

Mendocino Unified School District



Agenda

Regular Board Meeting

SEPTEMBER 10, 2020

**MENDOCINO K-8 SCHOOL
44261 LITTLE LAKE ROAD
MENDOCINO, CA 95460**

4:00 P.M. CLOSED SESSION - VIA TELECONFERENCE

5:00 P.M. OPEN SESSION - VIA TELECONFERENCE

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Please "mute" your device during the meeting.

MUSD is not available for technical support for remote meetings.

If the public wishes to make a comment regarding any closed session item before the Board adjourns to closed session, please email JMorse@mcn.org

Board Priorities

- *Develop and expand community partnerships and communication*
- *Increase learning and achievement for all students, families, and staff*
- *Plan wisely for the future while maintaining fiscal integrity*
- *Maintain and improve the physical plant*

Any writings distributed either as part of the Board packet, or within 72 hours of a meeting, can be viewed at the District Office: 44141 Little Lake Road, Mendocino, CA 95460. Board backup materials are also located on the MUSD website at <http://www.mendocinoused.org/District/2285-Untitled.html>

In compliance with Government Code section 54954.2(a) Mendocino Unified School District will, on request, make agendas available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in an alternative format or who need a disability related modification or accommodation in order to participate in the meeting should contact, Erin Placido Exec. Assistant to the Superintendent, in writing at P.O. Box 1154, Mendocino, CA 95460 or via email at doerin@mcn.org.

MENDOCINO UNIFIED SCHOOL DISTRICT IS PROUD TO BE AN EQUAL OPPORTUNITY EMPLOYER

1. 4:00 P.M., CLOSED SESSION CALL TO ORDER AND ROLL CALL

- 1.1. Call to order and roll call
- 1.2. The President will verbally identify the agenda items to be discussed during closed session as listed below.

2. PUBLIC HEARING FOR CLOSED SESSION

Members of the public may take this opportunity to comment on closed session agenda items per Board Policy 9322. Under the requirements of the Brown Act open meeting law, members of the community wishing to address an item on the closed session agenda may do so at this time. Items not on the agenda cannot be addressed at this time. A three-minute limit is set for each speaker on all items. The total time for public input on each item is limited to 20 minutes. (Government Code 54954.3).

3. CLOSED SESSION

The Board will adjourn to closed session pursuant to Government Code 54950 - 54962.

Closed session attendees include Board members and Superintendent Jason Morse.

- 3.1. Conference with labor negotiators (Government Code 54957.6)
Agency Representative: Superintendent Jason Morse
Employee organizations: CEMUS and MTA bargaining units and unrepresented employees
- 3.2. Employment/Personnel Changes
- 3.3. Conference with Legal Counsel Regarding Anticipated Litigation, One Potential Case (Government Code 54956.9 (d)(2), (e)(1))

4. 5:00 P.M. RECONVENE TO OPEN SESSION

- 4.1. Call to order and roll call
- 4.2. Closed session disclosure
Any reportable action taken during closed session will be disclosed at this time.
- 4.3. Approval of agenda
Items to be removed from the agenda or changes to the agenda should be done at this time.

5. PUBLIC HEARING – SUFFICIENCY OF INSTRUCTIONAL MATERIALS

This public hearing is regarding the sufficiency of instructional materials. At this time the Board will hear comments regarding the availability of textbooks and instructional materials in the district.

6. PUBLIC HEARING – LEARNING CONTINUITY AND ATTENDANCE PLAN

All school districts in California are required to develop and adopt a Learning Continuity and Attendance Plan and communicate this plan to stakeholders. This public hearing outlines how learning continuity will be addressed during the COVID-19 crisis during the 2020-21 school year.

7. CONSENT AGENDA

Items on the consent agenda are passed in one motion without discussion. Any item may be pulled from the consent agenda by any member of the Board and moved to action when approving the agenda. (action)

- 7.1. Approval of Warrants
7.1.1. 8/13/20, 8/20/20, 8/27/20
- 7.2. Approval of Minutes
7.2.1. Board Meeting Minutes: 8/26/20

- 7.3. Approval of Employment/Personnel Changes
 - 7.3.1. Accept Resignation, Certificated Employee, 1.0 FTE, effective 8/1/20
 - 7.3.2. Accept Resignation, Classified Employee, 6.5 hours/day, effective 8/25/20
 - 7.3.3. Accept Resignation, Classified Employee, 3.75 hours/day, effective 8/28/20
 - 7.3.4. Transfer from K-8 School to Albion School, Classified Employee, 3.25 hours/day, effective 8/28/20
 - 7.3.5. Increase hours, Classified Employee, 3.25 hours/day to 6.5 hours/day, effective 8/28/20
 - 7.3.6. Approve Column Move from 3 to 4, Certificated Employee, 1.0 FTE, effective 9/1/20
 - 7.3.7. Approve Column Move from 2 to 3, Certificated Employee, 1.0 FTE, effective 9/1/20
 - 7.3.8. Increase FTE, Certificated Employee, .60 to .80 FTE, effective 8/24/20
 - 7.3.9. Hire, Classified Employee, 6.5 hours/day, effective 9/3/20
- 7.4. Approval of the Current Budget Change Report
- 7.5. Approval of Enrollment History, Preliminary Current Year Enrollment and Projection
- 7.6. Recognition of Scholarships received by the MUSD 2020 graduating class totaling over \$60,000
- 7.7. Final Approval of Board Policy/Administrative Regulation/Exhibits
 - 7.7.1. BP 6157.0: Distance Learning (instruction)

8. REPORTS

- 8.1. Student Trustee – Olivia Jung
- 8.2. Administrative
 - 8.2.1. Principal – Kim Humrichouse
 - 8.2.2. Superintendent – Jason Morse
- 8.3. Bargaining Units
 - 8.3.1. Mendocino Teachers Association (MTA)
 - 8.3.2. Classified Employees of Mendocino Unified Schools (CEMUS)
- 8.4. Board Trustee Reports

9. TIMED ITEM 5:30 P.M. - PARENT/COMMUNITY COMMENT

Items not on the agenda, but within the jurisdiction of this body, may be addressed at this time or be submitted to the Superintendent in writing for Board consideration as an agenda item. A three-minute limit is set for each speaker on all items. The total time for public input on each item is limited to 20 minutes (Government Code 54952). The Brown Act does not permit the Board to take action on any item that is not on the agenda. In addition, in order to protect the rights of all involved, complaints about employees should be addressed through the District complaint process. Speaking about a personnel issue at a Board meeting may prevent the Board from being able to act on it. Please see an administrator to initiate the complaint process.

The Board may briefly respond to public comments by asking questions to clarify the speaker's comments and refer the speaker to the Superintendent for further clarification. We thank you for your comments and participation at this meeting.

