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Enactment Date	



**OAKLAND UNIFIED  
SCHOOL DISTRICT**

*Community Schools, Thriving Students*

# Board Cover Memorandum

**To** Board of Education

**From** Kyla Johnson-Trammell, Superintendent  
Jenine Lindsey, General Counsel  
Gabriel Valenzuela, Ombudsperson / Title IX Coordinator

**Board Meeting Date** June 25, 2025

**Subject** Proposed Amendments to Board Policy 1312.3 - Uniform Complaint Procedures

**Ask of the Board** Approve proposed amendments to Board Policy 1312.3 - Uniform Complaint Procedures.

**Background** Board Policy 1312.3 - Uniform Complaint Procedures governs the process for addressing and investigating complaints related to specific state and federal laws and regulations. It was last revised in 2021.

**Discussion** This proposed revision would update the Uniform Complaint Procedures policy to be more in line with the CSBA (California School Boards Association) version of the policy. Updating the policy with the CSBA model will ensure compliance with state and federal legal requirements governing discrimination, harassment, and the resolution of complaints related to educational programs and services. CSBA's UCP policy is legally vetted and regularly updated in response to changes in law and regulatory guidance.

While largely based on the CSBA model, the District has retained certain provisions in the policy that reflect local practices and priorities, ensuring the policy remains responsive to the unique needs of the District community.

**Fiscal Impact** None.

**Attachments**

- Proposed Amendments to Board Policy 1312.3 - Uniform Complaint Procedures (redline)
- Proposed Amendments to Board Policy 1312.3 - Uniform Complaint Procedures (clean)

## OAKLAND UNIFIED SCHOOL DISTRICT

### Board Policy

BP 1312.3  
Uniform Complaint Procedures

### Community Relations

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 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's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Accommodations for pregnant and parenting students. (Education Code 46015) ~~Any complaint alleging District violation of applicable state or federal law or regulation governing adult education programs, agricultural vocational education, after school education and safety programs, migrant education, career technical and technical education and training programs, child care and development programs, state preschool, child nutrition programs, special education programs, consolidated categorical aid programs, bilingual education, programs for English learners, American Indian Education Centers, California Peer Assistance Review Program for Teachers, economic impact aid, Every Student Succeeds Acts (ESSA) — No Child Left Behind (NCLB), regional occupational centers and programs, compensatory education, school safety plans, tobacco use prevention education (TUPE) and any other District implemented program which is listed in Education Code section 64000(a). (5 CCR 4610)~~
2. Adult education programs. (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs. (Education Code 8482-8484.65)
4. Agricultural career technical education. (Education Code 52460-52462)

5. Career technical and technical education and career technical and technical training programs. (Education Code 52300-52462)
6. Child care and development programs. (Education Code 8200-8488)
7. Compensatory education. (Education Code 54400)
8. Consolidated categorical aid programs. (Education Code 33315; 34 CFR 299.10-299.12)

9. Course periods without educational content. (Education Code 51228.1-51228.3)

~~(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. 5148.2—Before/After School Programs) (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)~~

10. ~~Any complaint alleging the occurrence of unlawful~~ Discrimination, ~~(such as discriminatory harassment, intimidation, or bullying) against any student, employee or other person participating in District programs and activities, including, but not limited to, those programs and activities~~ funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, ~~marital, or parental status,~~ physical or mental disability, ~~medical condition, or genetic information, sex, sexual orientation, gender, gender identity, gender expression,~~ or genetic information, or any other characteristic identified in Education Code section 200 or 220, Government Code section 11135, or Penal Code section 422.5, or based upon his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610).

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and

60040, unless such study would violate Education Code 51501 or 60044. Additionally, discrimination includes, but is not limited to, the Board's adoption or approval of use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library if the use would subject a student to unlawful discrimination pursuant to Education Code 220. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

The UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students. (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act. (Education Code 52059.5; 20 USC 6301 et seq.)
13. Local control and accountability plan. (Education Code 52075)
14. Migrant education. (Education Code 54440-54445)
15. Physical education instructional minutes. (Education Code 51210, 51222, 51223)
16. Student fees. (Education Code 49010-49013)
17. ~~3. Any complaint alleging District noncompliance with the requirement to provide Reasonable accommodations 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 section 222)

~~(cf. 5146—Married/Pregnant/Parenting Students)~~

1. Regional occupational centers and programs. (Education Code 52300-52334.7)
2. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 64001)

3. School site councils as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 65000)

~~4. Any complaint alleging District noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code section 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code section 46015)~~

~~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 (LCAP). (Education Code section 52075)~~

~~(cf. 0460—Local Control and Accountability Plan)~~

~~7. 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 sections 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 sections 51225.1, 51225.2)~~

~~(cf. 6173—Education for Homeless Children)~~

~~9. Any complaint alleging District noncompliance with the requirements of Education Code sections 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 section 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 sections 51210, 51223)~~

~~(cf. 6142.7—Physical Education and Activity)~~

~~11. Any complaints 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 prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.~~

~~12. Any other complaint as specified in a District policy.~~

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving the complaint in a manner that is acceptable to reach a resolution to the complainant that is agreeable to all parties. An ADR process such as One type of ADR is mediation, which shall 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 assault or where there is a 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 laws and regulations.

