

# **PIEDMONT UNIFIED SCHOOL DISTRICT**

## **Board Policy**

**BP 1312.3**

### **Community Relations**

#### **Uniform Complaint Procedures**

The Board of Education recognizes that the District is responsible for ensuring that it complies with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint process 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 that are subject to the Uniform Complaint Procedure (UCP). A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations.

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.

The Superintendent or designee shall meet the notification and posting requirements of 5 CCR 4622 and 4684, including the annual dissemination to students, employees, parents/guardians, district/school councils, advisory committees and other interested parties, of District complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

#### **UCP Complaints**

Upon receipt of a written complaint from an individual, public agency, or organization, UCPs shall be initiated. UCPs are a very specialized form of complaint for violation of certain federal and state laws and regulations used specifically to investigate and resolve the following:

1. Any complaint to identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment.

2. Any complaint alleging the occurrence of unlawful discrimination. This, however, shall not apply to employer/employee relations such as hiring and evaluations of staff, assignments of classrooms or duties or other issues within the purview of the Public Employees Relations Board or a Memorandum of Understanding or other collective bargaining agreement; the provision of core curricula subjects; student classroom assignments; student discipline; student advancement retention or grades; graduation requirements; homework policies and practices; selection of instructional materials; or the use of general education funds. The district will review and address any report or complaint of unlawful discrimination involving a student, employee or third party against another student, employee or third party. Specifically:
  - a. Any sexual harassment or sexual violence report or complaint involving a student complainant or a student respondent shall be addressed through BP 5145.7 and the Uniform Complaint Procedures. Any other report or complaint of unlawful discrimination involving a student complainant or a student respondent shall be addressed through BP/AR 5145.3 and the Uniform Complaint Procedures.
  - b. Any unlawful discrimination report or complaint, including sexual harassment or sexual violence complaints, between employees or between employees and third parties, but not involving student complainants or student respondents, shall be addressed through BP/AR 4119.11/4219.11/4319.11 and AR 4031.
  - c. Any unlawful discrimination report or complaint, including sexual harassment or sexual violence complaints, between third parties which took place in the educational setting shall be referred to the District Compliance Officer to determine how to appropriately address the complaint.

A “report” or “complaint” is defined as any oral or written communication to a school district employee or administrator which alleges behavior or misconduct that may constitute unlawful discrimination. A report or complaint may include an oral report, an email, a text message or other message conveyed to a school district employee or administrator. The report or complaint does not have to be on a particular form or use specific words to identify the law which may have been violated.

A “third party” is defined as someone who is connected to the school or the district for educational, business or extra-curricular purposes. For example, a third party may include a vendor; volunteer; coach; or other person who is on school or district grounds during the hours of operation or who is present in the educational setting.

“Educational setting” includes all educational programs and activities of the school or district, including all the academic, educational, extracurricular, athletic, and other programs and activities of the school, whether those programs or activities take place

in a school's facilities, on a school bus, or at a class or training program sponsored by the school at another location.

(cf. 5145.7 - Sexual Harassment)

(cf.4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.3 - Nondiscrimination/Harassment)

3. Any complaints alleging failure to comply with state or federal law for all specified programs, including adult education, career-technical education, child development, consolidated categorical aid programs, migrant education, special education and child nutrition programs. 5 CCR 4610
4. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)  
(cf. 5146 - Married/Pregnant/Parenting Students)
5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)  
(cf. 3260 - Fees and Charges)  
(cf. 3320 - Claims and Actions Against the District)
6. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)
7. (cf. 0460 - Local Control and Accountability Plan)  
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)  
(cf. 6173.1 - Education for Foster Youth)
8. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)  
(cf. 6173 - Education for Homeless Children)
9. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)  
(cf. 6152 - Class Assignment)
10. Any complaint alleging district noncompliance with the physical education instructional

minutes requirement for students in elementary school (Education Code 51210, 51223)  
(cf. 6142.7 - Physical Education and Activity)

11. 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
12. Any other complaint as specified in a district policy

### **Alternative Dispute Resolution**

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complainant that is agreeable to all parties. One type of ADR is mediation, which will be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual violence, sexual harassment, or where there is reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal regulations.