10. INFORMATION/DISCUSSION/POSSIBLE ACTION ITEMS

10.1. Lease-Leaseback Discussion

The Board will discuss the options for selecting a contractor for the High School Modernization project (action)

10.2. Budget Update

Business Manager Jason Fruth will present the MUSD Unaudited Actuals Financial Report and request approval by the Board. These mandated financial reports detail the "Unaudited Actuals" revenues and expenses for school year 2019-20. The reports for each fund include columns that represent the "Unaudited Actuals" for the 2019-20 school year. The reports for each fund also include informational columns that represent the budget for 2020-21. (action)

10.3. Consideration of Resolution 2020-15 regarding the Sufficiency of Instructional Materials. Each year the District is required to pass a resolution determining that each pupil in the District has sufficient textbooks or instructional materials in each core subject which are consistent with the contents of the curriculum framework and standards adopted by the State Board of Education. The resolution establishes the District's eligibility to receive instructional materials funding from the State. (action)

10.4. Board Policies and Administrative Regulations (as a first reading) (action)

10.4.1. BP/AR/E 1312.3: Uniform Complaint Procedures (UCP) (community relations)

10.4.2. AR/E 1312.4: Williams Uniform Complaint Procedures (community relations)

10.4.3. BP/E 3555.0: Nutrition Program Compliance (business and noninstructional operations)

10.5. Board Policies and Administrative Regulations (for information only)

10.5.1. BP/AR 4119.11, 4219.11, 4319.11: Sexual Harassment (personnel)

10.5.2. AR 4119.12, 4219.12, 4319.12: Title IX Harassment Complaint Procedures (personnel)

10.5.3. BP/AR 5145.7: Sexual Harassment (students)

10.5.4. AR Title IX Sexual Harassment Complaint Procedures (students)

11. FUTURE AGENDA ITEMS

Consideration of Reduced Workload program, Authorization of Teaching Assignments, Deferred Maintenance Plan, Emergency Operations Plan, Qtly Investment Report

12. ADJOURNMENT

The next Board meeting is scheduled for **October 15, 2020**.

Learning Continuity and Attendance Plan Template (2020–21)

The instructions for completing the Learning Continuity and Attendance Plan is available at <https://www.cde.ca.gov/re/lc/documents/lrngcntntyatndncpln-instructions.docx>.

Local Educational Agency (LEA) Name	Contact Name and Title	Email and Phone
Mendocino Unified School District	Jason J. Morse Superintendent	jmorse@mcn.org (707) 937-5868

General Information

[A description of the impact the COVID-19 pandemic has had on the LEA and its community.]

Although relatively slow to get a foothold in Mendocino County, COVID-19 is now considered widespread and the County is on the Governor's monitoring list which requires schools to begin the 2020-2021 school year distance learning. Like most schools in California, Mendocino Unified closed in mid-March due to the pandemic. District staff responded quickly by providing supplemental learning materials and resources to parents. After a few weeks classes did resume via online instruction, telephone, and paper packets. Student grades were held harmless from the academic 3rd quarter as some families struggled with and continue to struggle with internet connectivity. The District is following all safety protocols related to COVID-19 and as of September 1st, 2020, no student or staff member has tested positive for COVID-19.

Stakeholder Engagement

[A description of the efforts made to solicit stakeholder feedback.]

Shortly after the school year ended in June, the District circulated a survey to parents asking about their experience with distance learning in terms of what went well and needed improvement. In addition, parents were asked about their level of technology readiness with devices and internet connectivity. In addition, the high school staff contacted families and kept records of which students had difficulty engaging in the spring and the reasons for those difficulties. The K-8 School staff made efforts to contact each family to check-in with families and to narrow down technology needs.

For the Learning Continuity and Attendance Plan, a stakeholder meeting was held on Wednesday, September 9th. The plan was presented in detail and questions and comments were solicited after each section of the plan. A public hearing was held on Thursday, September 10th.

[A description of the options provided for remote participation in public meetings and public hearings.]

Options for attending the stakeholder meeting and the public hearing included in-person at the Mendocino K-8 School, video conference via Zoom, or telephone via Zoom.

[A summary of the feedback provided by specific stakeholder groups.]

[A description of the aspects of the Learning Continuity and Attendance Plan that were influenced by specific stakeholder input.]

Continuity of Learning

In-Person Instructional Offerings

[A description of the actions the LEA will take to offer classroom-based instruction whenever possible, particularly for students who have experienced significant learning loss due to school closures in the 2019–2020 school year or are at a greater risk of experiencing learning loss due to future school closures.]

Mendocino Unified School District was one of only three Districts in Mendocino County that applied for a waiver to the public health department that would allow in-person instruction for students with disabilities, English learners, those without adequate internet access, and for essential workers without childcare. The subgroups of students mentioned in the waiver application are at the greatest risk of learning loss due to the school closure in 2019-20. Our waiver was approved and school staff are working hard to implement and communicate the plan for health and safety related to in-person instruction.

- Support from SELPA staff to develop plans and intervention strategies related to classroom engagement and re-integration. SELPA will also be providing support in developing plans and interventions to support independence and engagement with distance learning done from home.
- Professional development related to strategies and interventions for school personnel to utilize to address engagement with classroom or distance learning to help mitigate learning loss.
- Parent training/groups focused on supporting recoupment of skills and/or training parents in effective strategies to support distance learning in the event of future closures.

Actions Related to In-Person Instructional Offerings [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
[A description of what the action is; may include a description of how the action contributes to increasing or improving services]		

Distance Learning Program

Continuity of Instruction

[A description of how the LEA will provide continuity of instruction during the school year to ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery, including the LEA's plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.]

Mendocino Unified School District will start the year with 100% distance learning. Students will engage synchronously and asynchronously with live contact every day for every student. Teachers will use Google Classroom and GAFE as the learning management system and will use Zoom for live video instruction. Teachers have adapted curriculum to an online environment and in some cases, such as in high school science courses, online curriculum has been purchased.

When appropriate, the MUSD will be reopening with physical distancing and facial covering measures in place. Because of the nature of high school classes, it is difficult to maintain a single stable cohort, as there will be some mixing between groups in different classes. Because of this, facial coverings and distancing will be required at all times. At the K-8 grades, it is easier to maintain stable cohorts and State and county guidelines will be followed.

To accommodate for physical distancing, the student body will be divided into an A and B cohort with each attending for 2 days and a flex day in between. The flex day (Wednesday) could be used for teacher collaboration and prep time as well as small group intervention and lab use by students. There would be small groups only, but there could be some overlap of A and B cohort students on Wednesdays. Eventually, Wednesday might become an alternate A/B day.

While students will initially only be on campus two days a week, it is expected that students will participate in continuous learning 5 days a week. At Mendocino High School, because courses are only a semester long, students will have fewer courses to focus on each semester, but the content will be condensed. Even the best engaged students in the spring of 2020 could only sufficiently focus on three to four classes at a time. This immersive style of learning has been shown to be effective in studies, but we are aware classroom support is more limited due to the pandemic.

