

NICASIO SCHOOL DISTRICT

Board Policy

Series 1000: Community Relations

BP 1312.3

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that Nicasio School District has primary responsibility for insuring that it complies with state and federal laws and regulations governing educational programs operated by the District. The Superintendent or designee shall investigate and seek to resolve complaints at the local level, in accordance with applicable laws and administrative regulations.

The Superintendent or designee shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation and bullying against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, nationality and ethnicity, ancestry, national origin, religion, color, mental or physical disability, medical condition, genetic condition, marital or parental status, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any District program or activity that receives or benefits from state financial assistance. A statement of complaint that unlawful discrimination, harassment, intimidation and bullying shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation and bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation and bullying. (5 CCR § 4630.)

Uniform complaint procedures shall also be used to address any complaint alleging the District's failure to comply with (1) the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, (2) the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and (3) special education programs.

Complaints 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, and teacher vacancies and misassignments shall be investigated pursuant to the District's Williams uniform complaint procedure (BP/AR 1312.4).

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

The Governing Board acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation and bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process or to comply with contractual, statutory, or constitutional due process. 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 Governing 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 or the reporting of instances of discrimination, harassment, intimidation and bullying. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Governing Board recognizes that a neutral mediator can often suggest a 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 that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

Complainants have the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation and bullying laws. (5 CCR §4622.)

Complaints Regarding Local Control and Accountability Plan (LCAP) Non-Compliance

A complaint that Nicasio School District has not complied with the requirements of Article 4.5, Local Control Accountability Plans (Education Code 52060 through 52071), may be filed with the Governing Board pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

Legal References:

cf. 0410 – Nondiscrimination in District Programs and Activities
cf. 1312.1 – Complaints Concerning District Employees
cf. 1312.2 – Complaints Concerning Instructional Materials
cf. 3553 – Free and Reduced Price Meals
cf. 4031 – Complaints Concerning Discrimination in Employment
cf. 5141.4 – Child Abuse Prevention and Reporting
cf. 5148 – Child Care and Development
cf. 6159 – Individualized Education Program cf. 6171 Title I Programs
cf. 6174 – Education for English Language Learners
cf. 6175 – Migrant Education Program
cf. 6178 – Vocational Education cf. 6200 – Adult Education

Education Code:

- 200-262.4 – Prohibition of discrimination
- 8200-8498 – Childcare and development programs
- 8500-8538 – Adult Basic Education
- 18100-18200 – School Libraries
- 32289– School Safety Plan, Uniform Complaint Procedure
- 35186 –Williams Uniform Complaint Procedure
- 41500-41513 – Categorical Education Block Grants
- 48985– Notices in Language Other Than English
- 49060-49079– Student Records
- 49490-49590 – Child Nutrition Programs
- 52060-52071 – Local Control Accountability Plans
- 52160-52178 –Bilingual Education Programs
- 52300-52499.6 – Career-Technical Education
- 52500-52616.24–Adult Schools
- 52800-52870 – School-Based Coordinated Programs
- 54000-54028 –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
- 64000-64001 –Consolidated Application Process

Code of Regulations, Title 5: 3080–Application of Section

- 4600-4687 – Uniform complaint procedures
- 4900-4965 –Nondiscrimination in Elementary and Secondary Education Programs

Penal Code:

- 422.6 – Interference with constitutional Right or Privilege

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
- 7101-7814 –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

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