### **Retaliation and Confidentiality**

The Board prohibits any retaliatory behavior or action against any person who reports, testifies about, files a complaint, or otherwise participates in a district complaint, investigation, or grievance process under the Uniform Complaint Procedures. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant. An individual who believes he or she has been subjected to retaliation defined herein may also file a complaint under the Uniform Complaint Procedures.

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.

The Board acknowledges and respects student and employee rights to privacy. In investigating complaints, the confidentiality of the parties involved and facts shall be protected, as required by law. As appropriate for any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the district shall keep confidential the identity of all parties except when the Principal/designee or the District Compliance Officer has a duty to share the parties' identifying information as necessary to gather a response to the complaint, in order to take subsequent corrective action if misconduct is found to have occurred, and/or to conduct ongoing monitoring. When a complainant requests confidentiality, the Principal/designee or the District Compliance Officer shall notify the complainant that the request may limit the District's ability to investigate the harassment or take other necessary

action. An intentional breach of the complainant's confidentiality by a student or employee may be considered a violation of this policy or a retaliatory act.

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

(cf. 5125 - Student Records)

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

Notwithstanding the above, all complaints and responses regarding sufficient textbooks and instructional materials, including English learners; teacher vacancy or misassignment; and school facilities are matters of public record.

## **Record Keeping**

The Superintendent or designee shall maintain records of all UCP complaints, the investigations of those complaints, and the resolution of the complaints in confidential complaint files, to enable the district to monitor, address, and prevent repetitive behavior in district schools.

(cf. 5125 - Student Records)

(cf. 3580 - District Records)

## **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. However, the District may still be obligated to address and investigate any complaint alleging child abuse or neglect of a student by an employee or third party which took place in the educational setting.(cf.5141.4 - Child Abuse Prevention and Reporting)
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 or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Non Discrimination in Employment
4. Any complaint alleging fraud shall be referred to the California Department of Education.
5. In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint 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, or teacher vacancies and misassignments. (Education Code 35186)  
(cf. 1312.4 - Williams Uniform Complaint Procedures)

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 student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination (cf. 1312.4 - Williams Uniform Complaint Procedures)

When an allegation that is not the 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.

### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the District's complaint procedures as delineated in the Administrative Regulations.

Legal Reference:

#### EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[222](#) Reasonable accommodations; lactating students

[8200-8498](#) Child care and development programs

[8500-8538](#) Adult basic education

[18100-18203](#) School libraries

[32280-32289](#) School safety plan, uniform complaint procedures

[33380-33384](#) California Indian Education Centers

[35186](#) Williams uniform complaint procedures

[44500-44508](#) California Peer Assistance and Review Program for Teachers

[48853-48853.5](#) Foster youth

[48985](#) Notices in language other than English

[49010-49013](#) Student fees

[49060-49079](#) Student records

[49069.5](#) Rights of parents

[49490-49590](#) Child nutrition programs

[49701](#) Interstate Compact on Educational Opportunity for Military Children

[51210](#) Courses of study grades 1-6

[51223](#) Physical education, elementary schools

[51225.1-51225.2](#) Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements

[51226-51226.1](#) Career technical education

[51228.1-51228.3](#) Course periods without educational content

[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  
52300-52462 Career technical education  
52500-52616.24 Adult schools  
54000-54029 Economic Impact Aid  
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  
HEALTH AND SAFETY CODE  
104420 Tobacco-Use Prevention Education  
PENAL CODE  
422.55 Hate crime; definition  
422.6 Interference with constitutional right or privilege  
CODE OF REGULATIONS, TITLE 2  
11023 Harassment and discrimination prevention and correction  
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  
1221 Application of laws  
1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6576 Title I basic programs  
6801-7014 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  
UNITED STATES CODE, TITLE 42  
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975  
CODE OF FEDERAL REGULATIONS, TITLE 28  
35.107 Nondiscrimination on basis of disability; complaints  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy Act  
100.3 Prohibition of discrimination on basis of race, color or national origin

[104.7](#) Designation of responsible employee for Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

[106.8](#) Designation of responsible employee for Title IX

[106.9](#) Notification of nondiscrimination on basis of sex

[110.25](#) Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

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

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

Adopted: November 10, 1999

Revised: May 28, 2003

Revised: November 19, 2003

Revised: January 24, 2006

Revised: June 13, 2018

**Community Relations**

**Uniform Complaint Procedures**

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.