At the high school, to reduce the amount of mixing of students, we will switch from a seven period block schedule to a 3x3 schedule. This means students will only be taking three classes each semester (and one optional online) instead of seven. There will be an additional PSP or home room period twice a week, one for social-emotional and school culture focus and the other for academic focus. These periods will be 30 minutes long. Furthermore, to reduce mixing, there will be no open campus and there will not be an extended lunch break. Students will pick up their lunch at “Brunch” and may snack on it during “Break”. Both “Brunch” and “Break” are only 10 minutes long, so if there is any additional mixing it is for a shorter period of time than a normal lunch time.

At the K-8 grade levels, curriculum has been modified or new curriculum was purchased to ensure multi-methods of delivery and a smooth transition between in-person and distance learning. Classes and schedules were set up to allow for a smooth transition between in-person and distance learning.

District-wide, common spaces will be cleaned hourly by custodial staff and classrooms will be disinfected nightly. In addition, teachers (trained in pesticide use in the spring of 2020) will be responsible for spraying table tops and other high touch surfaces with peroxide and wiping them down. Shared items such as woodshop tools and electronics will be cleaned before and after each use with peroxide wipes. Whenever possible, extra tools/supplies, such as art supplies, will be purchased so that each student can have an individual set. A more thorough cleaning will be done each time the A and B cohorts switch, hopefully using electrostatic sprayers.

Students will be screened passively at home for COVID symptoms and risk and will be actively screened on busses and when entering school. We will focus on a visual inspection, but will also ask a blanket question on symptoms and about contact with COVID cases. Students will be screened at entry points, but this may shift to classrooms depending on how long it takes to screen.

Students and staff will be supplied PPE as needed. Each student will be given at least two cloth face coverings for use. Teachers and students will have access to face shields with a cloth skirt in cases where a mask will not work. Additional face coverings will be available as needed as will face shields. Plexiglass sneeze guards are installed along the length of the front desks in the offices and individual sneeze guards are available for teacher desks. We do not have plans to provide plexi-glass barriers for individual student desks.

Access to Devices and Connectivity

[A description of how the LEA will ensure access to devices and connectivity for all pupils to support distance learning.]

Mendocino Unified School District is located in rural Mendocino County and adequate internet connectivity for all families remains as a major issue for distance learning. After contacting families to assess the needs, District staff have been working with internet and satellite internet providers to connect families with the best possible solution. The District is paying for installation and monthly costs for families to insure that all families are able to access these solutions. That being said, satellite providers often have limited data plans and even new satellite installations may not be able to support the distance learning needs of families. The District will continue to troubleshoot and work with providers to increase bandwidth and data options for families.

All Mendocino High School students currently have access to Chromebooks. Students at the K-8 grades also have access to Chromebooks, however the demand has exceeded the supply and more Chromebooks have been ordered. It is anticipated that all students in need of a device will have a device by mid-September.

Assistive technology support including devices and consultation from specialists to students, staff and parents to ensure student access and engagement.

Pupil Participation and Progress

[A description of how the LEA will assess pupil progress through live contacts and synchronous instructional minutes, and a description of how the LEA will measure participation and time value of pupil work.]

Student attendance is tracked synchronously and asynchronously through Aeries and weekly lesson plans are documented on templates provided by the CDE and eventually will be tracked in Aeries. Synchronous engagement is required, but if a student has internet issues and is able to complete the work assigned during that period, they will receive asynchronous attendance credit. Attendance will be tracked and submitted to the Family Engagement Teams and team members will follow up with absent students.

Student progress will be assessed using a standards based grading method. Work will be collected and returned through Google Classroom. Student progress will be monitored through work completion on Google Classroom as well as through live video interaction.

Curriculum based assessments, both formative and summative, will be used to track student progress.

At the K-8 grades, teachers have created a schedule with specific minutes for different subjects that they plan assignments and assessments to match the scheduled minutes. Teachers will work with individual students to adjust this for students taking more time to complete assignments, as well as, providing extra assignments for those that finish earlier.

Distance Learning Professional Development

[A description of the professional development and resources that will be provided to staff to support the distance learning program, including technological support.]

The District contracted with Mendocino County Office of Education personnel to provide 4 days of dedicated professional development for teaching staff on creating and maintaining websites, videoconferencing, and learning management systems. Media Tech Support stipends were given to two teachers in the District to help support their colleagues with distance learning.

In collaboration with MUSD staff, SELPA will:

- Provide professional development to school personnel, including certificated and classified staff, on strategies and interventions to utilize to address engagement within classroom setting in-person and/or distance learning to help mitigate learning loss.
- Provide ongoing training related to engaging parents and supporting staff in writing distance learning plans, progress on IEP goals, addressing IEP goals, and IEP paperwork during school closure.

- Create and maintain a resource list/database that teachers can access and build as a community related to online learning.
- Provide training to staff on strategies in supporting students in trauma informed care.
- Provide ongoing social-emotional support/strategies to identified staff to support their own mental well-being as they are experiencing anxiety related to COVID/current events.

Staff Roles and Responsibilities

[A description of the new roles and responsibilities of affected staff as a result of COVID-19.]

Two additional stipend positions were added to provide distance learning tech support to teachers.
 Four bus drivers are delivering lunches three days a week to the communities of Albion, Comptche, and Elk. They are also delivering family meal boxes from the Family Resource Center once a week.
 Two instructional aides are providing childcare for teachers lacking childcare in order for those teachers to conduct distance learning lessons.
 Two instructional aides are assisting in the kitchen with food preparation or delivery.
 Two certificated teachers have been assigned as English Learner instructors
 Five instructional aides reassigned as distance learning support
 Three integrative aides assigned for in-person support for students with special needs
 Three certificated art and physical education teachers have been reassigned as self-contained grade level teachers

Supports for Pupils with Unique Needs

[A description of the additional supports the LEA will provide during distance learning to assist pupils with unique needs, including English learners, pupils with exceptional needs served across the full continuum of placements, pupils in foster care, and pupils who are experiencing homelessness.]

Two teachers have been reassigned to provide direct instruction with English Learners in the District. The LEA applied for and was granted a waiver to allow in-person instruction for students with disabilities and for those with high needs in particular. In addition to the regular support of our District counselor and social worker for homeless and foster youth, teams of family engagement liaisons have been formed at the high school and K-8 grade levels. These teams will be reaching out to provide additional assistance to families and students who are having a particularly difficult time engaging. These teams will provide assistance with possible in-person instruction, technology, community resources, and supplies and materials.

SELPA will collaborate with MUSD staff and parents:

- Work with SELPA Board Certified Behavioral Analyst and Program Specialists to develop plans and intervention strategies related to classroom engagement and re-integration for any students that require it . Support can also be provided in developing plans and interventions to support independence and engagement with distance learning in the home.
- Behavioral interventions/ plans to address compliance with necessary safety requirements (mask wearing, social distancing, overall safety while on campus, etc.) for all students.
- Support from SELPA staff in navigating agencies and community services (DHHS, Regional Center, etc.)

