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 Board encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation. The district shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations about discrimination, harassment, intimidation, bullying and noncompliance with laws relating to pupil fees for participation in an educational activity and to the Local Control Accountability Plan (LCAP) and seek to resolve those complaints in accordance with the District’s Uniform Complaint Procedures (EC §§ 234.1, 49010; 5 CCR § 4610, 4620–4621, 52075.)

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities on actual or perceived ancestry, age, color, disability, gender, gender identify, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, actual or potential parental, family, marital status, or the association with a person or a group with one or more the these actual or perceived characteristics identified in Education Code 200 or 220, Governmental Code Section 11135, and including any actual or perceived characteristics as set forth in Penal Code 422.55, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance (5 CCR 4610.)

School personnel must take immediate steps to intervene when safe to do so when he or she witnesses an act of discrimination, harassment, intimidation, or bullying.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual 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, any complaint alleging that the district has not complied with legal requirements related to the implementation of the Local Control Accountability Plan (Education Code 52075), 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. Programs and activities subject to UCP include:

Adult Education
After School Education & Safety
Agricultural Vocational Education
American Indian Education Centers and
Early Childhood Education Program
Assessments
Bilingual Education
California Peer Assistance and Review
Programs
Career Technical Education
Career Technical and Technical Training, &
Career Technical Education
Child Care and Development
Child Nutrition
Compensatory Education
Consolidated Categorical Aid
Course Periods without Educational Content
(grades 9-12th)
Economic Impact Aid

Education of Pupils in Foster Care, Pupils
who are Homeless, and former Juvenile
Court Pupils now enrolled in a school
district
English Learner Programs
Every student Succeeds Act/ No Child Left
Behind (Title I-VII)
Local Control and Accountability
Migrant Education
Physical Education Instructional Minutes
(Grades 1-6)
Pupil Fees
Reasonable Accommodations to a Lactating
Pupil
Regional Occupational Centers and
Programs
School Safety Plans
Special Education
State Preschool
Tobacco-Use Prevention

(cf. 0450 – Comprehensive Safety Plan)
(cf. 0460 – Local Control and Accountability
Plan)
(cf. 1312.1 – Complaints Concerning District
Employees)
(cf. 1312.2 – Complaints Concerning
Instructional Materials)
(cf. 3260 – Fees and Charges)
(cf. 3320 – Claims and Actions Against the
District)
(cf. 3553 – Free and Reduced Price Meals)
(cf. 3555 – Nutrition Program Compliance)
(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 – Career Technical Education)
(cf. 6178.1 – Work Based Learning)
(cf. 6178.2 – Regional Occupational
Center/Program)
(cf. 6200 – Adult Education)

The Board prohibits any form of retaliation against any complainant in the complaint process or
other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The district shall protect all complainants from retaliation and the identity of a complainant alleging discrimination, harassment, intimidation or bullying will remain confidential as appropriate. (EC § 234.1; 5 CCR § 4621.) In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected as required by law. As appropriate for any complaint alleging retaliation or discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 5125 - Student Records)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.

4. Any complaint alleging fraud shall be referred to the California Department of Education.

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

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
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records
49490-49590 Child nutrition programs
52060-52077 Local control and accountability plan, especially
52075 Complaint for lack of compliance with local control and accountability plan requirements
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
56000-56867  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

PENAL CODE
422.55  Hate crime; definition
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
52060-52077  Local control and accountability plan, especially
52075  Complaint for lack of compliance with local control and accountability plan requirements
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
12101-12213  Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29
794  Section 504 of Rehabilitation Act of 1973

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter:  Title IX Coordinators, April 2015
Questions and Answers on Title IX and Sexual Violence, April 2014
Dear Colleague Letter: Bullying of Students with Disabilities, August 2013
Dear Colleague Letter: Sexual Violence, April 2011
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov
Policy  MT. DIABLO UNIFIED SCHOOL DISTRICT
adopted:  June 8, 2006  Concord, California
revised:  February 25, 2013  Concord, California
revised:  September 14, 2015  Concord, California
revised:  Concord, California