A reference guide (Exhibit 1312.3(c)) to the various complaint procedures that are required by law or were established locally is provided.

The Board of Education designates the following compliance officers to receive and investigate complaints and ensure District compliance with law:

**Complaints Concerning School Facilities:**

Director of Facilities  
760 Magnolia Ave.  
Piedmont, CA 94611  
(510) 594-877

**Complaints Concerning District Employees, Teacher Assignment/Misassignment, and/or Instructional and/or Library Materials:**

Superintendent  
760 Magnolia Ave.  
Piedmont, CA 94611  
(510) 594-2614

**Complaints Concerning Discrimination / Hate-Motivated Incidents And Hate Crimes / Hazing / Harassment, Sexual Harassment, Intimidation, Bullying And Cyberbullying:**

Director of Curriculum and Instruction  
760 Magnolia Ave., Piedmont, CA 94611  
(510) 594-2686

In addition to serving as the compliance officer and responsible employee pursuant to these Uniform Complaint Procedures, the district designates the individual identified above as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual or

perceived race, color, ethnicity, ethnic group identification, culture, heritage, immigration status, national origin, nationality, ancestry, age, marital or parental status, gender, gender identity, gender expression, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices, or association with a person or group with one or more of these actual or perceived characteristics. .

(cf. 9124 -Attorney) **Notifications**

The Superintendent or designee shall meet the notification requirements of 5 CCR 4622 and 4684, including the annual dissemination of District complaint procedures.

Complainants may seek help from agencies such as legal assistance agencies, local mediation centers or the county office of education. Local resources include:

Alameda County Office of Education 313 W. Winton Avenue  
Hayward, California 94544-1198

### **Procedures**

The following procedures shall be used to address complaints which allege that the District has violated federal or state laws or regulations governing educational programs, as follows:

Adult Education

Career-Technical Education

Child Development

Consolidated Categorical Aid Programs

Migrant Education

Special Education

Child Nutrition programs

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

**Steps for Filing A Complaint** on Issues of Educational Programs (see above list)

#### ***Step 1: Filing of Complaint***

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the District. A complaint may be filed anonymously.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (5 CCR 4630)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints

received, providing each with a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint (5 CCR 4600). When 15 percent or more of the students in the school speak a single primary language other than English, all notices to parents or guardian regarding complaint procedures shall be in the student's primary language in addition to English (Education Code Section 48985; 5 CCR 4620-4652). The fifteen percent shall be determined from the census data submitted to the Department of Education in the preceding year, pursuant to Education Code Section 52164.

### **Step 2: Interim Measures**

After a report or complaint is received, the responsible administrator (Principal or designee and/or the District's compliance officer) shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the responsible administrator shall implement reasonable measures to stop, prevent or address the effects of the alleged discrimination, including discriminatory intimidation or retaliation, harassment, or bullying during and pending any information resolution and/or investigation. The interim measures may include such actions as no-contact directives, increased supervision, placing students in separate classes, or transferring a student to a class taught by a different teacher. To the extent possible, interim measures will be implemented in a manner that minimizes the burden on the individual who was the target of the alleged discrimination. Where sexual harassment or sexual violence is alleged, interim measures shall be determined pursuant to AR 5145.7.

### **Step 3: Mediation**

Except in complaints alleging sexual violence and/or sexual harassment, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the District's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

### **Step 4: Investigation of Complaint**

The compliance officer shall hold an investigative meeting within ten school days of receiving the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

For complaints of sexual harassment or sexual violence, the responsible administrator shall follow the procedures set forth in in AR 5145.7 for investigation of complaints at school and additional procedures related to sexual harassment or sexual violence.

### **Step 5: Response**

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant and the respondent a written report of the district's investigation and decision (5 CCR 4631), unless the complainant agrees in writing to an extension of time. The decision shall maintain any applicable confidentiality rights of the parties and be issued in consideration of any legal limitations based on such confidentiality.