- Provide all Low incidence services to students per their IEP as well as collaboration and direct consultation to parents and staff. Assistive technology support, accommodations, modifications and professional development will be provided to parents, students and staff as needed.
- Provide Parent/caregiver training by BCBAs and/or SELPA Program Specialists in behavior management, balancing supporting their student's school work with other responsibilities, creating functional work spaces for their students to use.
- Provide consultation to students, staff and parents on use of alternative learning materials for students who cannot access technology due to disability and/or lack of access.

Actions related to the Distance Learning Program [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
Media Tech Support Stipends	\$2,400	No
Satellite Internet Access and Chromebook Deployment	\$84,000	Yes
Reassigned personnel to deliver distance learning program	\$335,660	Yes
Extra Materials and Supplies for COVID-19 relief and distance learning	\$70,000	

Pupil Learning Loss

[A description of how the LEA will address pupil learning loss that results from COVID-19 during the 2019–2020 and 2020–21 school years, including how the LEA will assess pupils to measure learning status, particularly in the areas of English language arts, English language development, and mathematics.]

At the beginning of year we start with formative curriculum-based measurements (Bridges, College Preparatory Mathematics, Superkids, Great Minds) and universal screenings for ELA (BPST, DIBELS, school-created writing assessment) & math (some local assessments but mostly Bridges & CPM). Universal screenings are given at beginning, middle, end of school year to all students.

Students will be referred through teachers or universal screenings to the Family Engagement Teams at each site. Upon receiving a referral, the Family Engagement Teams will meet to discuss the possible barriers to learning and to provide resources. In addition, assessments and intervention strategies will be discussed with parents through a Student Support Team (SST) meeting. Screenings, classroom based assessments, and assessment in reading, writing, and math (DIBELS, Writing Assessment, BRIDGES assessments, ELPAC, SBAC etc.) will be compared to previous performance preCOVID. All of this is a part of MTSS (multi-tiered systems and supports). MTSS includes remediation for English learners and students with special needs as well. More frequent assessments and progress monitoring for students falling within the at-risk category and/or needing English language development services.

Pupil Learning Loss Strategies

[A description of the actions and strategies the LEA will use to address learning loss and accelerate learning progress for pupils, as needed, including how these strategies differ for pupils who are English learners; low-income; foster youth; pupils with exceptional needs; and pupils experiencing homelessness.]

MUSD has reassigned two credentialed teachers to provide 1:1 or small group instruction for EL students (one at the K-8 levels and one at the high school). MUSD's waiver for in-person instruction was approved so some of this instruction could take place in-person as well. The waiver also allows in-person instruction to pupils with exceptional needs and families without internet or childcare.

For students identified as at risk that need intervention services, teachers will implement targeted small group instruction (in-person and distance learning) to remediate learning loss and accelerate learning progress. Teachers differentiate instruction, reteach, accommodate and modify in the general education classroom (small groups, individualized instruction, and break out rooms in Zoom during distance learning). Additionally, at-risk students receive small group targeted intervention to remediate skills. English language learners receive same supports as at-risk students in general education classrooms plus small group targeted English language development services (some in person and some through Zoom during distance learning).

Accelerated learning will be used at the general education level (teach grade level common core standards, but embed remediation where content instruction was missed due to COVID to catch students up).

Effectiveness of Implemented Pupil Learning Loss Strategies

[A description of how the effectiveness of the services or supports provided to address learning loss will be measured.]

Curriculum based summative assessments given at the end of units as well as progress monitoring given throughout the year to assess ongoing learning status

Standardized assessments: English language learners take the ELPAC in the spring. All students take the CAASP in spring.

Student Support Team & Family Engagement Support Team will follow-up with students, families, and teachers to troubleshoot how to support students who are not progressing.

Actions to Address Pupil Learning Loss [additional rows and actions may be added as necessary]

Description	Total Funds	Contributing
Reassignment of dedicated English language development teachers at the K-8 and high school levels	\$45,538	Yes

Mental Health and Social and Emotional Well-Being

[A description of how the LEA will monitor and support mental health and social and emotional well-being of pupils and staff during the school year, including the professional development and resources that will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community.]

MUSD is committed to providing social, emotional, and mental health support to students, staff, and families wherever possible in the 2020-2021 school year and beyond. Within the specific limits placed upon the environment due to distance learning, we have identified the following supports to further develop and refine over the course of the school year:

- For physical needs that students and families have experienced and continue to experience in greater amounts due to uncertainties related to Covid-19, we have expanded our Family Resource Center, delivering food on a weekly basis to families and providing additional support for those experiencing financial crises. The food delivery is in addition to lunches provided for all MUSD students this academic year, which are delivered to outlying schools and to families who cannot easily access those places, including those experiencing homelessness. Technology and connectivity outreach and financial support has reduced stress and anxiety for both families and students.
- For social, emotional, and mental health support for students, we are continuing to offer both one-to-one counseling and are developing group formats to provide regular opportunities for support and check-ins with our professional helping staff. We are planning weekly small group virtual meetings during Personal Success Period for HS students with Advisors to support both personal and academic wellness. We are also collecting and disseminating trauma-informed resources for teachers to use within their classrooms to increase SEL opportunities, along with guidelines to help teachers recognize social/emotional needs in the virtual format, so that students can be efficiently referred. HS utilizes Universal Behavior Screening which initially was implemented for RTI/PBIS but has shifted focus towards engagement and mental health wellness during our distance learning.
- For staff, we are developing dedicated support initiatives, including one-to-one support; resource sharing; supportive emails; and time for dedicated check-ins with other staff members.

- For the entire community, we are building a website for resources specific to individual populations, including students, families, and staff. The website will be a hub for information about both local and national organizations, as well as a place for students to self-refer and for families to learn about social-emotional supports in our district.

Pupil and Family Engagement and Outreach

[A description of pupil engagement and outreach, including the procedures for tiered reengagement strategies for pupils who are absent from distance learning and how the LEA will provide outreach to pupils and their parents or guardians, including in languages other than English, when pupils are not meeting compulsory education requirements, or if the LEA determines the pupil is not engaging in instruction and is at risk of learning loss.]

The K-8 School and Mendocino High School have created Family Engagement Teams. These teams will meet regularly to review student progress, engagement, and attendance. When a student is struggling for any reason, the family engagement team will contact the family and the student to determine what the limiting factors are and which supports and services would best fit their needs. Individual teachers will be following up with students who are not attending distance learning lessons without a valid excuse. If any unexcused absences continue, the student will be referred to the Family Engagement Team for extra support. Our bilingual social worker is on both of the teams and prepared to offer supports for our Spanish speaking families. If a student isn't progressing or is at risk of learning loss, they will be referred to the student support teams at their respective grade levels for plans for learning strategies and possible assessment and remediation.

