WELCOME PACKET

Married/Pregnant/Parenting Students

August 2022

Policy 5146: Married/Pregnant/Parenting Students

Status: ADOPTED

Original Adopted Date: 08/20/2008 **| Last Revised Date:** 06/29/2022 **| Last Reviewed Date:** 06/29/2022

Students

The Governing Board recognizes that early marriage, pregnancy or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board therefore desires to provide instruction and services designed to assist in pregnancy prevention. The Board also desires to support married, pregnant, and parenting students to attain strong academic and parenting skills and to promote the healthy development of their children.

Married, expectant and parenting students shall have the same educational and extracurricular opportunities as all students. Participation in special programs or schools shall be voluntary.

The district shall not discriminate against any student on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. (Education Code 230; 34 CFR 106.40)

For school-related purposes, married students under the age of 18 are emancipated minors and have all the rights and privileges of students who are 18, even if the marriage has been dissolved. (Family Code 7002)

Education and Support Services for Pregnant and Parenting Students

The Board is committed to providing to expectant and parenting students and their children a comprehensive, continuous, community-linked program that reflects the cultural and linguistic diversity of the community.

The Superintendent or designee shall collaborate with the County Superintendent of Schools and other community agencies and organizations to ensure that appropriate educational and related support services are available to meet the needs of expectant and parenting students their children.

Expectant and parenting students shall retain the right to participate in any comprehensive school or educational alternative programs. School placement and instructional strategies for participating students shall be based on the needs and learning styles of individual students. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the individual student and/or child. (Education Code 54745)

Any education program or activity that is offered separately to pregnant students, including any class or extracurricular activity, shall be equal to that offered to other district students. A student's participation in such programs shall be voluntary. (5 CCR 4950)

As required for other students with physical or emotional conditions or temporary disabilities, the Superintendent or designee may require a student, based on pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery, to obtain certification from a physician indicating that the student is physically and emotionally able to participate in an educational program or activity. (34 CFR 106.40)

To the extent feasible, educational and related support services shall be provided, either through the district or in collaboration with community agencies and organizations, to meet the needs of pregnant and parenting students and their children. Such services may include, but are not limited to:

1. Child care and development services for the children of parenting students on or near school site(s) during the school day and during school-sponsored activities

2. Parenting education and life skills instruction

3. Special school nutrition supplements for pregnant and lactating students pursuant to Education Code 49553, 42 USC 1786, and 7 CFR 246.1-246.28

4. Health care services, including prenatal care

5. Tobacco, alcohol, and/or drug prevention and intervention services

6. Academic and personal counseling

7. Supplemental instruction to assist students in achieving grade-level academic standards and progressing toward graduation

As appropriate, teachers, administrators, and/or other personnel who work with pregnant and parenting students shall receive related professional development.

In addition to providing a quality education program for expectant and parenting students, the district's program shall provide parenting education and life skills instruction, special school nutrition supplements for pregnant and lactating students, and a child care and development program on or near the school site for the children of enrolled students. The district's program may provide other support services authorized by Education Code 54746 as necessary to meet the needs of students and their children. (Education Code 54745)

Absences

Pregnant or parenting students may be excused for absences related to confidential medical appointments in accordance with BP/AR 5113 - Absences and Excuses.

The Superintendent or designee shall grant a student a leave of absence due to pregnancy, childbirth, false pregnancy, termination of pregnancy, and related recovery for as long as it is deemed medically necessary by a physician. At the conclusion of the leave, the student shall be reinstated to the status held when the leave began. (34 CFR 106.40)

A parenting student may request exemption from attendance because of personal services that must be rendered to a dependent.

Reasonable Accommodations

When necessary, the district shall provide reasonable accommodations to pregnant and parenting students to enable them to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions. (34 CFR 106.40)

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to: (Education Code 222)

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child

2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk

3. Access to a power source for a breast pump or any other equipment used to express breast milk

4. Access to a place to store expressed breast milk safely

5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

Complaints

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the district's uniform complaint procedures in accordance with 5 CCR 4600-4687 and BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint alleging district noncompliance with the requirements to provide reasonable accommodations for lactating students also may be filed in accordance with the district's procedures in AR 1312.3 - Uniform Complaint Procedures. A complainant who is not satisfied with the district's decision may appeal the decision to the California Department of Education (CDE). If the district or the CDE finds merit in an appeal, the district shall provide a remedy to the affected student. (Education Code 222; 5 CCR 4600- 4687)

Pregnancy Prevention Program

The Superintendent or designee shall ensure that age-appropriate, culturally sensitive and community-sensitive instruction and services are available to assist in the prevention of pregnancy among minors. The district's program shall be based on strategies that have proven effective in delaying the onset of sexual activity and reducing the incidence of pregnancy among school-age youth. Instruction shall be consistent with the district's family life/sex education curriculum.

