

UNIFORM COMPLAINT PROCEDURES

It is the policy of the Pleasanton Unified School District to ensure that its programs, activities, services and personnel practices comply with state and federal laws and regulations governing educational programs. It is the intent of this policy, and its accompanying administrative regulations, to provide all parents, students, employees and other constituents of the Pleasanton Unified School District with the procedures for filing complaints. The procedures exist to ensure that complaints are dealt with in a timely and equitable manner.

This policy shall be utilized for addressing all complaints alleging:

1. violations of federal or state laws governing adult education, consolidated categorical aid programs, vocational education, child care and development, nutrition services, and special education programs. These laws require, among other things, that there be sufficient textbooks and materials, that school facilities are clean, safe, and maintained in good repair, and that classes are assigned to certificated and subject matter competent teachers.
2. unlawful discrimination on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability in any program or activity conducted by the District and funded by the State.

The following types of complaints are exempted from these complaint procedures:

1. Complaints of child abuse, health and safety complaints regarding child development programs, discrimination issues involving Title IX to the extent there is no state discrimination law or regulation at issue, discrimination involving child nutrition programs, employment discrimination complaints, or allegations of fraud. Complaints regarding these items exempted from this policy shall be referred to the appropriate agency as specified in Title 5, CCR section 4611.
2. Matters of agreed upon scope within any ratified collective bargaining agreement entered into by the District, a matter of sexual harassment addressed under Policy/Reg. 4031, nor a matter of student discipline addressed under Policy/Reg. 5150, Pupil Behavior.

In the interest of efficiency and to further the goals of sufficient instructional materials, clean and safe school facilities, and certificated and subject-matter competent teachers, all complaints brought to further these ends and governed by these procedures are beyond a principal's authority and must be forwarded to the appropriate district official for resolution.

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.

Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This process includes keeping the identity of the complaint 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 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 will have access to legal counsel as determined by the superintendent or designee.

Cross Reference:

- Policy 4020 - Nondiscrimination
- Policy 4031 - Sexual Harassment
- Policy 5000 - Alleviation of Segregation of Pupils
- Policy 5150 - Pupil Behavior
- Policy 6011 - Nondiscrimination in District Programs and Activities Employee "Grievance Procedure" sections of APT or CSEA Contracts

Legal References:

- cf. 0410 - Nondiscrimination in District Programs and Activities
- cf. 0420.1 - School-Based Coordinated programs
- cf. 0420.2 - School Improvement Program
- cf. 0430 - Comprehensive Local Plan for Special Education
- cf. 3553 - Free and Reduced Lunch Program
- cf. 6171 - Title I Programs
- cf. 6174 - Education for Students of Limited-English Proficiency
- cf. 6178 - Vocational Education
- cf. 6179 - Child Care and Development Programs

Education Code

- EC 200-262.3 - Prohibition of Discrimination
- EC 35146 - Closed Sessions
- EC 35160.5 - Requirement of school district policies; parental complaints re employees
- EC 48985 - Notices in language other than English
- EC 49060-49079 - Student Records
- EC 56500-56507 - Procedural Safeguards
- EC 60650 - Personal Beliefs
- EC 35186 - Complaints re instruction material, facility condition, teacher vacancy/misassignment

Code of Regulations, Title 5

3080 - Application of Section 4600-4671
4600-4686 - Uniform Complaint Procedures as amended

Government Code

950-950.8 - Actions against public employees
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, 794

General Education Provisions Act

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

Family Education & Privacy Rights Act of 1974

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

34 Code of Federal Regulations

Section 100.7(e), 200.74 and part 300

ADOPTED: 5-23-93

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12/14/04

BOARD OF TRUSTEES

PLEASANTON UNIFIED SCHOOL DISTRICT

PLEASANTON, CALIFORNIA