SELPA will, in collaboration with MUSD staff:

- Provide support to develop plans and intervention strategies related to classroom engagement and re-integration. Support can also be provided in developing plans and interventions to support independence and engagement with distance learning done from home.
- Provide support in navigating agencies and community services (DHHS, Regional Center, etc.)
- Training district staff in parent outreach and relationship building including tiered responses (phone calls, letters, home visits) and documentation strategies.

School Nutrition

[A description of how the LEA will provide nutritionally adequate meals for all pupils, including those students who are eligible for free or reduced-price meals, when pupils are participating in both in-person instruction and distance learning, as applicable.]

Our District Business Manager worked closely with our California Department of Education Nutritional Consultant, our Cook Manager, and our District Free and/or Reduced Lunch Record keeper to qualify MUSD for the Community Eligibility Provision (CEP) that allows every student in our District, regardless of socioeconomic status, to get free lunches and breakfasts. On Mondays, Wednesdays, and Fridays, lunches and breakfasts are being delivered to Albion School, Comptche School, and Greenwood Preschool. Lunches are also available for pick-up at the Mendocino K-8 School. In addition, for parents unable to leave their homes, we are delivering lunches to their door. If students are on campus for in-person instruction, lunches are available from 12:00 - 1:00 and can be delivered to the high school during that time as well.

Additional Actions to Implement the Learning Continuity Plan [additional rows and actions may be added as necessary]

Section	Description	Total Funds	Contributing
[The section of the Learning Continuity Plan related to the action described; may put N/A if the action does not apply to one specific section]	[A description of what the action is; may include a description of how the action contributes to increasing or improving services]		

Increased or Improved Services for Foster Youth, English Learners, and Low-Income Students

Percentage to Increase or Improve Services	Increased Apportionment based on the Enrollment of Foster Youth, English Learners, and Low-Income students
%	

Required Descriptions

[For the actions being provided to an entire school, or across the entire school district or county office of education (COE), an explanation of (1) how the needs of foster youth, English learners, and low-income students were considered first, and (2) how these actions are effective in meeting the needs of these students.]

All of the actions in this plan in MUSD put English learners, foster youth, and low-income students first. The staff reassignments were made to help get lunches to the doorsteps of low-income families, get internet access to low-income families, and to provide 1:1 or small group instruction to those families that need it most.

[A description of how services for foster youth, English learners, and low-income students are being increased or improved by the percentage required.]

Dedicated certificated staff member assigned to English language development through 1:1 or small group instruction. Internet access and tech devices are being provided for low-income families.

Payment Id	Check #	Check Amt	Comment	Status	Cancelled	125.00	425.00	1,645.67	1,123.89	1,231.70	33.15	1,757.00	206.01	120.00	1,826.16	20.00	20.00
	01		DMV Physical	01-0740-0-5813-001-0000-3600-0000													125.00
			Reversal of EX21-00269	01-0740-0-5813-001-0000-3600-0000													125.00
	01		Open P.O. Water Testing	01-8150-0-5800-001-0000-8110-2096													425.00
	01		Quote 2104380567, Misc. Supplies	01-0000-0-4300-001-0000-2420-9015													40.99
			Digital Arts Computer	01-0000-0-4400-150-1110-1000-1171													16.81
			Quote 2104380567, Misc. Supplies	01-6387-0-4400-150-3800-1000-0000													15.50
			Quote 2104380567, Misc. Supplies	01-0000-0-4300-001-0000-2420-9015													223.30
			Quote 2104380567, Misc. Supplies	01-0000-0-4300-001-0000-2420-9015													285.87
			Laptop for Lora Barnett	01-0000-0-4300-001-0000-2420-9015													266.34
			Digital Arts Computer	01-0000-0-4400-150-1110-1000-1171													249.00
			Digital Arts Computer	01-0000-0-4400-150-1110-1000-1171													207.60
			Digital Arts Computer	01-6387-0-4400-150-3800-1000-0000													191.40
			Digital Arts Computer	01-0000-0-4400-150-1110-1000-1171													38.73
			Digital Arts Computer	01-6387-0-4400-150-3800-1000-0000													35.70
			Digital Arts Computer	01-0000-0-4400-150-1110-1000-1171													74.43
	01		Laptop for Lora Barnett	01-0000-0-4400-150-1110-1000-1171													1,123.89
	01		Kim Humrichouse Membership	01-0000-0-5300-220-0000-2700-0000													1,123.89
	01		Hard Drives and Memory Upgrades	01-0000-0-4300-001-0000-2420-9015													1,231.70
	63		Shipping Services	01-0000-0-4300-001-0000-2420-9015													1,231.70
	01		Water Testing, Treatment	63-0000-0-5904-001-0000-6000-0000													33.15
	01		Water Testing, Treatment	01-8150-0-5800-001-0000-8110-2096													1,757.00
	01		Textbooks for HS	01-8150-0-5800-001-0000-8110-2096													1,757.00
	01		Water Testing	01-0000-0-4200-150-1110-1000-9009													206.01
	01		Sewer Service	01-0000-0-5530-001-0000-8200-0000													206.01
	01		Sewer Service	01-0000-0-5530-001-0000-8200-0000													206.01
	01		Sewer Service	01-0000-0-5530-001-0000-8200-0000													206.01
	01		Dispenser Rental	01-0000-0-4300-199-1110-1000-9009													20.00

Payment Id	Check #	Check Amt	Status	Cleared	Comment	NCSIG (0NCSIG/1)	
	01	85,492.00			Liability Insurance	01-0000-0-5450-001-0000-7200-0000	85,492.00
	63	265.00			Phone Services	01 COMMUNICATIONS (01COMM/1)	265.00
	01	62.03			Electricity for District	PG&E (00PG&E/1)	62.03
						01-0000-0-5510-001-0000-8200-0000	8.80
						01-0000-0-5510-006-0000-8200-0000	8.03
						01-0000-0-5510-150-0000-8200-0000	30.76
						01-0000-0-5510-220-0000-8200-0000	5.02
						01-0000-0-5510-221-0000-8200-0000	1.88
						01-0000-0-5510-223-0000-8200-0000	.63
						01-0000-0-5510-246-0000-8200-0000	2.51
						01-0740-0-5510-001-0000-8200-0000	3.14
						12-6105-0-5510-222-7110-8200-0000	1.26
	01	2,327.76			ROSSI BUILDING MATERIALS (ROSSIB/1)		2,327.76
						01-8150-0-4300-001-0000-8110-0000	234.14
						01-8150-0-4300-001-0000-8110-0000	650.07
						01-8150-0-4300-001-0000-8110-0000	352.49
						01-8150-0-4300-001-0000-8110-0000	107.90
						01-8150-0-4300-001-0000-8110-0000	35.03-
						01-8150-0-4300-001-0000-8110-0000	130.64
						01-8150-0-4300-001-0000-8110-9987	760.18
						01-8150-0-4300-001-0000-8110-0000	127.37
	01	108,595.25			SISC MEDICAL (SISCME/1)		108,595.25
						01-0000-0-9514-000-0000-0000-0000	
	12	63.41			SOLID WASTE OF WILLITS INC (SOLIDW/1)		63.41
						12-6105-0-5540-222-7110-8200-0000	63.41
	01	9.71			WAXIE SANITARY SUPPLY (009737/1)		9.71
						01-0000-0-4300-001-0000-8200-0000	
	63	16.25			WHISPERING PINES WATER (WHISPE/2)		16.25
						63-0000-0-5500-001-0000-6000-0000	
	01	135.88			WILLITS POWER (WILLIT/1)		135.88
						01-8150-0-4300-001-0000-8110-0000	135.88
	63	349.64			WIZARD TOWER TECHNOLOGIES (WIZARD/1)		349.64
						63-0000-0-5903-001-0000-6000-0000	
	21	205,830.51			Totals for Register 000121		205,830.51

2021 FUND-OBJ Expense Summary / Register 000121 (continued)

2021 FUND-OBJ Expense Summary / Register 000121

01-4200	206.01		
01-4300	4,541.55		
01-4400	829.17		
01-5300	1,123.89		
01-5450	85,492.00		
01-5510	60.77		
01-5530	1,826.16		
01-5800	2,302.00		
01-5813	.00		.00
01-9110*			204,976.80-
01-9514	108,595.25		
Totals for Fund 01	204,976.80	204,976.80-	
12-5510	1.26		
12-5540	63.41		
12-9110*			64.67-
Totals for Fund 12	64.67	64.67-	
63-5500	16.25		
63-5903	614.64		
63-5904	33.15		
63-9110*			664.04-
Totals for Fund 63	664.04	664.04-	
Totals for Register 000121	205,705.51	205,705.51-	

* denotes System Generated entry

Net change to Cash 9110 205,705.51-Credit

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Register 000122 - 08/20/2020

Bank Account COUNTY - AP Checks

Payment Id	Check #	Check Amt	Comment	Status	Printed	5.04	142.66	111.32	625.97	178.24	307.60	1,330.42	890.00	363.00	201.77	2,343.51	913.43	1260842	
	795339																		
	EP21-00022		Fuel (School Tank Inaccessible)																
	795340																		
	EP21-00023		Classroom Supplies																
	795341																		
	EP21-00024		Food for Families, Mileage																
	795342																		
	EP21-00020		Food and Mileage for FRC																
	EP21-00018		Maintenance Mileage 7/27 - 7/29																
	EP21-00025		Maintenance Mileage 8/10 - 8/12																
	795344																		
	EP21-00019		iPad Repair Kit																
	795345																		
	522645		Security and Monitoring																
	795346																		
	BWUS10536954		Open Purchase Order for Telephone Services																
	795347																		
	DP21-00027		ADA Membership Dues																
	DP21-00028		20/21 Conference Dues																
	795348																		
	233008824 20-21		Greenwood License Fee																
	795349																		
	20239		Water Monitoring, Greenwood																
	795350																		
	466589		Fire Extinguisher Service																
	466590		Fire Extinguisher Service																
	466591		Fire Extinguisher Service																
	466592		Fire Extinguisher Service																
	795351																		
	1260842		Advertising																

Selection

Sorted by Check Number, Inv #, Include Address=No, (Org = 46, Source = N, Pay To = N, Payment Method = N, Starting Check Date = 8/20/2020, Ending Check Date = 8/20/2020, Summary? = Y, Sort/Group 1 = 1, Sort/Group 2 =)

ESCAPE ONLINE

Page 1 of 8

Payment Id	Comment	Check Amt	Status	Printed	Check Amt	Status	Printed	Check Amt	Status	Printed
Check # 795351	63	913.43	Printed	FORT BRAGG ADVOCATE NEWS MENDOCINO BEACON (FBADVO/2) - continued	403.93					
1260890	Open PO for Classified Advertising	01-0000-0-5811-001-0000-7200-0000								
Check # 795352	63	24.46	Printed	CYPRESS HOLDINGS INC (HARVES/2)	24.46					
49497 JULY 2020	Supplies	63-0000-0-4300-001-0000-6000-0000								
Check # 795353	13	1,200.00	Cleared	HEARTLAND SCHOOL SOLUTIONS (HEARTL/2)	1,200.00					
HSSREC008189	Mosaic Cloud Annual Subscription	13-5310-0-5800-001-0000-3700-0000								
Check # 795354	63	29.13	Cleared	CONNECTIV, LLC (ICONEC/1)	29.13					
L-10189725	LNP Annual Remittance	63-0000-0-5903-001-0000-6000-0000								
Check # 795355	01	133.47	Cleared	MATSON'S BLDG MATERIALS (MATSON/1)	133.47					
B129539 LESS CREDITS	Redwood Boards	01-8150-0-4300-001-0000-8110-0000								
Check # 795356	01	366.36	Printed	MENDOCINO CITY COMM. SERV'S (MCITYC/1)	366.36					
C02002-194	Sewer Service	63-0000-0-5530-001-0000-6000-0000								
C02040-194	Sewer Service	01-0000-0-5530-001-0000-8200-0000								
Check # 795357	01	397.87	Printed	MENDOCINO GARDEN SHOP (MGARDE/1)	397.87					
13195 13227	Landscape Supplies	01-8150-0-4300-001-0000-8110-0000								
Check # 795358	01	80.00	Printed	MOUNTAIN FRESH SPRING WATER (MOUNTA/1)	80.00					
4607 HIGH SCHOOL	Water Dispenser Rental	01-0000-0-4300-199-1110-1000-9009								
4610	MUSD K-8 Dispenser Rental	01-0000-0-4300-220-1110-1000-9009								
Check # 795359	01	53.93	Printed	OCEAN VIEW RV (OCEANV/1)	53.93					
129133	Jack Marine 1K SW	01-8150-0-4300-001-0000-8110-0000								
Check # 795360	01	107.86	Printed	OFFICE DEPOT (OFFICD/2)	107.86					
504142571001	Office and Classroom Supplies	01-0000-0-4300-150-0000-2700-9009								
Check # 795361	01	3,513.96	Cleared	PG&E (00PG&E/1)	3,513.96					
0483535710-6JULY2020	Electricity for District	01-0000-0-5510-150-0000-8200-0000								
4668452137-3JULY2020	Electricity for District	01-0000-0-5510-001-0000-8200-0000								
		01-0000-0-5510-150-0000-8200-0000								
		01-0000-0-5510-220-0000-8200-0000								
		01-0000-0-5510-221-0000-8200-0000								
		01-0000-0-5510-223-0000-8200-0000								
		01-0740-0-5510-001-0000-8200-0000								
		12-6105-0-5510-222-7110-8200-0000								
Check # 795362	21	47,561.20	Printed	QUATTROCCHI KWOK ARCHITECTS (QUATTR/1)	47,561.20					
21347	MHS Bond Architectural Services	21-0000-0-6200-150-0000-8500-9911								
Check # 795363	63	548.32	Cleared	ROSSI BUILDING MATERIALS (ROSSIB/1)	548.32					