### **Step 6: Final Written Decision**

A final written decision of the district's decision shall be sent to the complainant and the respondent. The District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write the final in the complainant's primary language, the District shall arrange a meeting at which a community member will interpret it for the complainant. This written decision shall include:

1. The findings and disposition of the complaint, including corrective actions, if any (5 CCR 4631)
2. The rationale for the above disposition (5 CCR 4631)
3. Notice of the complainant's right to appeal the decision within fifteen days to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4631)

If an employee is disciplined as a result of the complaint, this written decision shall simply state that effective action was taken and that the employee was informed of district expectations. The written decision shall not give any further information as to the nature of the disciplinary action.

## **Disciplinary Actions**

### **Student Discipline**

The Superintendent or designee may impose student discipline up to and including suspension or expulsion as provided by the California Education Code and Board policy.

### **Employee Discipline**

The Superintendent or designee (or, if the Superintendent is the accused, the Board) may impose employee discipline up to and including unpaid leave and dismissal as provided by the California Education Code and Board policy.

## **Knowingly False Statements or Accusations**

Upon a determination that a report or complaint contained knowingly false statements or accusations, the Superintendent or designee (or, if the Superintendent is the accused, the Board) will decide the appropriate corrective, restorative, or disciplinary action.

## **Filing a Complaint on Issues of Instructional Materials, Teacher Vacancy or Misassignment, and School Facilities**

### ***Step 1: Filing of Complaint***

The complaint must first be filed with the principal of the school. A complaint about problems beyond the authority of the school principal shall be forwarded within 10 working days to the Superintendent or designee for resolution. These complaints may be filed anonymously, however, only a complainant who identifies himself/herself is entitled to a response. Additionally, all complaints and responses are public records.

### **Step 2: Mediation**

If the filing of a complaint does not bring about a resolution or if a direct request is received by the State for direct intervention, the State will make a determination whether direct intervention is warranted, and shall conduct an investigation, including an on-site investigation, if necessary. The State will complete its investigation within sixty (60) days after receiving a request.

## **Appeals to the California Department of Education**

If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (5 CCR 4652)

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district. (5 CCR 4650)

## **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies.

The moratorium does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

Approved: November 10, 1999

Revised: September 11, 2002

Revised: May 28, 2003

Revised: November 19, 2003

Revised: January 24, 2006

Revised: January 23, 2007

Revised: June 13, 2018

**Uniform Complaint Procedure Discrimination/Harassment and Compliance with  
State and Federal  
Programs Complaint Reporting Form**

The Piedmont Unified School District maintains a uniform complaint procedure for investigating complaints of: (1) discrimination, including discriminatory harassment, intimidation, or bullying on the basis of actual or perceived characteristics of age, sex, sexual orientation, ethnic group identification, race, ancestry, nationality, national origin, religion, color, or mental or physical disability, gender, gender identity, gender expression, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics, including retaliation; and (2) complaints of violations of the laws and regulations governing consolidated categorical aid programs, Adult Education, Career/Technical Education, Child Development, Special Education and Nutrition services, or Federal and State Categorical Programs (No Child Left Behind, Title 1, McKinney Vento, English Language Learners, Foster Youth, other programs) and the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities. Any individual, public agency or organization may file a written complaint of noncompliance.

*For Williams Settlement Complaint Procedures: (a) Sufficiency of Materials, (b) Emergency or Urgent Facilities Issues, or (c) Teacher Vacancies and Misassignment Issues, USE SEPARATE WILLIAMS COMPLAINT FORM.*

**I. Contact Information:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Work or Cell Phone: \_\_\_\_\_

**II. Complainant**

You are filing this complaint on behalf of:

yourself     your child or a (student)     another student     a group

**III. School Information**

School Name: \_\_\_\_\_ Principal's Name: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_

**IV. Basis of Complaint:** *(Please check the appropriate box)*

**Discrimination/Harassment**

In accordance with the District's Uniform Complaint Procedures (5 CCR 4620) each school district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation and bullying against any protected group, including retaliation. Protected groups are enumerated by Education Code §§ 200 and 220. Additionally, it is the policy of the State of California, pursuant to Section 200, that all individuals shall enjoy freedom from discrimination and/or harassment of any kind in the educational institutions of the state. This also includes sexual harassment, which is a form of sexual discrimination (EC § 231.5)

Please check the following box(s), based on the actual or perceived characteristics of discrimination, harassment, intimidation and bullying you experienced, (Education Code §§ 200 and 220

- |   |   |
|---|---|
| <input type="checkbox"/> Sexual orientation           | <input type="checkbox"/> Ancestry                                 |
| <input type="checkbox"/> Gender/Sex                   | <input type="checkbox"/> Mental or physical disability            |
| <input type="checkbox"/> Race/Ethnicity               | <input type="checkbox"/> Age                                      |
| <input type="checkbox"/> Gender Expression            | <input type="checkbox"/> Association with any of these categories |
| <input type="checkbox"/> National origin/ Nationality | <input type="checkbox"/> Sexual Harassment                        |
| <input type="checkbox"/> Religion                     | <input type="checkbox"/> Gender Identity                          |
| <input type="checkbox"/> Color                        |   |

**Compliance with State and Federal Programs**

In accordance with the District’s Uniform Complaint Procedures (5 CCR 4620) each school district shall follow uniform complaint procedures when addressing complaints alleging complaints of violations of the laws and regulations governing consolidated categorical aid programs, Adult Education, Career/Technical Education, Child Development, Special Education and Nutrition services and the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities.

**V. Details of Complaint**

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of incident(s) you experienced that led to this complaint, including the events or actions, in as much detail as possible:

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List the **individuals** involved in the incident(s) complaint of:

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List any **witnesses** to the incident(s):

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Describe the **location where** the incident(s) occurred:

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Please list **all the date(s) and times** when the incident(s) occurred or when the alleged acts first came to your attention:



Piedmont Unified School District (PUSD)
Williams Complaints Form

Education Code (EC) Section 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the following contact information.

Response requested: [ ] Yes [ ] No

Name (Optional): \_\_\_\_\_ Mailing Address (Optional): \_\_\_\_\_

Phone Number Day (Optional): \_\_\_\_\_ Evening (Optional): \_\_\_\_\_

Issue of complaint (please check all that apply):

1. Textbooks and Instructional Materials

- [ ] A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
[ ] A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
[ ] Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
[ ] A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Facility Conditions

- [ ] A condition poses an urgent or emergency threat to the health or safety of students or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
[ ] A school restroom has not been maintained or cleaned regularly, is not fully operational and has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
[ ] The school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes.

3. Teacher Vacancy or Misassignment

- [ ] Teacher vacancy - A semester begins and a teacher vacancy exists. (A teacher vacancy is a position To which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.)
[ ] Teacher misassignment - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
[ ] Teacher misassignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Date of Problem: \_\_\_\_\_

Location of Problem (School Name, Address, and Room Number or Location): \_\_\_\_\_

Course or Grade Level and Teacher Name: \_\_\_\_\_

Please describe the issue of your complaint. You may attach additional pages if necessary to fully describe the matter. \_\_\_\_\_

A complaint may be filed anonymously. The complaint shall be filed with the Principal of the school or his or her designee. The Principal or appropriate District official will remedy valid complaints within thirty (30) working days from the date the complaint was received and shall complete a written report within forty-five (45) working days of the initial filing.

A complainant not satisfied with the resolution of the Principal or appropriate District official has the right to describe the complaint to the Board during a regularly scheduled hearing. If the complaint involves a condition of a facility that poses an emergency or urgent threat, a complainant who is not satisfied with the resolution proffered by the Principal or appropriate District official has the right to file an appeal to the Superintendent of Public Instruction within fifteen (15) days of receiving the District's decision.

For complete information concerning the filing of uniform complaints, please see District Williams Complaint UCP.