The district shall protect all complainants from retaliation. In filing and investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate For any complaint alleging retaliation, unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), or bullying, the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant confidential when appropriate and as long as the integrity of the complaint process is maintained.

~~(cf. 4119.11)~~

~~3/4219.23/4319.23—Unauthorized Release of Confidential/Privileged Information) (cf. 5125—Student Records)~~

~~(cf. 9011—Disclosure of Confidential/Privileged Information)~~

When an allegation that is not 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 allegations(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 ~~related to UCP~~, including 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 a records of ~~all UCP~~ each complaints and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

~~the investigation of those complaints in accordance with applicable law and District policy.~~

~~(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)~~ investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, ~~the~~ County Protective Services Division, ~~and~~ or the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611) ~~and shall, for licensing exempt facilities, be referred to the appropriate Child Development regional administrator.~~
3. Any complaint alleging that a student, while in an education program or activity, was subjected to conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.2.

Discrimination on the basis of sex includes sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Such a complaint shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44).

4. Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.

Employment complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205).

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance (5 CCR 15580-15584)

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582).

8. ~~In addition, the District's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve~~ Any complaint related to the sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186).

9. Any complaint alleging fraud shall be referred to the California Department of Education. (Board Policy 4144.5).



10. As per Board Policy 5144.1 - Suspension and Expulsion / Due Process, the Superintendent shall develop a complaint form to allow members of the school community and public to raise concerns if restorative justice or another restorative approach is not available at a school site as an alternative to suspension. The complaint form will be available on the District's website, the District Discipline Office, and the District Ombudsperson's Office. The Ombudsperson shall investigate such complaints and within 90 days of complaint submission develop a plan with the school site for addressing the complaint and provide a written response to the complaining party.

~~-(Education Code section 35186)~~

~~(cf. 1312.4 - Williams Uniform Complaint Procedures)~~

~~With the exception of pupil fee complaints, which may be filed within one (1) year of the alleged violation; all other uniform complaints must be filed no later than six (6) months after the alleged occurrence.~~

## Legal Reference

### EDUCATION CODE

~~200-262.4 Prohibition of discrimination~~

200-270- Educational Equity

~~200 or 220 Prohibition of discrimination~~

222 Reasonable accommodations; lactating students

~~8200-8498~~ 8488 Child care and development programs

8500-8538 Adult basic education

8482-8484.65 After School Education and Safety programs

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

33315 Consolidated categorical aid programs

35186 Williams uniform complaint procedures

46015 pregnant and parenting students

48853-48853.5 Foster and homeless youth

48645.7 Juvenile Court Schools

~~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

### 51204.5 Required Courses of Study

51210 Courses of study grades 1-6

51222-51223 Physical education, elementary schools

51225.1-51225.2 Foster youth and homeless education; course credits; graduation requirements

51228.1-51228.3 Course periods without educational content

### 51501 Prohibited Instruction

~~52059.5 52060-52077 Local control 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~~

52300-52462 Career technical education

52300-52334.7 Regional occupational centers and programs

52460-52462 Agricultural career technical education

52500-52617 Adult schools

52800-52870 School-based program coordination

~~54400-54425 Compensatory education programs~~

54400 Compensatory education

54440-54445 Migrant education

~~54460-54529 Compensatory education programs~~

~~56000-56867 Special education programs~~

~~59000-59300 Special schools and centers~~

60040 Required Instructional Materials

60044 Prohibited Instructional Materials

~~64000-64001 Consolidated application process~~

64001, Code 65000 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

3200-3205 Special Education

4600-4687 70 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

4611

15580-15584 Child Nutrition 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

6301-6577 Title I basic programs

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 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

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

#### UNITED STATES CODE, TITLE 34

299.10-299.12 Consolidated categorical aid programs

106.1-106.9 Title IX

#### 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

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>

11/17/04, 11/18/09A; 10/26/11A; 05/22/13A; 1/27/16A; 5/24/17A; 2/24/21A, 06/25/25A

## **OAKLAND UNIFIED SCHOOL DISTRICT**

BP 1312.3

Uniform Complaint Procedures

### **Community Relations**

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 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.