Payment Id	Comment	Check Amt	Status	Cleared	ROSSI BUILDING MATERIALS (ROSSIB/1) - continued	
Check # 795363	63	548.32				
2007-141436	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	43.60
2007-141921	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	58.55
2007-143426	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	76.26
2007-143589	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	20.75
2007-144278 RETURN	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	22.97-
2007-144319	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	34.54
2007-144321	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	20.48
2007-151694	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	119.20
2007-151706	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	3.91
2007-153502	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	86.63
2007-156546	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	108.20
2007-156660 RETURN	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	11.89-
2007-156561	Open PO for Supplies				63-0000-0-4300-001-0000-6000-0000	11.06
Check # 795364	63	2,214.76			SUMO FIBER (SUMOFI/1)	
211656	Phone Services				63-0000-0-5903-001-0000-6000-0000	2,214.76
Check # 795365	01	53.94			THOMPSON'S PORTASEPTIC INC. (THOMPS/1)	
10741	Soccer Field Unit				01-0000-0-5800-150-1110-4200-0000	53.94
Check # 795366	01	6,815.75			US BANK CORPORATE PAYMENT SYS (USBANK/2)	
9372941443	Laptop for Molly Root				01-0000-0-4400-220-1110-1000-9009	333.86
DP20-00432	AmericanFlags.com				01-0000-0-4400-220-1110-2420-1171	1,500.00
DP20-00433	Vinny's Pizza Gift Certificate				01-0000-0-4300-150-0000-2700-9009	99.62
DP20-00434	Honors Graduation				01-0001-0-4300-150-1110-1000-1133	100.00
DP20-00435	Frankies Gift Certificate				01-0000-0-4300-150-1110-1000-9009	153.38
DP20-00436	Cafe Beaujolais Gift Certificate				01-0001-0-4300-150-1110-1000-1133	9.84
DP20-00437	Goodlife Cafe Gift Certificate				01-0001-0-4300-150-1110-1000-1133	400.00
DP20-00438	Trillium Cafe Gift Certificate				01-0001-0-4300-150-1110-1000-1133	100.00
DP20-00439	10 Gift Certificates, Mendocino Market				01-0001-0-4300-150-1110-1000-1133	1,000.00
DP20-00440	Comers Gift Certificate				01-0001-0-4300-150-1110-1000-1133	100.00
DP20-00441	Harvest Market Gift Certificate				01-0001-0-4300-150-1110-1000-1133	100.00
DP20-00442	Elk Store Gift Certificate				01-0001-0-4300-150-1110-1000-1133	100.00
DP20-00443	Frankie's Gift Certificate				01-0001-0-4300-150-1110-1000-1133	200.00
DP20-00444	Starbucks Gift Certificate				01-0001-0-4300-150-1110-1000-1133	100.00
DP20-00445	Goodlife Gift Certificates				01-0001-0-4300-150-1110-1000-1133	400.00
DP20-00446	Luna Trattoria Gift Certificate				01-0001-0-4300-150-1110-1000-1133	100.00
DP20-00447	Stamps				01-0000-0-4300-150-0000-2700-9009	22.00
DP20-00448	reMarkable Tablet				01-0000-0-4300-150-0000-2700-9009	479.00

Payment Id	Comment	Check Amt	6,815.75	Status	Printed	US BANK CORPORATE PAYMENT SYS (USBANK/2) - continued	
DP20-00448	reMarkable Tablet	01				01-0000-0-4300-150-0000-2700-9009	37.72
DP20-00449	Quill.com					01-0000-0-4300-150-0000-2700-9009	20.12
DP20-00450	Quill.com					01-0000-0-4300-150-0000-2700-9009	54.70
DP20-00451	Amazon, Face Shield					01-0000-0-4300-150-0000-2700-9009	36.67
DP21-00022	Face Masks, Amazon					01-0000-0-4300-150-0000-2700-9009	86.28
DP21-00023	Thermometers, Amazon					01-0000-0-4300-150-0000-2700-9009	130.50
DP21-00024	Life Prep Guides, Educate CA					01-0000-0-4300-150-1110-1000-9009	149.72
DP21-00025	SPEED Reading Materials					01-0811-0-4300-220-5770-1120-0000	24.95
DP21-00026	SPEED Reading Materials					01-0811-0-4300-220-5770-1120-0000	24.95
Check # 795367		63	844.14	Status	Cleared	WALKER AND ASSOCIATES INC (WALKE/2)	
IN00984773	Supplies					63-0000-0-4300-001-0000-6000-0000	844.14

Check # 795368	01	1,024.12	Status	Cleared	XEROX CORPORATION (XEROXC/2)		
010886313	Copy Machine Rental				12-6105-0-5600-222-7110-1000-0000	48.42	
011020818	Copy Machine Rental				01-0000-0-5600-150-0000-2420-0000	150.38	
011020819	Copy Machine Rental				01-0000-0-5600-001-0000-7200-0000	198.04	
011020820	Copy Machine Rental				01-0000-0-5600-150-0000-2700-0000	146.04	
011020821	Copy Machine Rental				01-0000-0-5600-220-0000-2700-0000	234.21	
011020822	Copy Machine Rental				01-0000-0-5600-246-0000-2700-0000	48.46	
011020823	Copy Machine Rental				01-0000-0-5600-221-0000-2700-0000	48.45	
011056488	Copy Machine Rental				01-0000-0-5600-155-0000-2700-0000	150.12	
Check # 795369		63	110.00	Status	Printed	DexYP (0000YPI)	
800438395AUGUST2020	Yellow Pages Advertising					63-0000-0-5811-001-0000-6000-0000	110.00

Number of Items	31	72,695.78	Totals for Register 000122
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2021 FUND-OBJ Expense Summary / Register 000122			
01-4300	1,953.33		
01-4400	1,833.86		
01-5200	497.94		
01-5300	890.00		
01-5510	3,438.46		
01-5530	244.92		
01-5600	975.70		
01-5800	2,397.45		
01-5811	403.93		
01-9110*		17,508.68-	

2021 FUND-OBJ Expense Summary / Register 000122 (continued)

01-9500*	4,873.09	
Totals for Fund 01	17,508.68	17,508.68-
12-5300	363.00	
12-5510	75.50	
12-5530	201.77	
12-9110*		688.69-
12-9500*	48.42	
Totals for Fund 12	688.69	688.69-
13-5800	1,200.00	
13-9110*		1,200.00-
Totals for Fund 13	1,200.00	1,200.00-
21-6200	47,561.20	
21-9110*		47,561.20-
Totals for Fund 21	47,561.20	47,561.20-
63-4300	1,416.92	
63-5200	5.04	
63-5530	121.44	
63-5811	619.50	
63-5903	3,574.31	
63-9110*		5,737.21-
Totals for Fund 63	5,737.21	5,737.21-
Totals for Register 000122	72,695.78	72,695.78-

