

# Grossmont Union High Board Policy

BP 1312.3

## Community Relations

### Uniform Complaint Procedures

The Governing Board recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or 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. (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical programs, migrant education, career technical and technical education and career technical and technical training programs, and special education programs. (5 CCR 4610)

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 0420.1 - School-Based Coordinated Programs)
- (cf. 0420.2 - School Improvement Program)
- (cf. 0430 - Comprehensive Local Plan for Special Education)
- (cf. 3553 - Free and Reduced Lunch Program)
- (cf. 6171 - Chapter I Programs)
- (cf. 6174 - Education for Students of Limited-English Proficiency)
- (cf. 6175 - Migrant Children Program)
- (cf. 6178 - Vocational Education)
- (cf. 6179 - Child Care and Development Programs)
- (cf. 4119.23 - Unauthorized Release of Confidential/Privileged Information)
- (cf. 5125 - Student Records)
- (cf. 9011 - Disclosure of Confidential/Privileged Information)

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 (AR 1312.4).

(cf. 1312.4 – Williams Uniform Complaint Procedures)

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

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 integrity of the 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.

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

(cf. 5125 – Student Records)

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

The 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. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

In addition to the appeal process, complainants have a right to pursue available civil law remedies. These remedies may include: restraining orders, injunctions, private and/or public interest attorneys, etc. There are also numerous free and low cost legal assistance agencies available locally, such as Mediation Solutions, American Civil Liberties Union, the California Fair Employment and Housing Department, California Indian Legal Services, Victim-Offender Reconciliation Program, Legal Aid Society of San Diego, Inc., Family Services Association, etc.

This notification is presented annually to students, employees, parents or guardians, district/school advisory committees and interested parties. In addition, when 15 percent or more of the students in any 9-12 school speak a primary language other than English, all notices to parents or guardians of such students must be in English and the student's primary language.

The goal of the Uniform Complaint Procedure is to ensure the implementation of a single procedure for all relevant programs and to ensure that all schools conduct high quality programs that are effectively managed and operated within legal parameters.

The Title 5 complaint procedures apply to special education programs. Even if the district participates in a Special Education Local Plan Area (SELPA), it now must use the

district's uniform complaint procedures when investigating complaints regarding special education. However, due process hearing procedures are not governed by uniform complaint procedures (see 5 CCR 3080, for clarification of the distinction between complaints and due process hearings).

The Superintendent or designee shall ensure that employees designated to 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 or designee.

(cf. 1312.1 - Complaints Concerning School Personnel)  
(cf. 1312.2 - Complaints Concerning Instructional Material)  
(cf. 4031 - Complaints Concerning Discrimination in Employment)  
(cf. 5141.4 - Child Abuse and Neglect (Reporting Procedures))  
(cf. 9124 - Attorney)

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 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  
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  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process

PENAL CODE

422.6 Interference with constitutional right or privilege

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  
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  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>

Policy GROSSMONT UNION HIGH SCHOOL DISTRICT

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