1. The West Contra Costa Unified School District shall not exclude or deny any pupil from any educational program or activity solely on the basis of the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. (EC Section 221.51(b); 5 CCR Section 4950(a); 34 CFR Section 106.40(b)(1)).
2. Pregnant or parenting pupils shall not be excluded from participation in their regular school programs and shall not be required to participate in pregnant-pupil programs or alternative educational programs. (EC Section 221.51(d); 5 CCR Section 4950(c); 34 CFR Section 106.40(b)(1)).
3. Pregnant or parenting pupils who voluntarily participate in alternative programs shall be given educational programs, activities, and courses equal to the regular program. (EC Section 221.51(d); 5 CCR Section 4950(c); 34 CFR Section 106.40(b)(3)).
4. The West Contra Costa Unified School District treats pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom in the same manner and under the same policies as any other temporary disability. (EC Section 221.51(e); 5 CCR Section 4950(d); 34 CFR Section 106.40(b)(4)).
5. The West Contra Costa Unified School District shall not make pre-admission inquiry as to the marital status of an applicant for admission, including whether such applicant is "Miss" or "Mrs." The West Contra Costa Unified School District may make pre-admission inquiry as to the sex of an applicant for admission, but only if such inquiry is made equally of such applicants of both sexes and if the results of such inquiry are not used in connection with discrimination prohibited by Title IX. (34 CFR Section 106.21(c)(4))
6. The West Contra Costa Unified School District shall provide reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A school shall be required to provide the reasonable accommodations specified only if there is at least one lactating pupil on the school campus.
    (a) Reasonable accommodations under this section include, but are not limited to, all of the following:
        i. Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child.
        ii. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.
        iii. Access to a power source for a breast pump or any other equipment used to express breast milk.
        iv. Access to a place to store expressed breast milk safely.
    (b) A lactating pupil shall be provided a reasonable amount of time to accommodate her need to express breast milk or breast-feed an infant child.
    (c) Only school sites with at least one lactating pupil shall provide the reasonable accommodations specified above. A school subject to this may use an existing facility to meet the requirements.
    (d) A pupil shall not incur an academic penalty as a result of her use, during the school day, of the reasonable accommodations specified in this section, and shall be provided the opportunity to make up any work missed due to such use.

(EC Sections 222(a) - (e))

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

RIGHTS AND OPTIONS AVAILABLE TO PREGNANT AND PARENTING PUPILS-EC 46015

A pregnant or parenting pupil is defined as any pupil who gives or expects to give birth, or any parenting pupil who identifies as the parent of an infant. Pregnant and parenting pupils are entitled to at least eight weeks of parental leave, which can be taken before birth of the pupil's infant if there is a medical necessity, or after childbirth during the school year in which the birth takes place, inclusive of any mandatory summer instruction. The pupil is neither required to take time off nor notify his or her school that he or she is doing so; this is a guaranteed minimum right that can be expanded if deemed medically necessary. Parental leave will be considered an excused absence, and the pregnant or parenting pupil is not required to complete any academic work during this period.

A pregnant or parenting pupil may return to their previous school and course of study, and is entitled to make up opportunities for any work missed during the leave. These students are allowed to enroll in a fifth year of high school in order to complete any state or local graduation requirements, except when the school finds that the pupil is reasonably able to complete these requirements in time to graduate high school by the end of their fourth year.

A pregnant or parenting pupil who does not wish to reenroll in his or her previous school is entitled to alternative education options offered by the local education agency. If so enrolled, the pupil shall be given educational programs, activities, and courses equal to those he or she would have been in if participating in the regular program. Furthermore, a school may not penalize a student for using any of the accommodations mentioned above.

If a student believes that his or her school is discriminating on the basis of sex in opposition to the rights and entitlements listed above, that student can file a complaint through the standard Uniform Complaint Procedures of *California Code of Regulations*, Title 5 Sections 4600, et. seq.

FAQs: RIGHTS AND OPTIONS AVAILABLE TO PREGNANT/PARENTING PUPILS

Assembly Bill (AB) 2289 states that pregnant and parenting pupils are entitled to accommodations that provide them with the opportunity to succeed academically while protecting their health and the health of their children by establishing specified rights. The law is effective as of January 2019.

Can my school treat me differently because of my pregnancy or parental status?

No, Title IX of the United States Code prohibits discrimination based on sex, which includes both pregnancy and parental status.

Can my school prevent me from participating in any educational program or activity?

No, a school may not exclude or deny a pregnant or parenting pupil from any educational program or activity, including class or extracurricular activity, based solely on the pupil's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery. However, a school may require a pupil to obtain a doctor's note to ensure that they are emotionally and/or physically able to continue participation in the educational program.

Can my school force me to take part in a pregnant minor program?

No, a pregnant or parenting pupil does not have to participate in any alternative educational program because of pregnancy or parental status. A student may voluntarily take part in these programs if they choose.

Am I entitled to any parental leave in preparation or to take care of my newborn child?

Yes, any pregnant or parenting pupil is entitled to a minimum of eight weeks of parental leave, which may be increased under medical necessity. A pupil is not required to complete any class work during this period, and it must be counted as an excused absence by the school.

What if my child is sick?

Taking care of a sick child counts as an excused absence, and the school may not require you to provide a doctor's note for this kind of absence.

What happens when I return to school?

A pregnant or parenting pupil will return to their normal course of study. The pupil is entitled to opportunities to make up any missed work from parental leave. This includes being able to stay for a fifth year of school to complete graduation requirements. The pupil may also enroll in an alternative educational program provided it is equal to that of their former schoolwork.

Do these rights only apply to pregnant pupils?

No, these rights apply equally to all pregnant and parenting pupils, defined as any student who gives or expects to give birth, or any student who identifies as a parent of an infant. A pupil may file a uniform complaint if their school violates the rules above.

Adolescent Parenting Program 2021-22
Dr. Mary Hughes-Tutass

To qualify for this program, a student is either pregnant or parenting. Each student has a different curricular schedule. This is a one-room schoolhouse, complete with different ages, languages, and ability levels. One teacher. APP is a **hybrid program**; students attend school regularly and complete homework to earn credits.

