

UNIFORM COMPLAINT PROCEDURES CONCERNING SCHOOL AND DISTRICT PROGRAMS

The Governing Board recognizes that the District is responsible for complying with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, informal resolution of complaints at the site level whenever possible. The District shall investigate and seek to resolve complaints at the local level. All complaints will be investigated within 60 days of receipt of the complaint. As required by California law, the district shall follow the uniform complaint procedures set forth in Administrative Regulation 6170 when addressing complaints alleging unlawful discrimination based on ethnicity, religion, age, gender, sexual orientation, color, or physical or mental disability in any program or activity that receives or benefits from state financial assistance. Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs, and special education programs.

(cf. 0410 – Nondiscrimination in District Program and Activities)

(cf. 0421.1 – 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 – Title I Programs)

(cf. 6174 – Education for Students of Limited-English Proficiency)

(cf. 6175 – Migrant Children Program)

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board acknowledges and respects student and employee rights 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.

(cf. 4119.23 – Unauthorized Release of Confidential/Privileges Information)

(cf. 5125 – Student Records)

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

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. 9124 – Attorney)

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. Whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulation.

(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))

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

Mary Jane Burke, Marin County Superintendent of Schools
Marin County Office of Education

Legal Aid of Marin

Complaints Concerning Local Control and Accountability Plan (LCAP) Non-Compliance

A complaint that a school district has not complied with the requirements of Article 4.5, Local Control Accountability Plans (Education Code 52060 through 52071), may be filed with a school district pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations and BP 6170 and AR 6170.

Legal Reference: EDUCATION CODE
 200-262.3 – Prohibition of discrimination
 35146 Closed sessions
 35160.5 Requirement of school district policies: parental complaints re.
 employees
 48985 Notices in language other than English
 49060 – 49079 Student Records
 51513 Personal beliefs

CODE OF REGULATIONS, TITLE 5
3080 Application of section 4600-4671
4600-4671 Uniform Complaint Procedures

GOVERNMENT CODE
54957-54957.8 Closed Sessions

CIVIL RIGHTS ACT OF 1964
42 U.S.C.A. Section 2000c et seq.

TITLE IX, EDUCATION AMENDMENTS OF 1972

20 U.S.C.A. Section 1231g, 1681 et seq.

SECTION 504, REHABILITATION ACT OF 1973

29 U.S.C.A. Section 721, 761

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981

20 U.S.C.A. Section 3801 et seq.

GENERAL EDUCATION PROVISIONS ACT

20 U.S.C.A. 1221 et seq., especially

FAMILY EDUCATION AND PRIVACY RIGHTS ACT OF 1974

20 U.S.C.A. Section 1221, 1232g

34 CODE OF FEDERAL REGULATIONS

Section 100.7 (e)

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination

18100-18179 School libraries

35146 Closed sessions

35160 Authority of governing boards

44670.1 – 44671.5 School personnel staff development and resource centers

48985 Notices in language other than English

49060-49079 Student records

49490-49560 Child nutrition program

58513 Personal beliefs

52000-52049.1 School improvement programs

52800-52863 School-based coordinated programs

54000-54041 Economic impact aid programs

54400-54425 Compensatory education

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special schools and centers

64000 Consolidated application process

GOVERNMENT CODE

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671

4600-4671 Uniform Complaint Procedures

UNITED STATES CODE, TITLE 20

1221 et seq. General Education Provisions Act, especially:
1221, 1232 g Family Educational and Privacy Rights Act of 1974
1231g, 1681 et seq. Title IX, Education Amendments of 1972
3801 et seq. Education Consolidation and Improvement Act of 1981

UNITED STATES CODE, TITLE 29

721, 761 Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000c et seq. Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.7(e) Intimidation and retaliation prohibited

Policy

Adopted 2/25/81

Amended 3/24/92

Amended 4/25/95

Revised 1/14/03 First Reading

Adopted 1/28/03

Revised and Adopted 6/24/14