PUSD 06/9/18

**Community Relations**

**Uniform Complaint Procedures**

<b>Type of Complaint/Allegation</b>	<b>Who May File</b>	<b>Complaint Procedure</b>	<b>Other Related Policies/Regulations</b>
<b>Complaints Regarding Treatment of Students</b>			
Discrimination, bullying or hate motivated behavior of a student by another student or employee, based on specified actual or perceived student characteristics or association with a person or group with those characteristics	Student who alleges he/she personally suffered discrimination or bullying  A person who believes that an individual or any specific class of individuals has been subjected to discrimination or bullying	BP/AR 1312.3 – Uniform Complaint Procedures	BP 0410 – Nondiscrimination in District Programs and Activities  BP/AR 5131.2 – Bullying  BP/AR 5145.3 – Nondiscrimination/Harassment  BP/AR 5145.7 – Sexual Harassment  BP 5145.9 – Hate Motivated Behavior
Abuse or neglect of a student by an employee, volunteer or other person	Student, Parent/guardian, Any Mandated Reporter	Refer to law enforcement, county welfare department or county probation department in accordance with BP 5141.4 – Child Abuse Prevention and Reporting	
Sexual Harassment, Misconduct	Individuals with first-hand knowledge of sexual harassment or misconduct	Compliance Officer/Title IX Coordinator	BP/AR 5145.7 – Sexual Harassment  BP/AR 4119.21 – Professional Standards
<b>Complaints Regarding Employment Discrimination</b>			
Discrimination against employee or job applicant	Affected employee or job applicant	BP/AR 4031 – Complaints Concerning Discrimination in Employment  As applicable, complaint also may be filed with California Department of Fair Employment and Housing or Equal	BP/AR 4030- Nondiscrimination in Employment

		Employment Opportunity Commission	
<b>Complaints Regarding Employees</b>			
Any complaint regarding the performance of conduct of an employee	Student, Parent/Guardian, Employee	BP 1312.1 – Complaints Concerning District Employees  Individuals with first-hand knowledge of misconduct by certificated personnel also may file a complaint with the Commission on Teacher Credentialing	
<b>Complaints Regarding District Programs/Activities</b>			
Violation of law or regulations governing special education, adult education, career technical education, child care, and development program, migrant education or other categorical program	Any individual , Public agency, Organization	BP/AR 1312.3 -	BP/AR 5148 – Child Care and Development  BP/AR 6159 – Individualized Education Program  BP/AR Title I Programs  BP/AR 6178 – Career Technical Education  BP/AR 6200 – Adult Education
Improper charging of student fees, deposits or other charges to participate in educational activities	Student, Parent/Guardian, Employee	BP/AR 1312.3 – Uniform Complaint	BP/AR 3260 – Fees and Charges
Violation of requirements for Local Control and Accountability Plan	Student, Parent/Guardian, Employee	BP/AR 1312.3 – Uniform Complaint	BP/AR 0460 – Local Control and Accountability Plan
Concern regarding content or use of instructional materials	Student, Parent/Guardian, Employee, District Resident	BP/AR 1312.3 – Complaints Concerning Instructional Materials	BP/AR 6161.1 – Selection and Evaluation of Instructional Materials  BP 6161.11 – Supplementary Instructional Materials  BP 6144 – Controversial Issues
Insufficiency of textbooks or other instructional materials	Student, Parent/Guardian, Employee	AR/E 1312.3(b) – Williams Uniform - Complaint	BP/AR 6161.1 – Selection of Evaluation of Instructional Materials
Teacher Vacancies or misassignments	Student, Parent/Guardian, Employee	AR/E 1312.3(b) – Williams Uniform - Complaint	BP/AR 4112.2 – Certification  BP/AR 4113 - Assignment

Condition of school facilities, including conditions that pose a threat to health and safety of students or staff or a restroom that has not been cleaned, maintained or kept open	Student, Parent/Guardian, Employee	AR/E 1312.3(b) – Williams Uniform -	BP/AR – Environmental Safety
<b>Complaints Regarding Financial Improprieties</b>			
Fraud	Any person	Refer to California Department of Education	BP/AR 3400 – Management of District Assets/Accounts
<b>Complaints Regarding Retaliation</b>			
Retaliation against a complaint or other participant in complaint process	Any complaint or participant in a complaint	BP/AR 1312.3 – Uniform Complaint Procedures	BP 4119/4319.1 – Civil and Legal Rights BP 4144/4244/4344 – Complaints