In the interest of safety, the APP Schedule avoids the mainstream crowds.
Dr. Tutass opens the APP classroom as the mainstream bells ring. APP academics start 15 minutes after the mainstream schedule. Please have your baby settled and school materials ready. Dr. Tutass supervises the APP student lunch 30 minutes before the mainstream lunch schedule. Students eat in the APP classroom. Dismissal is 10 minutes before the mainstream lunch. Teacher end of day. (Article 10.1.2 UTR-WCCUSD Agreement)

Dr. Mary Hughes-Tutass is a veteran educator with 38 years complying with her motto, "Good, Better, Best". She promises that student will have one full year of growth with one full year with her. APP offers the following curriculum. When appropriate, the curriculum is integrated.

1. English
    a. Language Arts: Standards of English
    b. Reading/Literature: Comprehension and Reader Response; Information Collection
    c. Writing/Composition: Descriptive, Persuasive, Expository, and Narrative
    d. Listening: Audience Posturing; Information Collection
    e. Speaking: Organization, Diction, Audience Engagement
2. Life Science
    a. Pregnancy: Handbook assigned in accordance to student's stage
    b. Infancy: understanding biology and psychology of development
    c. Early Childhood: understanding biology and psychology of development
    d. Psychology of Self: understanding biology and psychology of development
3. Math
    a. General Maintenance: computation speed and accuracy.
    b. Intro to Algebra: recognizing the terms and symbols
    c. Algebra 2/Trig: calculations in life examples
    d. Geometry: Understanding and manipulating of points in space.
    e. Experiential Math: concepts applied to independent living.
    f. Living Math: More independent living and economics of household expenses and resources.
4. Science
    a. Earth Science: How does earth sustain life?
    b. Physical Science: How do the attributes of matter determine how we use them?
    c. Chemistry: How does heat, time, and material affect matter?
    d. Biology: What conditions create healthy growth in plants, animals, and humans?
5. Social Science
    a. World History: What are the components of a strong/weak civilization?
    b. U.S. History: Is the United States a strong civilization?
    c. Government: How can a civilization keep their government strong? What are citizen responsibilities?
    d. Economics: How are natural and human resources converted into products and services?
6. Physical Education: A Healthy Self: I am a whole person of mind, body, emotion, and social being
    a. Cognitive growth: Mind development techniques.
    b. Physical growth: Nutrition and exercise.
    c. Understanding Emotions: Influences of nutrition and social interaction.
    d. Recognizing Social Influences: Relationships as outlets and support for healthy lives.

Orientation and Introduction to Student Life in APP

To establish a positive culture for our Program and Classroom

- Orientation to APP
- Assessments across the curriculum: Reading oral and silent, timed. Listening skills. Speaking skills. Writing organization skills. ELD level (listening, speaking, reading, and writing). Math concepts and computation skills.
- Establish the classroom work ethic. Use the tracking grid.
- Establish a positive classroom culture: mutual respect and support
- Create a positive emotional connection to the class.
- Establish routines and procedures.
- Consult with counselor to assure appropriate placements and levels.
- Ask students how they best learn; what I can do to promote learning.
- Assign a group project to adorn the classroom (establish that teamwork belongs here).
- Begin explicit use of vocabulary about pregnancy, parenting, and relationships.
- Begin explicit talk regarding academic growth and graduation requirements.
- Encourage student reflection on choices and activities that got them to APP.
- Model metacognition of decisions and problem solving.
- Allow students to see me as human.

Establish curricular learning patterns, routines, and procedures. Work ethic.

- Reading methods for text vs. literature.
- Daily practice of reading, speaking, listening, and writing.
- Writing guide overview and practice
- Time math daily for computation
- Daily discussion of math concepts
- Use SQRRR method for science and social science reading.
- Invite student leadership, voice, and choice.
- Assign classroom chores
- Survey student likes, dislikes, recommendations, etc.
- Observe student natural modalities and intelligences.
- Observe student comfort zones.

Consistent Commitment to Learning and Self-betterment

To prompt momentum of study

- Curriculum overview.
- Share which students have similar schedules. Possible study partners.
- Identify curriculum that is self-study.
- Explain curriculum in terms of individualization of content. (ELs, grade level, skill level, etc.)
- Discuss interconnectedness of curriculum (integration).
- Connect what students know to what they will learn.

To empower student ownership of his/her own future

- Begin self-assessments and reflections.
- Interview students about how and when they learn best.
- Assist students in scheduling an advantageous study schedule.
- Begin read-aloud of *The Seven Habits of Effective Teens*, by Sean Covey.
- Give daily reminders about progress and potentials.
- Affirm work ethic and efforts.
- Track stages of pregnancy.
- Introduce students to Power School
- Introduce students to TeacherTMI.com

PREGNANCY AND PARENTING

Students chose the stage to study in accordance with stage of pregnancy or parenting.

- First Trimester: mind, body, emotions, and social changes for baby and parents
- Second Trimester: Mind, body, emotions, and social changes for baby and parents
- Third Trimester: mind, body, emotions, and social changes for baby and parents
- Birth: mind, body, emotions, and social changes for baby and parents
- Infancy: developing mind, body, emotion, and social for baby and parents
- Babyhood: development of mind, body, emotion, and social for baby and parents.
- Year One through Three Years of age: Child development
- Getting ready for School: Child development

The assignments for pregnancy and parenting are highly self-assessed. Students are naturally inquisitive during this time in their life. **The assignments in this course integrate with Math, English, Science, PE, History, Economics, Government, and Art.**

ENGLISH

Students fortify their understanding and use of Standard English and non-standard English. Students expand their working vocabulary and language arts skills regardless of their level of English competency upon enrollment. English Language Learners, English Only Speakers, or Speakers of other languages focus on clarity of communication. Assignments include literature analysis, author message interpretation, reading, writing, listening, and speaking**. The interpretive and expressive components of language are integrated with other subjects of study**.

