege that the District has violated federal or state laws or regulations governing educational programs, as follows:

Adult Education

- Career-Technical Education
- Child Development
- Consolidated Categorical Aid Programs
- Migrant Education
- Special Education
- Child Nutrition programs

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

Steps for Filing A of Complaints on Issues of Educational Programs (see above list)

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the District. A complaint may be filed anonymously.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint (5 CCR 4600). When 15 percent or more of the students in the school speak a single primary language other than English, all notices to parents or guardian regarding complaint procedures shall be in the student's primary language in addition to English (Education Code Section 48985; 5 CCR 4620-4652). The fifteen percent shall be determined from the census data submitted to the Department of Education in the preceding year, pursuant to Education Code Section 52164.

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due

to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600) Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When a complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Step 2: Interim Measures

~~After a report or complaint is received, the responsible administrator (Principal or designee and/or the District's compliance officer) shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the responsible administrator shall implement reasonable measures to stop, prevent or address the effects of the alleged discrimination, including discriminatory intimidation or retaliation, harassment, or bullying during and pending any information resolution and/or investigation. The interim measures may include such actions as no-contact directives, increased supervision, placing students in separate classes, or transferring a student to a class taught by a different teacher. To the extent possible, interim measures will be implemented in a manner that minimizes the burden on the individual who was the target of the alleged discrimination. Where sexual harassment or sexual violence is alleged, interim measures shall be determined pursuant to AR 5145.3.~~

Step 3: Mediation

~~Except in complaints alleging sexual violence, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.~~

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation to resolve the complaint. Mediation shall 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 an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

~~Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.~~
Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her an investigation of the complaint.

The use of mediation shall not extend the District's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation. (5-CGR-4631)

Step 4: Investigation of Complaint

~~The compliance officer shall hold an investigative meeting within ten school days of receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.~~

~~The complainant and/or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)~~

~~For complaints of sexual harassment or sexual violence, the responsible administrator shall follow the procedures set forth in in AR 5145.73 for investigation of complaints at school and additional procedures related to sexual harassment or sexual violence.~~

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform the parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the district to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

~~Step 5: Response Timeline for Investigation Report~~

~~Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant and the respondent a written report of the district's investigation and decision (5 CCR 4631), unless the complainant agrees in writing to an extension of time. The decision shall maintain any~~

~~applicable confidentiality rights of the parties and be issued in consideration of any legal limitations based on such confidentiality.~~

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631) For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the investigation report at the same time it is provided to the complainant.

Step 6: Final Written Decision Investigation Report

~~A final written decision of the district's decision shall be sent to the complainant and the respondent. The District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write the final in the complainant's primary language, the District shall arrange a meeting at which a community member will interpret it for the complainant. This written decision shall include:~~

- ~~1. The findings and disposition of the complaint, including corrective actions, if any (5 CCR 4631)~~
- ~~2. The rationale for the above disposition (5 CCR 4631)~~
- ~~3. Notice of the complainant's right to appeal the decision within fifteen days to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4631)~~

~~If an employee is disciplined as a result of the complaint, this written decision shall simply state that effective action was taken and that the employee was informed of district expectations. The written decision shall not give any further information as to the nature of the disciplinary action.~~

For all complaints, the district's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600
4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610

5. Procedures to be followed for initiating an appeal to CDE The investigation report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

~~Disciplinary~~ Corrective Actions

~~Student Discipline~~

~~The Superintendent or designee may impose student discipline up to and including suspension or expulsion as provided by the California Education Code and Board policy.~~

~~Employee Discipline~~

~~The Superintendent or designee (or, if the Superintendent is the accused, the Board) may impose employee discipline up to and including unpaid leave and dismissal as provided by the California Education Code and Board policy.~~

~~Knowingly False Statements or Accusations~~

Upon a determination that a report or complaint contained knowingly false statements or accusations, the Superintendent or designee (or, if the Superintendent is the accused, the Board) will decide the appropriate corrective, restorative, or disciplinary action.

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys. For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints of retaliation or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student include, but are not limited to the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination, harassment, intimidation, or bullying, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the law regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3, 52075)

For complaints alleging noncompliance with the law regarding student fees, the district, by engaging in reasonable efforts, shall attempt in good faith to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

~~Filing a Complaint on Issues of Instructional Materials, Teacher Vacancy or Misassignment, and School Facilities~~

~~Step 1: Filing of Complaint~~

~~The complaint must first be filed with the principal of the school. A complaint about problems beyond the authority of the school principal shall be forwarded within 10 working days to the Superintendent or designee for resolution. These complaints may be filed anonymously, however, only a complainant who identifies himself/herself is entitled to a response. Additionally, all complaints and responses are public records.~~

~~Step 2: Mediation~~

~~If the filing of a complaint does not bring about a resolution or if a direct request is received by the State for direct intervention, the State will make a determination whether direct intervention is warranted, and shall conduct an investigation, including an on-site investigation, if necessary. The State will complete its investigation within sixty (60) days after receiving a request.~~

~~Appeals to the California Department of Education~~

~~If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)~~

~~When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (5 CCR 4652)~~

~~The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district. (5 CCR~~

4650)

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

1. The district failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the district's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the district's investigation report are not supported by substantial evidence.
4. The legal conclusion in the district's investigation report is inconsistent with the law.
5. In a case in which the district found noncompliance, the corrective actions fail to provide a proper remedy

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

If notified by CDE that the district's investigation report failed to address allegation(s) raised by the complaint, the district shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. (5 CCR 4632)

Civil Law Remedies

~~A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.~~

Approved: November 10, 1999

Revised: September 11, 2002

Revised: May 28, 2003

Revised: November 19, 2003

Revised: January 24, 2006

Revised: January 23, 2007

Revised: June 13, 2018

Revised: