

BOARD POLICY

Placentia-Yorba Linda Unified School District

Community Relations

1312.3 - BP

UNIFORM COMPLAINT PROCEDURES

The Board of Education recognizes that the District is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The District shall investigate any complaint alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging the district's failure to comply with state and/or federal laws or regulations governing ~~in~~ adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, special education programs, child care and development programs, child nutrition programs, after school education and safety programs, and the development and adoption of the school safety plan.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying against any student, employee, or other person as identified with actual or perceived characteristics such as race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, age, religion, marital, pregnancy or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, 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 conducted by the district or that is funded directly by, or that receives or benefits from any state financial assistance.

The Compliance Officer/investigating staff are required to review and follow the procedural guidelines outlined in AR 5145.7 – Sexual Harassment of Students.

The district shall use the uniform complaint procedures to resolve 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.

The district shall use the uniform complaint procedures to resolve any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.

The district shall use the uniform complaint procedures to resolve any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan.

The district shall use the uniform complaint procedures to resolve any complaint, by or on behalf of any student who is a foster youth, a former juvenile court school pupil, or a homeless student as defined by 42 USC 11434a 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.

The district shall use the uniform complaint procedures to resolve 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.

The district shall use the uniform complaint procedures to resolve any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school.

The district shall use the uniform complaint procedures to resolve any complaint alleging district noncompliance with the requirement to provide certificated school site employees who serve pupils in any of the grades 7 to 12 information on existing school site and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) pupils.

The district shall use the uniform complaint procedures to resolve 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.

The district shall use the uniform complaint procedures to resolve any other complaint as specified in a district policy.

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 mis-assignments

When an allegation that is not subject to the Uniform Complaint Procedure (UCP) is included in a UCP complaint, the district may 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 following complaints shall not be subject to the district's UCP but shall be referred to the specified agency:

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.

If the complainant is not satisfied with the decision of the school district, the individual may appeal the decision to the State Superintendent of Public Instruction. The State Superintendent of Public Instruction is required to issue a decision on the appeal within 60 days of the Superintendent of Public Instruction's receipt of the appeal. If the school district finds merit in the complaint or the Superintendent of Public Instruction finds merit in an appeal, the school district will provide a remedy to all affected pupils, parents, and guardians.

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

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints and complaints of retaliation shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process to the maximum extent permitted by law. This may include keeping the identity of the complainant confidential, as appropriate and 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 prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board recognizes that mediation can, depending on the nature of the allegation, offer a process to reach a resolution to the complaint that is acceptable to all parties. 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 reasonable risk that a party to the mediation would feel compelled to participate.

In accordance with uniform complaint procedures, whenever all parties to a complaint voluntarily agree to try resolving their problem through mediation, the Deputy Superintendent of Educational Services shall initiate that process and ensure that the results are consistent with state and federal laws and regulations. If the parties agree to mediation, the district and complainant will agree in writing to mediate the complaint and that either the complaint will be withdrawn or the timelines of the uniform complaint process will be tolled until resolution or the mediation process is no longer continued. Either party may discontinue the mediation process upon written notice to the other party.

The Superintendent or designee shall provide training to designated 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 regulations. Such employees may have access to legal counsel as determined by the Superintendent or designee.

The Superintendent or designees shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

In compliance with state law, when 15% or more of the students in the district speak a single primary language other than English, notification regarding Uniform Complaint Procedures shall also be provided in that language.

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
49010-49013 Student fees
48985 Notices in language other than English
49060-49079 Student records
49490-49590 Child nutrition programs
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth and homeless children; course credits; graduation requirements
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan
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
52800-52870 School-based program coordination
54000-54028 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

Government Code

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

Penal Code

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

Code of Regulations, Title 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

United States Code, Title 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

MANAGEMENT RESOURCES:

Web Sites

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

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

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

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