

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 complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation, or bullying and seek to resolve those complaints in accordance with the procedures set out in sections 4600-4687 of the Title 5 Regulations and in accordance with the policies and procedures of the governing board.

The district shall follow uniform complaint procedures to resolve complaints alleging unlawful discrimination, harassment, violence, intimidation, and bullying, actual or perceived, based on age, sex, sexual orientation, gender, gender identity, gender expression, genetic information, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, marital or parental status, color, mental or physical disability or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or on the basis of a person's association with a person or group with one or more of the actual or perceived characteristics, in any program or activity which is funded directly by, or that receives or benefits from any federal or state financial assistance. 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 development and adoption of a school safety plan and state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements. (PC 422.55, EC 200, EC 220, Title 5 CCR 4610, 4622). Uniform Complaint procedures shall also be used to address any complaint alleging that the district has not complied with legal requirements related to the implementation of the Local Control and Accountability Plan (Education Code 52075), and 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 Board encourages the early, informal resolution of complaints at the site level whenever possible.

The 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 mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations. (Title 5 CCR 4631)

The Board acknowledges and respects every individual's right 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 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. (Title 5 CCR 4621, 4630)

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

The Board prohibits retaliation in any form for participating in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant. (Title 5 CCR 4621)

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 misassignments
4. Deficiency in the district's provision of instruction and/or services to any students, who, by the completion of grade 12, has not passed one or both parts of the high school exit examination.

Legal References:

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 procedure
 35186 Williams uniform complaint procedure
 37254 Intensive instruction and services for students who have not passed exit exam
 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
 52060-52075 Local Control and Accountability Plans
 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
 54460-54529 Compensatory education programs

56000-56885 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by the 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
PENAL CODE 422.55 Hate crime; definition
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
7101-7184 Safe and Drug-Free Schools and Communities Act, including
7201-7283 Title V Promoting Informed Parental Choice and Innovative Programs
7301-7372 Title V rural and low-income school programs
Management Resources:
WEB SITES California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

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LONG BEACH UNIFIED SCHOOL DISTRICT