

Community Relations

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The District shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The District shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in District programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, mental or physical disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristics identified in Education Code 200 and 220, Penal Code 422.55 and Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 – Nondiscrimination in District Programs and Activities)
(cf. 4030 – Nondiscrimination in Employment)
(cf. 5131.2 – Bullying)
(cf. 5145.3 – Nondiscrimination)(EEO, Title IX)
(cf. 5145.7 – Student Harassment)

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, Local Control Funding Formula programs and the Local Control Accountability Plan implementation process, and special education programs.

(cf. 0450 – Comprehensive Safety Plan)
(cf. 1312.1 – Complaints Concerning District Employees)
(cf. 1312.2 – Complaints Concerning Instructional Materials)
(cf. 3320 – Claims and Actions Against the District)
(cf. 3553 – Free and Reduced Price Meals)
(cf. 5141.4 – Child Abuse and Neglect)
(cf. 5148 – Child Care)

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UNIFORM COMPLAINT PROCEDURES (continued)

(cf. 6159 – Individualized Education Program)

(cf. 6171 – Title I Programs)

(cf. 6174 – Education for English Language Learners)

Complaints related to insufficiency 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 Procedures.

(cf. 1312.4 – Williams Uniform Complaint Procedures)

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

The Superintendent/designee shall ensure that employees designated to receive and 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/designee.

Complaints concerning Special Education programs shall be addressed in accordance with the regulations and procedures developed jointly with the Special Education Local Plan Area.

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, and/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 acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential, as permitted by law and/or any other applicable authority, except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent/designee on a case-by-case basis.

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

(cf. 5125 – Student Records; Confidentiality)

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

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UNIFORM COMPLAINT PROCEDURES (continued)

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. Whenever all parties to a complaint voluntarily agree to try resolving their problem through mediation, the Superintendent/designee may initiate a mediation process before beginning a formal compliance investigation. The Superintendent/designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
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
41500-41513 Categorical education block grants
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records
49490-49590 Child nutrition programs
52160-52178 Bilingual education programs
52300-52490 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
56000-56865 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

CODE OF REGULATIONS, TITLE 5

3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege
UNITED STATES CODE, TITLE 206301-6577 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

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UNIFORM COMPLAINT PROCEDURES (continued)

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

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

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

Management Resources:

WEB SITES

CSBA: www.csba.org

CDE: www.cde.ca.gov

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

Policy

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Revised: 07/09/14

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California