

Board Policy 1312.3 (a)

Uniform Complaint Procedures

Community Relations

This Board Policy applies to the filing, investigation and resolution of the following categories of complaints.

Category One: Violations of Law or Regulations by District

A complaint alleging West Sonoma County Union High School District ("District") violated federal or state law or regulations governing educational programs (defined below), including allegations of unlawful discrimination, harassment, intimidation, or bullying, in "specified programs" or in activities that receive state or federal funding [5CCR 4610(a)] and complaints alleging that the District failed to fully implement a student's IEP as mutually agreed to in writing by the parent/guardian and the district.

Category Two: Discrimination against Protected Groups in Programs Conducted by District

A complaint alleging unlawful discrimination, including discriminatory harassment, intimidation or bullying, in any program or activity conducted by a local agency which is funded directly by, or that receives or benefits from, any state financial assistance,

- (1) Against any "protected group" identified under Education Code sections 200 and 220 and Govt. Code section 11135, or
- (2) On the basis of (a) any actual or perceived characteristics regarding disability, gender, nationality, race or ethnicity, religion, or sexual orientation (Pen. Code sec. 422.55), or (b) a person's association with a person or group with one or more of those actual or perceived characteristics. [5CCR 4610(c)]

Category Three: Unlawful Pupil Fees

A complaint alleging the District failed to comply with provisions of Education Code sections 49010 and 49011 regarding student fees. [5CCR 4610(d)]

Category Four: Local Control and Accountability Plan

A complaint alleging the District failed to comply with Local Control and Accountability Plan requirements set forth in Education Code sections 52060 et seq. and Education Code sections 47606.5 and 47607.3.

Category Five: Violations of Education Code section 35186 (Williams Act)

A complaint alleging the district failed to comply with Education Code section 35186 concerning

Board Policy 1312.3 (b)

instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies or misassignments.

Category Six: Retaliation

Any complaint alleging retaliation against a complainant or other participant in this Uniform Complaint Procedure or anyone who has acted to uncover or report a violation subject to this policy.

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)

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)

DEFINITIONS

An **appeal** is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

A **complaint** is a written and signed statement by a complainant alleging any one or more of the matters specified in Categories One through Six, above.

A **complainant** is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization, who files a written complaint alleging any one or more of the matters specified in Categories One through Six, above.

Protected group means any person subjected to unlawful discrimination, including discriminatory harassment, intimidation or bullying, based on disability, genetic information, gender, gender identity, gender expression, nationality/national origin, race or ethnicity, ethnic group identification, color, religion, age, sex sexual orientation, or on 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, which is funded directly by, or that receives or benefits from any state financial assistance.

A **pupil fee** is a fee, deposit, or other charge imposed on students, or a student's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all students without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by the District that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

Board Policy 1312.3 (c)

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a student as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a student is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

"Specified programs" mean Adult Education, Consolidated Categorical Aid Programs, Migrant Education, Career Technical and Technical Education and Training Programs, Child Care and Developmental Programs, Child Nutrition Programs, Special Education Programs, including failure to implement and agreed upon individualized education program (IEP), and Safety Planning Requirements

DISTRICT RESPONSIBILITIES

The District has the primary responsibility to insure compliance with applicable state and federal laws and regulations governing educational programs and shall investigate complaints filed in accordance with this Board Policy and seek to resolve those complaints.

Category One, Two, Three, Four, and Six complaints will be reviewed in accordance with AR 1312.3.

Category Five complaints will be reviewed in accordance with AR 1312.4. Uniform Complaint Procedures (Williams Act)

Retaliation

Retaliation against a complainant, anyone who participates in the investigation of a complaint, or who has acted to uncover or report a violation of this policy is strictly prohibited. An allegation of retaliation will be reviewed as a separate incident of misconduct which, if substantiated, may result in corrective intervention or disciplinary action. The District will ensure that all complainants are protected from retaliation and that the identity of a complainant alleging unlawful discrimination and/or the subject of the complaint shall remain confidential to the extent consistent with a thorough investigation and applicable law.

Compliance Officer

The person responsible for receiving and investigating complaints and ensuring compliance with state and federal laws and regulations is:

Board Policy 1312.3 (d)

**Human Resources Director
West Sonoma County Union High School District
462 Johnson Street
Sebastopol, CA 95472
(707) 824-6411**

The District shall ensure that the Compliance Officer is knowledgeable about the laws and programs for which he/she is responsible.

Nothing in this Board Policy shall be construed to prohibit anyone involved in the complaint from utilizing alternative resolution methods, such as mediation.

Nothing in this Board Policy should be construed to prohibit the District from resolving a complaint prior to the filing of a formal written complaint.

Complaints Not Covered By This Board Policy

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to this Board Policy or related Administrative Regulations unless made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

Complaints alleging matters that are not subject to this Policy shall be reviewed in accordance with the Board Policy and Administrative Regulations applicable to the alleged misconduct or violation.

Adopted: November 15, 1994
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1/14/03; 12/9/03; 2/25/04; 2/23/05; 6/28/06; 6/25/08
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WEST SONOMA COUNTY UHSD
Sebastopol, California