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4. Agricultural career technical education. (Education Code 52460-52462).
5. Career technical and technical education and career technical and technical training programs. (Education Code 52300-52462).
6. Child care and development programs. (Education Code 8200-8488).
7. Compensatory education. (Education Code 54400).
8. Consolidated categorical aid programs. (Education Code 33315; 34 CFR 299.10-299.12).
9. Course periods without educational content. (Education Code 51228.1-51228.3).

10. Discrimination, harassment, intimidation, or bullying in District programs and activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, physical or mental disability, medical condition, or genetic information, or genetic information, or any other characteristic identified in Education Code section 200 or 220, Government Code section 11135, or Penal Code section 422.5, or based upon his/her association with a person or group with one or more of these actual or perceived characteristics. (5 CCR 4610).

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. Additionally, discrimination includes, but is not limited to, the Board's adoption or approval of use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library if the use would subject a student to unlawful discrimination pursuant to Education Code 220. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244).

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12. Every Student Succeeds Act. (Education Code 52059.5; 20 USC 6301 et seq.).
13. Local control and accountability plan. (Education Code 52075).
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16. Student fees. (Education Code 49010-49013).
17. Reasonable accommodations to a lactating student. (Education Code section 222).

18. Regional occupational centers and programs. (Education Code 52300-52334.7).
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 64001).
20. School site councils as required for the consolidated application for specified federal and/or state categorical funding. (Education Code 65000).

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The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation, unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if different from the complainant confidential when appropriate and as long as the integrity of the complaint process is maintained.

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 allegations(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 requirements related to UCP, including steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a records of each complaints and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

### **Non-UCP Complaints**

The following complaints shall not be subject to the District's UCP but shall be investigated and resolved by the specified agency or through an alternative process:



1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, County Protective Services Division, or the appropriate law enforcement agency. (5 CCR 4611)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611).

3. Any complaint alleging that a student, while in an education program or activity, was subjected to conduct known to the district that may reasonably constitute sex discrimination under Title IX, including sex-based harassment, as defined in 34 CFR 106.2.

Discrimination on the basis of sex includes sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status. Such a complaint shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. (34 CFR 106.2, 106.10, 106.11, 106.44).

4. Except for complaints alleging sex discrimination, including sex-based harassment, any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.

Employment complaints alleging sex discrimination, including sex-based harassment, shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205).

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15580-15584).

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582).

8. Any complaint related to the sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186).

9. Any complaint alleging fraud shall be referred to the California Department of Education. (Board Policy 4144.5).

10. As per Board Policy 5144.1 - Suspension and Expulsion / Due Process, the Superintendent shall develop a complaint form to allow members of the school community and public to raise concerns if restorative justice or another restorative approach is not available at a school site as an alternative to suspension. The complaint form will be available on the District's website, the District Discipline Office, and the District Ombudsperson's Office. The Ombudsperson shall investigate such complaints and within 90 days of complaint submission develop a plan with the school site for addressing the complaint and provide a written response to the complaining party.

Legal Reference:

#### EDUCATION CODE

200-270 Educational Equity

222 Reasonable accommodations; lactating students

8200-8488 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedures

33315 Consolidated categorical aid programs

35186 Williams uniform complaint procedures

46015 pregnant and parenting students

48853-48853.5 Foster and homeless youth  
48645.7 Juvenile Court Schools  
49010-49013 Student fees  
49060-49079 Student records  
49069.5 Rights of parents  
49490-49590 Child nutrition programs  
51204.5 Required Courses of Study  
51210 Courses of study grades 1-6  
51222 - 51223 Physical education, elementary schools  
51225,1-51225,2 Foster youth and homeless education; course credits; graduation requirements  
51228.1-51228.3 Course periods without educational content 52060-52077 Local control accountability plan, especially  
51501 Prohibited Instruction  
52059.5 52077 Local control accountability plan  
52300-52462 Career technical education  
52300-52334.7 Regional occupational centers and programs  
52460-52462 Agricultural career technical education  
52500-52617 Adult schools  
52800-52870 School-based program coordination  
54400 Compensatory education  
54440-54445 Migrant education  
60040 Required Instructional Materials  
60044 Prohibited Instructional Materials  
64001, Code 65000 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

3200-3205 Special Education

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

15580-15584 Child Nutrition Programs

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1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972 6301-6577 Title I basic programs

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

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794 Section 504 of Rehabilitation Act of 1973 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

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

#### UNITED STATES CODE, TITLE 34

299.10-299.12 Consolidated categorical aid programs

106.1-106.9 Title IX

#### 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

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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>

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