

Pacific Grove Unified School District

UNIFORM COMPLAINT PROCEDURES

Mandated Policy

The Governing Board recognizes that the District is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs.

The District uniform complaint procedures (UCP) will be used to investigate the following complaints:

1. **Discrimination Complaints.** Any complaint alleging unlawful discrimination, harassment, intimidation, or bullying based on one or more of the following actual or perceived characteristics, or association with a person or group with one or more of the following actual or perceived characteristics: disability, gender, gender identity, gender expression, nationality, race or ethnicity, immigration status, color, age, religion, sexual orientation, genetic information, marital, parental or family status or any other characteristics identified in Education Code sections 200 and 220, Government Code section 11135, or Penal Code section 422.55, in any District program or activity that receives or benefits from state financial assistance.

2. **Noncompliance Complaints.** Complaints alleging failure to comply with state or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education programs, Regional Occupational Centers and Programs, state preschool program health and safety, foster and homeless youth services, lactating student accommodations, pregnant and parenting student parental leave and educational rights, physical education instructional minute requirements, educational content course requirements for grades 9-12, graduation requirements exemptions for former juvenile court school students, school safety planning, child care and development programs, child nutrition programs, and special education programs. (Title 5, Sections 4610, 4620)

3. **Student Fees Complaints.** Any complaint alleging District violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (Title 5, Section 4610)

4. **Local Control and Accountability Plan Noncompliance Complaints.** Any complaint alleging the District's noncompliance with legal requirements related to the implementation of the Local Control and Accountability Plan (LCAP). (Ed. Code § 52075)

5. **Rights of Homeless Students and Students in Foster Care.** The District's uniform complaint procedures cover complaints pertaining to the education of homeless students and students in foster care, including, but not limited to rights related to: (1) school placement; (2) access to academic, extracurricular and enrichment programs and activities; (3) educational services for students living in emergency shelters; (4) assignment of an educational liaison and the carrying out of the liaison's duties; (5) transfer of the complete educational record and credits earned to the next educational placement; (6) proper and timely transfer between schools of students in foster care; and (7) ensuring that no lowering of grades occurs due to a foster youth's absence due to a change in placement by a court or placing agency, or due to a verified court appearance or related court activity.

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6. Graduation and Coursework Requirements for Foster Youth, Homeless Students, Former Juvenile Court Students, Migratory and Newly Arrived Immigrant Students Participating in a “Newcomer Program”, and Students Living in Active Duty Military Households The District’s uniform complaint procedures cover complaints pertaining to the graduation and coursework rights of foster youth, homeless students, former juvenile court students, migratory and newly arrived immigrant students participating in a “newcomer program”, which is a program designed to meet the academic and transitional needs of newly arrived immigrant students, and students living in the households of parents/guardians who are active duty members of the military. Those rights under Education Code sections 54441, 51225.1 and 51225.2 include:

- a) exemption from local graduation and coursework requirements that are in addition to the statewide coursework requirements for graduation;
- b) credit or partial credit for coursework completed while attending another school;
- c) the option to remain in school for a fifth year to complete the school district’s graduation requirements; and
- d) not being required to accept the exemption or be denied enrollment in, or the ability to complete or retake, courses necessary to attend an institution of higher education, regardless of whether those courses are required for statewide graduation requirements.

7. Lactation Accommodations for Parenting Students. School districts must provide reasonable accommodations to lactating students on school campuses to express breast milk, breastfeed an infant child or address other needs related to breastfeeding. A student may not incur an academic penalty as a result of her use of reasonable lactation accommodations and must be provided an opportunity to make up any work missed due to such use. (Ed. Code § 222(f).)

8. Assigning Students to Course Periods Without Educational Content. Beginning with the 2016-2017 school year, school districts may not assign students in grades 9-12 to course periods without educational content for more than one week in any semester without written parental consent and related documentation. “Course periods without educational content” are defined to include course periods where: (1) a student is released early from school; (2) the student is assigned to a service, instructional work experience or to a course to assist a certificated employee, but is not expected to complete curricular assignments; or (3) where the student is not assigned to any course during the class period.

School districts are also prohibited, without written parental consent and related documentation, from enrolling 9-12th graders in classes they have previously completed and received a grade that is satisfactory to receive a high school diploma and to attend a California public institution of postsecondary education. (Ed. Code §§ 51228.1, 51228.2, and 51228.3.)

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9. Physical Education Instructional Minutes. Students in grades 1-6 are required to receive, at minimum, 200 minutes of physical education instruction each 10 school days, exclusive of recesses and lunch periods. Unless exempted pursuant to Education Code section 51241, students in grades 7-12 are required to receive at least 400 minutes of physical education instruction each 10 school days. High school students may be excused from physical education classes during one of grades 10, 11 or 12 for up to 24 clock hours in order to participate in automobile driver training, but must still attend a minimum of 7,000 minutes of physical education instruction during that school year.

Complaints regarding a school district's failure to comply with these physical education instructional minute requirements may be filed under the District's Uniform Complaint Procedures. (Ed. Code §§ 51210 and 51222.)

10. Juvenile Court School Student Graduation Requirements and Continuing Education

Options. School districts and county offices must exempt former juvenile court school students, who have transferred into a school district from a juvenile court school after completion of their second year of high school, from local graduation requirements that exceed state requirements and accept coursework satisfactorily completed while attending the juvenile court school, even if the student did not complete the entire course, and grant full or partial credit for courses earned while in juvenile court school. Juvenile court students who have qualified for a diploma have additional rights related to deferring or declining the issuance of a diploma in order to take additional coursework, continuing their education upon release from the juvenile detention facility, and community college transfer opportunities. Former and current juvenile court school students may file complaints of non-compliance with these requirements under the District's Uniform Complaint Procedures. (Ed. Code §§48645.7 and 51225.2)

The Board encourages the early, informal resolution of complaints at the site level whenever possible. In the event that issues are not resolved informally, a written complaint of alleged noncompliance by the District may be filed using the District's UCP Complaint form (Exhibit 1312.3(a)) and in accordance with Administrative Regulation 1312.3.

Upon receipt of a written complaint from an individual, public agency or organization (Exhibit 1312.3(a)), uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The parties may utilize alternative methods to resolve the allegations in a complaint including, but not limited to, mediation. (Title 5, Section 4631) The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, 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 regulations.

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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. (Title 5, Section 4621)

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

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination

222 Lactation accommodations for parenting students

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18179 School libraries

35146 Closed sessions

35160 Authority of governing boards

44670.1-44671.5 School personnel staff development and resource centers

48645.5 and 48645.7 coursework, continuing education options and graduation deferral rights for former juvenile court school students

48850, 48852.5, 48852.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2, 42 USC 11432 and 5 CCR §

4622 Homeless students and students in foster care

48985 Notices in language other than English

49013 Pupil fees

49060-49079 Student records

49490-49560 Child nutrition programs

51210, 51222 and 51223 Physical education instructional minutes

51225.1 and 51225.2 Graduation and coursework requirements for foster youth, homeless students, former juvenile court school student, and students living in active duty military households

51228.1, 51228.2 and 51228.3 Assigning students to course periods without educational content

51513 Personal beliefs

52075 Local Control and Accountability Plan

52160-52178 Bilingual education programs

52300-52483 Vocational education

52500-52616.24 Adult schools

52800-52863 School-based coordinated programs

54000-54041 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

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Community Relations

Policy #1312.3

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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 – 1232g General Education Provisions Act
1681 – 1688 Discrimination based on sex or blindness, Title IX
CODE OF FEDERAL REGULATIONS, TITLE 34
100.1 – 100.13 Nondiscrimination
CSBA Date – 10/97