

## **UNIFORM COMPLAINT PROCEDURES**

**BP 1312.3(a)**

The Governing Board of the Muroc Joint Unified School District recognizes that the District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in Title 5 of the California Code of Regulations, sections 4600-4670, and the accompanying administrative regulation.

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

1. Any complaint alleging District violation of applicable state or federal law or regulations governing adult education programs, after school education and safety programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, consolidated categorical aid programs, and any other District-implemented program which is listed under Education Code 64000(a) (5 CCR 4610).  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 5141.4 - Child Abuse Reporting Procedures)  
(cf. 6159 - Individualized Education Program)  
(cf. 6171 - Title I Programs)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6178.1 – Work Experience Education)
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in District programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on his/her association with a person or group with one or more of these actual or perceived characteristics. (5 CCR 4610)  
(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)
3. Any complaint alleging District noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student. (Education Code 222)  
(cf. 5146 - Married/Pregnant/Parenting Students)
4. Any complaint alleging District noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (5 CCR 4610)  
(cf. 3260 - Fees and Charges)  
(cf. 3320 - Claims and Actions Against the District)

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5. Any complaint alleging District noncompliance with legal requirements related to the implementation of the local control and accountability plan under Education Code section 52075. (cf. 0460 - Local Control and Accountability Plan)
6. Any complaint, by or on behalf of any student who is a foster youth, alleging District noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the District's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5)  
(cf. 6173.1 - Education for Foster Youth)
7. Any complaint, by or on behalf of a homeless student as defined in 42 U.S.C. 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)
8. Any complaint, by or on behalf of a former juvenile court school student who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from Board-imposed graduation requirements. (Education Code 51225.1, 51225.2)  
(cf. 6173.3 - Education for Juvenile Court School Students)
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)
11. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.
12. Any other complaint as specified in a District policy.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The District shall protect all complainants from retaliation.

In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee shall keep the identity of a complainant, and/or the subject of the complaint, if he/she is different from the complainant, confidential as appropriate.

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

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Privileged Information)

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When an allegation that is not subject to the UCP is included in a UCP complaint, the District shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the District's UCP.

The Superintendent or designee shall provide training to District staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.  
(cf. 4131/4231/4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and District policy.  
(cf. 3580 - District Records)

### Non- UCP Complaints

The following complaints shall not be subject to the District's UCP, but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the District's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

### **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 procedure*

*35186 Williams uniform complaint procedure*

*48853-48853.5 Foster youth*

*48985 Notices in language other than English*

*49010-49013 Student Fees*

*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, homeless children, and former juvenile court school students; course credits; graduation requirements*

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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*  
54400-54425 *Compensatory education programs*  
54440-54445 *Migrant education*  
54460-54529 *Compensatory education programs*  
56000-56867 *Special education programs*  
59000-59300 *Special schools and centers*  
64000-64001 *Consolidated application process*

### **GOVERNMENT CODE**

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

### **PENAL CODE**

422.55 *Hate crime; definition*  
422.6 *Interference with constitutional right or privilege*

### **CODE OF REGULATIONS, TITLE 2**

11023 *Harassment and discrimination prevention and correction*

### **CODE OF REGULATIONS, Title 5**

3080 *Application of section*  
4600-4687 *Uniform complaint procedures*  
4900-4965 *Nondiscrimination in elementary and secondary education programs*

### **UNITED STATES CODE, TITLE 20**

1221 *Application of laws*  
1232g *Family Educational Rights and Privacy Act*  
1681-1688 *Title IX of the Education Amendments of 1972*  
6301-6577 *Title I basic programs*  
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 28**

35.107 *Nondiscrimination on basis of disability; complaints*

### **UNITED STATES CODE, TITLE 29**

794 *Section 504 of Rehabilitation Act of 1973*  
**CODE OF FEDERAL REGULATIONS, CODE 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*  
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*

### **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*

### **Management Resources:**

*U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS*  
*Dear Colleague Letter: Title IX Coordinators, April 2015*  
*Questions and Answers on Title IX and Sexual Violence, April 2014*  
*Dear Colleague Letter: Bullying of Students with Disabilities, August 2013*  
*Dear Colleague Letter: Sexual Violence, April 2011*  
*Dear Colleague Letter: Harassment and Bullying, October 2010*

## **UNIFORM COMPLAINT PROCEDURES**

**BP 1312.3(e)**

*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*

*WEBSITES*

*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/offices/OCR>*

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