- Reading assessments: Students will read silently and aloud. Teacher will take note of fluency, fluidity, and number of words read per minute.
- Writing assessment: Students will write two paragraphs. The first describes an apple in favorable terms. The second describes the same apple in unfavorable terms. Teacher will take note of compliance to English Standards and organization.
- Listening assessment: Teacher observes each student listening to other students and adults. Teacher observes body posture, eye contact, engagement with the speaker, and response, if any, to the content.
- Speaking: Teacher observes each student speak to other students and adults. Teacher observes diction, style of voice, and clarity of intention.

MATH

Students fortify their understanding of Math and Geometry concepts and increase accuracy of calculations. Although students come to APP with a prescribed math level, it is rare that the student is ready for Algebra or Geometry immediately upon arrival. Regardless of assigned course, each student takes a timed math assessment for calculating figures. Students also take a non-timed assessment to demonstrate understanding of math concepts within "word problems." Teacher notes accuracy of computation and problem-solving techniques. Teacher will review math vocabulary with each student. This informal assessment guides the teacher in how to individualize lessons and maximize student learning. Assignments include workbooks, work packets, online resources, and activities**. Assignments integrate with English, Science, Art, or History.**

HISTORY

United States history and World history expose the components that make civilizations strong or weak. Students study the components that have made the US strong or weak at different times in history. Students study the components of different civilizations that have gone from strong to weak or weak to strong. Students apply the components to smaller civilizations to analyze the strength or weakness of each: California, Richmond, Greenwood, and their own family. Materials: literature, texts, video, etc. Assignments may be essays, debates, speeches, timelines, maps, etc. **Assignments integrate with English, Government, Economics, and Art.**

ECONOMICS

Students study the conversion of natural resources into products for marketed, traded, and sold. Students apply economic principals to their personal budgets and living conditions. In national or local situations, students explore consumerism, labor, and community contribution. Assignments include keeping track of new vocabulary, making flow charts and keeping budget ledgers. **Assignments integrate the knowledge, skills and concepts of Math, Government, English, or Social Science.**

GOVERNMENT

Students explore the three branches in the United States Government and the power and responsibility of each. Students follow current events to identify this year's office holders. Students read and discuss the advantages of dictatorship, monarchy, and other forms of government as they occurred in history across time. Students apply what they learn to our local government, politics, and decision-making criteria**. Assignments integrate the knowledge, skills, and concepts of Math, Government, English, or Social Science.**

SCIENCE

Students explore the scientific model of discovery by performing experiments. Students make predictions, observations, and conclusions within the areas of biology, chemistry, and physical science. Assignments include the experiments, work packets, texts, and the student environment. **Assignments integrate the knowledge, skills, and concepts of Math, English, Social Science, PE, and Art.**

PHYSICAL EDUCATION

Students explore healthy development and maintenance of the whole person: mind, body, emotion, and social. Students explore how these components of *self* can and do influence each other. Students extend their inquiry to the development of a new person—their child. Assignments include exercise, study of nutrition, mental health practices, and social interaction. **Assignments integrate with Science, Social Science, Math, Art, and English.**

Electives

Personalized and Individualized (Spanish, Art, etc.)

Classroom Behaviors

Expectations

1. Be safe and keep others safe.
2. Make healthy choices.
3. Be respectful of self, of baby, of others, of materials, and of the learning process.
4. Be responsible for self, for baby, for materials, and for your own learning.
5. Demonstrate an authentic work ethic.

Consequences

1. When I behave according to APP expectations, I maximize my achievement.
2. When I do not comply with APP expectations, I minimize my achievement.
3. When I repeatedly disregard APP expectations, I may be asked to leave APP.

Mindset

***The Seven Habits of Highly Effective Teens*, by Sean Covey**

1. Be Proactive. Being proactive is the first step to putting the other six ideas into place.
2. Begin With the End in Mind. Think about your goals, hopes and dreams. ...
3. Put First Things First. ...
4. Think Win-Win. ...
5. Seek First to Understand, Then To Be Understood. ...
6. Synergize. ...
7. Sharpen the Saw. ...

Student Reflection: Exit ticket

Student self-reflection is one of the top indicators positively impacting **student** achievement. Students reflect on their activity and performance. This is an exit ticket.

I WORKED: MOST OF THE TIME? SOME OF THE TIME? NOT YET?
I Completed: Most of the assignment? Some of the assignment? Not yet?
I UNDERSTAND CONCEPTS: MOST? SOME? NOT YET CONFIDENT?

Decision Making Process

D = define the problem,
E = establish healthy criteria,
C = consider all the alternatives,
I = identify the best alternative,
D = develop and implement a healthy and sensible plan of action, and
E = evaluate and monitor the solution and feedback to be sure you chose well.

Updated
APP Bell Schedule 2021-22

	8:15 OPEN	15 minutes
Regular Day MTWTh 8:30 --12:15	8:30 Instruction	180 minutes
	11:20 Student Lunch	20 minutes
	11:50 Instruction	25 minutes
	12:15 Dismissal	
	Instructional Minutes	**195 minutes**
	Program Minutes	240 minutes

	8:15 OPEN	15 minutes
SGA Minimum Day w/Collaboration **ALL FRIDAYS** 8:30-- 12:15	8:30 Instruction	150 minutes
	10:50 Student Lunch	20 minutes
	11:20 Instruction	55 minutes
	12:15 Dismissal	
	Instructional Minutes	**195 minutes**
	Program Minutes	240 minutes

	8:15 OPEN	15 minutes
District Minimum Day **MTWTh** 8:30 – 12:00	8:30 Instruction	180 minutes
	11:20 Student Lunch	20 minutes
	11:50 Instruction	10 minutes
	12:00 Dismissal	
	Instructional Minutes	**180 minutes**
	Program Minutes	225 minutes

	8:15 OPEN	15 minutes
District Minimum Day **FRIDAY** 8:30 --12:00	8:30 Instruction	150 minutes
	10:50 Student Lunch	20 minutes
	11:20 Instruction	40 minutes
	12:00 Dismissal	
	Instructional Minutes	**180 minutes**
	Program Minutes	225 minutes

Last Day of School 8:30- 11:45	8:30 Instruction	205 minutes
	11:45 Dismissal	**Lunch and go**
	Instructional Minutes	**205 minutes**
	Program Minutes	230 minutes

West Contra Costa USD

Board Policy

Uniform Complaint Procedures

BP 1312.3
Community Relations

This policy and the corresponding administrative regulation contain rules and instructions about the filing, investigation, and resolution of a Uniform Complaint Procedures (UCP) complaint. UCP complaints include any complaint brought forth by a complainant alleging a failure by the West Contra Costa Unified School District to comply with federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination (such as harassment, intimidation or bullying based on any of the protected classes stated herein) and non-compliance with laws relating to pupil fees and the District's Local Control and Accountability Plan (LCAP). A complainant, for purposes of this policy, is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint that is governed by this policy.

(cf. 5145.7 - Sexual Harassment)
(cf. 5145.3 - Nondiscrimination/Harassment/Intimidation/Bullying)
(cf. 5131.2 - Bullying)

The Board encourages early resolution of complaints whenever possible. To resolve complaints that cannot be resolved through an informal process, the Board adopts the uniform system of complaint processes specified in 5 CCR sections 4600-4670 and described herein.

The District shall establish an office entitled District Ombudsperson, who will report to the Superintendent, for the purpose of fair, objective and timely responses to complaints. The District shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by and to the extent permitted by law. For any complaint alleging unlawful discrimination or retaliation (such as discriminatory harassment, intimidation, or bullying), the Superintendent or District Ombudsperson or designee shall keep the identity of the complainant confidential when appropriate and as long as the integrity of the complaint process is maintained.

<u>Complaints Subject to the UCP</u>

The District's UCP shall be used to investigate and resolve the following complaints brought forth by any complainant, which include all complaints related to the matters addressed in Education Code section 33315(a)(1) and as indicated below:

1. Any complaint alleging District violation of state or federal law or regulations governing the following programs and activities that are implemented by the District, including: adult education programs; career technical and technical education training programs; child care and development programs; migrant child education; juvenile court schools; school safety plans; deficiencies related to state preschool health and safety issues for a California state preschool program; and any other District-implemented consolidated categorical aid program which are listed in Education Code section 64000(a), including: programs for tobacco use prevention;

bilingual education programs; compensatory education programs; California peer assistance and review programs for teachers; school safety and violence prevention programs.

2. Any complaint, filed by a student or a student's duly authorized representative, alleging the occurrence of unlawful discrimination 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 benefit from any state financial assistance.

Unlawful discrimination includes, but is not limited to, discriminatory harassment, intimidation, or bullying 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 status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code sections 200 or 220, Government Code section 11135, or Penal Code section 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics.

Complaints and allegations that, if true, would meet the definition of "sexual harassment" under Title IX of the Education Amendments of 1972 (Title IX), must be addressed in a manner that complies with the applicable Title IX regulations, codified at 34 C.F.R. Part 106, and the UCP. To accomplish this, these complaints should be processed in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

3. 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

4. Any complaint alleging District noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities.

5. Any complaint alleging District noncompliance with legal requirements related to the implementation of the local control and accountability plan.

The LCAP is an important component of the Local Control Funding Formula (LCFF), the revised school finance system that overhauled how California funds its K-12 schools. Under the LCFF the District is required to prepare an LCAP, which describes how the District intends to meet annual goals for District pupils, with specific activities to address state and local priorities identified pursuant to Education Code section 52060(d).

6. 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.

7. Any complaint, by or on behalf of a homeless student, as defined in 42 U.S.C. section 11434a, a former juvenile court school student, a child of a military family, as defined in Education Code section 49701, a student who is a migratory child, as defined in Education Code 54441(a), or a newly arrived immigrant student participating in a "Newcomer Program" as

defined in Education Code section 51225.2(a)(6), who transfers into the District after his/her second year of high school, 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.

8. Any complaint alleging District noncompliance with the requirements of Education Code sections 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 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.

9. Any complaint alleging District noncompliance with the physical education instructional minutes requirement for students in grades 1 to 6.

10. Any complaint 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.

11. Any other complaint as specified in a District policy. However, only complaints listed in Title 5 California Code of Regulation section 4610 may be appealed to the California Department of Education pursuant to the corresponding administrative regulation.

12. Any other state of federal education program the State Superintendent of Public Instruction deems appropriate or necessary.

Non-UCP Allegations and Complaints

When an allegation that is not subject to the UCP is included in a UCP complaint, the District shall refer the non-UCP allegation to the appropriate staff or agency for further processing.

The following complaints shall be referred to other agencies for appropriate resolution and are not subject to the District's UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse or neglect shall be referred to County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.

2. Health and safety complaints regarding licensed facilities operating a Child Development Program shall be referred to the Department of Social Services (DSS).

3. Any complaint alleging unlawful discrimination, sexual harassment or related retaliation in employment shall be processed in accordance with Board Policy 4030 - Nondiscrimination in Employment, Board Policy and Administrative Regulation 4119.11 - Sexual Harassment, and/or Administrative Regulation 4119.12 – Title IX Sexual Harassment Complaint Procedures, and they shall be referred to the California Department of Fair Employment and Housing (DFEH), as is applicable or required. The complainant shall be notified in writing in a timely manner of any DFEH transferal.

Any complaint 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, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures.

These procedures do not apply to complaints related to special education programs, which are governed by Title 34 Code of Federal Regulations sections 300.151 through 300.153 and by Title 5 California Code of Regulation section 3080 et seq.

These procedures do not apply to complaints regarding child nutrition programs, which are governed by Title 34 Code of Federal Regulations sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n) and 250.15(d) and by Title 5 California Code of Regulation section 15580 et seq.

Notice and Record Keeping

The Superintendent or District Ombudsperson shall provide the Board with quarterly updates about the state of complaints in the District.

The Superintendent or District Ombudsperson or designee shall provide training to District staff to ensure awareness and knowledge of current law and related requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or District Ombudsperson or designee shall maintain records of each complaints and subsequent related actions, including steps taken during the investigations and all information required for compliance with 5 CCR 4600 et seq.

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
32280-32289 School safety plan, uniform complaint procedures
35186 Williams uniform complaint procedures
46015 Parental leave for students
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49014 Student fees
49060-49079 Student records, especially:
49069.5 Records of foster youth
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51222 Physical education, secondary schools
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52300-52462 Career technical education

52500-52616.24 Adult schools
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process; school plan for student achievement
65000-65001 School site councils
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act
HEALTH AND SAFETY CODE
1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations
PENAL CODE
422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 2
11023 Harassment and discrimination prevention and correction
CODE OF REGULATIONS, TITLE 5
3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education 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
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged
6801-7014 Title III language instruction for limited English proficient and immigrant students
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
12101-12213 Title II equal opportunity for individuals with disabilities
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
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

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Uniform Complaint Procedure 2020-21 Program Instrument

Sample UCP Board Policies and Procedures
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
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: https://www2.ed.gov/policy/gen/guid/fpco
U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/ocr
U.S. Department of Justice: http://www.justice.gov

Policy WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

adopted: November 7, 2007 Richmond, California
revised: April 16, 2008
revised: November 6, 2013
revised: January 8, 2014
revised: March 4, 2015
revised: January 6, 2016
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revised: March 7, 2018
revised: October 17, 2018
revised: February 26, 2020
revised: November 4, 2020

West Contra Costa USD
Administrative Regulation
Uniform Complaint Procedures

AR 1312.3
Community Relations

Except as the Governing Board may otherwise specifically provide in other District policies, these Uniform Complaint Procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

Compliance Officer/Title IX Coordinator

The District designates the individual/position identified below as responsible for receiving complaints subject to these procedures, coordinating the District's response to complaints, and ensuring the District's compliance with state and federal civil rights laws. The individual/position identified below also serves as the compliance officer specified in AR 5145.3 – Nondiscrimination, Harassment, Intimidation & Bullying, and the Title IX Coordinator specified in AR 5145.7 – Sexual And Gender-Based Harassment.

Rhonda Haney
Director, Office of Educational Equity/Title IX Coordinator
1108 Bissell Avenue
Richmond, CA 94801
Phone: (510) 307-4538
rhaney@wccusd.net

If the complaint includes allegations of sexual harassment, the Compliance Officer/Title IX Coordinator will determine whether the complaint should be processed under AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

(cf. 5145.71 Title IX Sexual Harassment Complaint Procedures)

The Compliance Officer/Title IX Coordinator will coordinate efforts to address each complaint in a manner consistent with the procedures stated herein. The Compliance Officer/Title IX Coordinator may designate a qualified individual, including a site administrator, to investigate and resolve the complaint. The Compliance Officer/Title IX Coordinator and/or designee shall ensure the complainant understands who is responsible for investigating or otherwise resolving their complaint.

In no instance shall the Compliance Officer/Title IX Coordinator or designee be assigned to a complaint in which they have a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against the Compliance Officer/Title IX Coordinator or that raises a concern about the Compliance Officer/Title IX Coordinator's

ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated or otherwise processed.

The Superintendent, Compliance Officer/Title IX Coordinator, or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination sexual harassment, or related retaliation, applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent, Compliance Officer/Title IX Coordinator, or designee.

Supportive Measures

The Compliance Officer/Title IX Coordinator or designee, in consultation with the Compliance Officer/Title IX Coordinator, as necessary, shall determine whether supportive measures are necessary during and pending the result of an investigation to stop the alleged discrimination and ensure that all students have access to the educational program and a safe school environment. Supportive measures will be implemented on a case by case basis and shall be offered to both complainant and respondent, as appropriate. Any supportive measures adopted to address unlawful discrimination, sexual harassment or related retaliation shall be designed to preserve equal access to the District's educational program or activity without unreasonably burdening the other involved party. The supportive measures shall remain in place until the compliance officer determines that they are no longer necessary or until the District issues its Investigation Report, described below, whichever occurs first.

Notifications

The District's UCP policy and administrative regulation shall be posted in all District schools and offices, including staff lounges and student government meeting rooms, as well as on the District's website. (Education Code § 234.1) It shall include the name and title of the person responsible for processing complaints. It shall also advise the parties of the appeal rights and civil law remedies that may be available to them.

In, addition, the Superintendent or designee shall annually provide written notification of the District's UCP to students, employees, parents/guardians of District students, District advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR § 4622)

Required Statements Regarding Complaint Procedures

Specific statements summarizing the complaint procedures which are required by the CDE are set forth below.

1. The District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.

2. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

3. A complaint alleging unlawful discrimination (as well as sexual harassment or related retaliation) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, sexual harassment or related retaliation. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

4. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put their complaint in writing, for example, due to conditions such as a disability or illiteracy, District staff shall assist in the filing of the complaint.

5. If a complaint is not filed in writing but the District receives notice of any allegation that is subject to the UCP, the District shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

6. If the allegation involves unlawful discrimination, sexual harassment or related retaliation, or bullying, and the investigation determines that discrimination has occurred, the District will take steps to prevent recurrence of any discrimination and correct any discriminatory effects on the complainant, and on others, if appropriate.

7. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the District's educational program, including curricular and extracurricular activities.

8. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

9. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the District liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the District and another District.

10. A foster youth, homeless student, former juvenile court school student, child of a military family, migratory student, or newly arrived immigrant student participating in a "Newcomer Program" who transfers into a District high school or between District high schools shall be notified of the District's responsibility to:

a. Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed.

b. Not require the student to retake any course or a portion of a course which has been satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency.

c. If the student has completed their second year of high school before the transfer, provide the student information about District-adopted coursework and Board-imposed graduation requirements from which they may be exempted pursuant to Education Code section 51225.1.

11. The complainant has a right to appeal the District's Investigation Report to CDE by filing a signed written appeal within 30 calendar days of the date of the District's Investigation Report.

12. The appeal to CDE must include a copy of the complaint filed with the District and a copy of the District's Investigation Report, described below.

13. Copies of the UCP, the District's annual notifications, complete contact information of the Compliance Officer/Title IX Coordinator, and information related to Title IX as required pursuant to Education Code section 221.61 shall be available free of charge and are also available on the District's website at the following link: [INSERT LINK]

The Superintendent, Compliance Officer/Title IX Coordinator, or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the District's policy, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular District school speak a single primary language other than English, the District's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the District shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaint

The complaint shall be presented to the Compliance Officer/Title IX Coordinator or designee who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. A complaint filed on behalf of an individual student may only be filed by that student or that student's authorized representative, and cannot be filed by other parties. For more information on the processing of oral complaints that allege or express a concern of unlawful discrimination, sexual harassment or

related retaliation, see below. Additionally, for any oral complaint concerning bullying see BP 5131.2 - Bullying.

If the complainant is unable to put the complaint in writing, due to conditions such as disability or illiteracy, the District shall assist the complainant in the filing of the complaint.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision is made. However, the Compliance Officer/Title IX Coordinator or designee shall keep all complaints or allegations of unlawful discrimination, sexual harassment or related retaliation, and bullying confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process.

The District ensures that complainants are protected from retaliation.

a. Complaints Alleging Unlawful Discrimination, Sexual Harassment and Bullying

A complaint alleging unlawful discrimination, sexual harassment or related retaliation, bullying, shall be filed no later than six months from the date the alleged unlawful discrimination, sexual harassment or related retaliation occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, sexual harassment or related retaliation. However, the time for filing an unlawful discrimination, sexual harassment or related retaliation complaint may be extended by up to 90 calendar days, by the Superintendent, Compliance Officer/Title IX Coordinator, or designee for good cause, upon receipt of written request from the complainant setting forth the reasons for the extension.

The complaint shall be filed by a student who alleges that they have personally suffered unlawful discrimination, sexual harassment or related retaliation, or bullying, or by that student's duly authorized representative.

When the complainant/alleged victim of unlawful discrimination, sexual harassment or related retaliation, or bullying, requests confidentiality, the Compliance Officer/Title IX Coordinator, and/or designee shall inform the complainant/victim that the request may limit the District's ability to investigate the conduct or take other necessary action, and the District must assess whether it is possible for to honor the request for confidentiality, which still ensuring the safety of all students.

When a complaint alleging unlawful discrimination, sexual harassment or related retaliation, or bullying is filed anonymously, the Compliance Officer/Title IX Coordinator or designee may pursue an investigation or respond otherwise, as deemed appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

(cf. Bullying- BP 5131.2)

b. Complaints Alleging Noncompliance with Student Fees and the LCAP

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. Any such complaint shall be filed no later than one year from the date the alleged violation occurred.

c. Complaints Alleging Violations of Laws or Regulations Regarding Specified Programs

A complaint alleging District violation of applicable state or federal law or regulations governing specified programs may be filed by any individual, public agency, or organization. These complaints may concern adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education training programs, child care and development programs, migrant child education, juvenile court schools, school safety plans, deficiencies related to state preschool health and safety issues for a California state preschool program, and any other District-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code section 64000(a).

Informal Resolution

The Compliance Officer/Title IX Coordinator or designee may discuss with all the parties to a complaint the possibility of using informal resolution. However, informal resolution shall not be offered or used to resolve any complaint involving an allegation of sexual assault by a student against an employee or where there is a reasonable risk that a party would feel compelled to participate. If the parties voluntarily agree to informal resolution, the Compliance Officer/Title IX Coordinator or designee shall make all arrangements for this process. The Compliance Officer/Title IX Coordinator or designee shall ensure that the use of an informal process is consistent with state and federal laws and regulations.

Before initiating the informal resolution of a complaint alleging unlawful discrimination, sexual harassment or related retaliation, or bullying, the Compliance Officer/Title IX Coordinator or designee shall ensure that all parties agree to make any involved mediator a party to relevant confidential information. The Compliance Officer/Title IX Coordinator or designee shall also notify all parties of the right to end the informal process at any time prior to the conclusion of a District's investigation.

If the informal resolution process does not resolve the problem within the parameters of law, the Compliance Officer/Title IX Coordinator or designee shall proceed with an investigation of the complaint. The use of informal resolution shall extend the District's timelines for investigating and resolving the complaint should the Compliance Officer/Title IX Coordinator or designee determine an extension of time is necessary and reasonable. If informal resolution is unsuccessful, the District shall then continue with subsequent steps specified herein.

