

UNIFORM COMPLAINT PROCEDURES

The Governing Board of the Hesperia Unified School District recognizes that the District is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The District shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination, harassment, intimidation or bullying and shall seek to resolve those complaints in accordance with the District's uniform complaint procedures. (5 CCR 4620).

The District has several types of complaint procedures designed to deal with a variety of issues. District and site administrators will work together to forward each complaint to the appropriate complaint officers/Title IX coordinator or administrator. A thorough review of each complaint will be done to ensure that the proper forms, procedures and timelines are followed. In the event that a complaint is inappropriately submitted, the appropriate complaint officers/Title IX coordinator or administrator reviewing the complaint will notify the complainant, and work with them to file the complaint properly.

The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation or bullying against any protected group as identified under Education Code Sections 200 and 220 and Government Code Section 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. (5 CCR 4610)

Uniform complaint procedures shall be used with 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.)

Uniform complaint procedures shall also be used with 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.)

Uniform complaint procedures shall also be used for any complaint, by or on behalf of a homeless student as defined in 42 U.S.C. § 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.)

Uniform complaint procedures shall also be used for 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.)

UNIFORM COMPLAINT PROCEDURES (continued)

Uniform complaint procedures shall also be used to address any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school. (Education Code §§ 51210, 51223.)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, and adoption of a school safety plan. (5 CCR 4610)

Please note: The CDE has interpreted the school safety plan complaint filing requirement to include only complaints as to the development and adoption of the safety plan.

Uniform Complaint procedures shall be used when addressing complaints alleging District violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation of education activities. (5 CCR 4610). If the District finds merit in a pupil fees complaint, the District shall provide a remedy to all affected pupils, parents, and guardians that where applicable includes reasonable efforts by the District to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board. (E.C. 49013(d)). The District will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint. (5 CCR 4600(u))

Uniform Complaint procedures shall be used when addressing complaints alleging that the District has not complied with legal requirements related to the implementation of the local control and accountability plan. (Education Code § 52075)

These Uniform Complaint procedures DO NOT apply to allegations of child abuse, health and safety complaints related to a child development program, employment discrimination, and fraud.

Complaints 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, teacher vacancies and misassignment, and 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 shall be investigated pursuant to the District's Williams Uniform Complaint Procedures (AR 1312.4).

The Board encourages the early, informal resolution of complaints at the site level whenever possible. 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 complaint that is acceptable to all parties. ADR such as mediation may 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."(5 C.C.R. § 4631.)

UNIFORM COMPLAINT PROCEDURES (continued)

The Governing Board prohibits retaliation in any form for 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 Governing 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, as required by law. 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 appropriate compliance officer, 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 may have access to legal counsel as determined appropriate.

The following are the Hesperia Unified School District Complaint Officers/Title IX Coordinators and their respective areas of responsibility:

- Student and parent concerns: Director of Curriculum and Student Services, 244-4411- ext.7233
- Hesperia Unified School District's hiring process: Director of Personnel, 244-4411- ext. 7295
- Section 504 of the Rehabilitation Act of 1973: Director of Special Services, 244-4411- ext. 7209
- Title IX Coordinator: Director of Curriculum and Student Services, 244-4411- ext.7233

Legal Reference:

EDUCATION CODE 200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedure
35186 Williams uniform complaint procedure
41500-41513 Categorical education block grants
48985 Notices in language other than English
49060-49079 Student records
49490-49590 Child nutrition programs
52060-52077 Local Control and Accountability Plans
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52499.6 Career-technical education
52500-52616.24 Adult schools
52800-52870 School-based coordinated programs
54000-54041 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act

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Legal Reference (continued):

54400-54425 *Compensatory education programs*
54440-54445 *Migrant education*
54460-54529 *Compensatory education programs*
56000-56885 *Special education programs*
59000-59300 *Special schools and centers*
64000-64001 *Consolidated application process*

CODE OF REGULATIONS, TITLE 5

3080 *Application of section*
4600-4687 *Uniform complaint procedures*
4900-4965 *Nondiscrimination in elementary and secondary education program*

PENAL CODE 422.6 *Interference with constitutional right or privilege*

UNITED STATES CODE, TITLE 20 6301-6577 *Title I basic programs*

6601-6777 *Title II preparing and recruiting high quality teachers and principals*
6801-6871 *Title III language instruction for limited English proficient and immigrant students*
7101-7184 *Safe and Drug-Free Schools and Communities Act*
7201-7283g *Title V promoting informed parental choice and innovative programs*
7301-7372 *Title V rural and low-income school programs*

Management Resources:

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

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

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