Investigation of Complaint

During the investigation each party and/or the party's representative shall be provided an opportunity to present to the Compliance Officer/Title IX Coordinator or designee any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the Compliance Officer/Title IX Coordinator or designee shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The Compliance Officer/Title IX Coordinator or designee shall individually interview all available witnesses with information pertinent to the complaint, as is deemed necessary and appropriate, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the Compliance Officer/Title IX Coordinator or designee shall inform both parties of the status of the investigation.

To investigate a complaint alleging unlawful discrimination, sexual harassment or related retaliation, or bullying, the Compliance Officer/Title IX Coordinator or designee shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. Similarly, a respondent's refusal to provide the District with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.
In accordance with BP 5131.2 - Bullying, if during the investigation it is determined that a complaint is about nondiscriminatory bullying, the Compliance Officer/Title IX Coordinator or designee shall inform the complainant and shall take all necessary actions to resolve the complaint. An Investigation Report, outlined below, will not be issued.

<u>Investigation Report</u>
A UCP complaint will be investigated and an Investigation Report will be issued to the complainant and respondent within 60 calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

Information about the relevant part of the Investigation Report may also be communicated to other parties who may be involved in implementing the Investigation Report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, sexual harassment or related retaliation, notice of the District's Investigation Report to the victim shall include information about any sanction to be imposed upon the respondent that relates directly to the victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the Investigation Report shall also be translated into that language. In all other instances, the District shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

The Investigation Report shall be based on the evidence and will contain the following elements:

1. The findings of fact based on the evidence gathered, which may take into account: witness statements; the relative credibility of individuals involved; how the complaining individual reacted to the incident; any documentary or other evidence relating to the alleged conduct; past instances of similar conduct by alleged offenders; and past false allegations made by the complainant.

2. The conclusion(s) providing a clear determination as to each allegation as to whether the District is in compliance with relevant law.

For complaints of unlawful discrimination, sexual harassment or related retaliation, the Investigation Report shall include a determination for each allegation as to whether unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation has occurred.

The determination of whether an unlawful hostile environment exists may involve consideration of: the manner in which the misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the relationship between the alleged victim(s) and offender(s); the number of persons engaged in the conduct and at whom the conduct was directed; the size of the school, location of the incidents, and context in which they occurred; and other incidents at the school involving different individuals.

3. Corrective action(s), if any are warranted, including any actions that have been taken or will be taken to address the allegation(s) in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code section 49013 and 5 CCR section 4600.

For complaints of unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation, the Investigation Report may, as required by law, include: the corrective actions imposed on the respondent; individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this

information should not be shared with the respondent; and systemic measures the school has taken to eliminate a hostile environment and prevent recurrence.

4. Notice of the complainant's right to appeal the District's Investigation Report to the CDE within 30 calendar days of the date of the District's Investigation Report, except when UCP has been used to address a complaint not described in section 4610(b).

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision.

5. Procedures to be followed for initiating an appeal to the CDE.

The Investigation Report may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination, sexual harassment or related retaliation, based on state law, the Investigation Report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the District's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE.

2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law.

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the Compliance Officer/Title IX Coordinator or designee may adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or District environment may include, but are not limited to: actions to reinforce District policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling;

2. Academic support;

3. Health services;

4. Assignment of an escort to allow the victim to move safely about campus;

5. Information regarding available resources and how to report similar incidents or retaliation;

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim;

7. Restorative justice;

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation; and/or

9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint.

For complaints involving unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation, appropriate corrective actions that focus on a student respondent may include, but are not limited to, the following:

1. Transfer from a class or school, as permitted by law;

2. Parent/guardian conference;

3. Education regarding the impact of the conduct on others;

4. Positive behavior support;

5. Referral to a student success team;

6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law; and/or

7. Disciplinary action, such as suspension or expulsion, as permitted by law.

When an employee is found to have committed unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation, the District shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

For any complaint involving allegations of unlawful discrimination (including bullying based on a protected class), sexual harassment or related retaliation, regardless of whether the allegations are substantiated, the District may also consider training and other interventions for the larger

school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the District does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

If the District finds merit in any other UCP complaint, the District shall provide an appropriate remedy to the affected pupils, parents and guardians, which in the case of pupil fees, also includes reasonable efforts by us to ensure full reimbursement to all affected pupils, parents and guardians subject to procedures established through regulations adopted by the state board.

Appeals to the California Department of Education (CDE)

To appeal the Decision the complainant must file a written appeal within 30 calendar days of the date of the Investigation Report (5 CCR 4632). In order to request an appeal, the complainant must specify and explain the basis for the appeal, including at least one of the following:

1. The District failed to follow its complaint procedures;

2. The Investigation Report lacks material findings of fact necessary to reach a conclusion of law;

3. The material findings of fact in the Investigation Report are not supported by substantial evidence;

4. The legal conclusion in the Investigation Report is inconsistent with the law; and/or

5. The corrective actions fail to provide a proper remedy.

The appeal shall be sent to the CDE with a copy of the original locally filed complaint, and a copy of the District's Investigation Report.
Upon notification by CDE that the complainant has appealed the District's Investigation Report, the Superintendent, Compliance Officer/Title IX Coordinator, or designee shall forward the following documents to CDE within 10 days:

1. A copy of the original complaint;

2. A copy of the written Investigation Report;

3. A summary of the nature and extent of the investigation conducted by the District, if not covered by the Investigation Report;

4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator;

5. A report of any action taken to resolve the complaint;

6. A copy of the District's complaint procedure, including the UCP and, if relevant, the Title IX Grievance Procedure; and

7. Other relevant information requested by CDE.

Regulation WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
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