2020 FUND-OBJ Summary / Register 000122

01-4300	4,613.05	
01-5800	307.60	
01-9502*		4,873.09-
01-9550*		47.56-
Totals for Fund 01	4,920.65	4,920.65-
12-5600	48.42	
12-9502*		48.42-
Totals for Fund 12	48.42	48.42-

2020 FUND-OBJ Summary / Register 000122 (continued)

Total for Fiscal Year 2020	4,969.07	4,969.07
01-4300	1,953.33	
01-4400	1,833.86	
01-5200	497.94	
01-5300	890.00	
01-5510	3,438.46	
01-5530	244.92	
01-5600	975.70	
01-5800	2,397.45	
01-5811	403.93	
01-9110*		17,508.68-
01-9500*	4,873.09	
Totals for Fund 01	17,508.68	17,508.68-
12-5300	363.00	
12-5510	75.50	
12-5530	201.77	
12-9110*		688.69-
12-9500*	48.42	
Totals for Fund 12	688.69	688.69-
13-5800	1,200.00	
13-9110*		1,200.00-
Totals for Fund 13	1,200.00	1,200.00-
21-6200	47,561.20	
21-9110*		47,561.20-
Totals for Fund 21	47,561.20	47,561.20-
63-4300	1,416.92	
63-5200	5.04	
63-5530	121.44	
63-5811	619.50	
63-5903	3,574.31	
63-9110*		5,737.21-
Totals for Fund 63	5,737.21	5,737.21-
Total for Fiscal Year 2021	72,695.78	72,695.78-

Totals for Register 000122	77,664.85	77,664.85-
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* denotes System Generated entry

Net change to Cash 9110 72,695.78 - Credit

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Payment Id	Check #	Check Amt	Comment	Status	Printed	110.03
EP21-00028	01		Seeds, Traps, Irrigation Supplies	01-6387-0-4300-150-1110-1000-0000		110.03
EP21-00030	63		Mileage 7/21 - 8/13, Fuel for Generators	63-0000-0-4300-001-0000-6000-0000 63-0000-0-5200-001-0000-6000-0000		42.00 51.63
EP21-00029	01		Garden Supplies	01-0001-0-4300-001-1110-1000-1138		151.18
EP21-00027	63		Pectin, Spinach for Pesto	13-5310-0-4700-001-0000-3700-0000		66.59
EP21-00029	63		Dispatch Mileage 7/29 - 8/12	63-0000-0-5200-001-0000-6000-0000		60.37
449794997476	01		Wall Mount File Organizer	01-0000-0-4300-001-0000-7200-0000		66.87
456375435477	63		Screen Protectors and VGA Adapter	01-0000-0-4300-001-0000-2420-9015		41.30
476598977663	63		Paper Clips for DO	01-0000-0-4300-001-0000-7200-0000		10.24
655784477878	63		Touchless Water Bottle Filling Stations	01-0000-0-4300-001-0000-8200-9987		6,222.23
783984697569	63		Paper Clips for DO	01-0000-0-4300-001-0000-7200-0000		15.09
949948663897	63		Post It Notes for DO	01-0000-0-4300-001-0000-7200-0000		10.78
AC34157029	01		Digital Arts Computer	01-0000-0-4400-150-1110-1000-1171		1,236.86
AC35758766	63		Laptop for Lora Barnett	01-6387-0-4400-150-3800-1000-0000		1,140.31
AUGUST 20-21	01		Dental Benefits	01-0000-0-4400-150-1110-1000-1171		1,297.42
15196217	01		Telephone Services	01-0000-0-5903-001-0000-7200-0000		107.49
	01		Telephone Services	01-0000-0-5903-150-0000-2700-0000		185.05
	01		Telephone Services	01-0000-0-5903-155-3100-2700-0000		20.84
	01		Telephone Services	01-0000-0-5903-220-0000-2700-0000		245.60
	01		Telephone Services	01-0000-0-5903-221-0000-2700-0000		61.18
	01		Telephone Services	01-0000-0-5903-246-0000-2700-0000		81.16
	01		Telephone Services	01-0740-0-5903-001-0000-3600-0000		19.18
	01		Telephone Services	12-6105-0-5903-222-7110-8200-0000		61.19
	01		Telephone Services	01-0000-0-5903-150-0000-2700-0000		21.37
	01		Telephone Services	01-0000-0-5903-220-0000-2700-0000		19.18
3064526509	63		Telephone Services	63-0000-0-5903-001-0000-6000-0000		2,249.74
3064526509	01		Telephone Services	63-0000-0-5903-001-0000-6000-0000		2,249.74
Selection	Sorted by Check Number, Inv #, Include Address=No, (Org = 46, Source = N, Pay To = N, Payment Method = N, Starting Check Date = 8/27/2020, Ending Check Date = 8/27/2020, Summary? = Y, Sort/Group 1 = 1, Sort/Group 2 =)					

Payment Id	Check #	Check Amt	Status	Printed	Comment	CPM EDUCATIONAL PROGRAM (CPMEDU/1) - continued
	2003140-IN		01	1,495.94	50 Core Connections Course 2 Toolkits	01-6300-0-4200-220-1110-1000-0000
	2003336-IN				8th Grade Math Supplies	01-6300-0-4200-220-1110-1000-0000
	Check # 795882		01	660.00	Check Amt	DEMATTEO, PATTIE (PDEMAT/1)
5088	DP21-00031				6 months Reconciliations & Board Reports	01-0000-0-5800-150-0000-2700-9009
	Check # 795883		01	230.00	Check Amt	K8 Bank Reconciliations & Board Reports, 6 months
	VQ 202057208				EPA ID Verification	01-0740-0-5800-001-0000-3600-0000
	Check # 795884		01	979.32	Check Amt	CYPRESS HOLDINGS INC (HARVES/2)
49494JULY2020	JULY2020 49494				Maintenance, Transportation, Cafeteria Supplies	01-8150-0-4300-001-0000-8110-0000
	Check # 795885		01	156.42	Check Amt	Plastic Sheeting for Covid
I-1855	Check # 795886		01	117.01	Check Amt	J&C Books (J&CBOO/1)
DP20-00452	Check # 795887		14	39,701.00	Check Amt	Classroom Textbooks
	DP21-00029				Asphalt Sealing Project	01-0000-0-4300-150-1110-1000-9009
	Check # 795888		01	520.00	Check Amt	RA Construction, Inc. (RACONS/1)
IN21-00133	Check # 795889		01	128.00	Check Amt	14-0000-0-5800-001-0000-8100-0000
	461214				Fingerprinting	SCHOOL & COLLEGE LEGAL SVCS (SCHAND/1)
	Check # 795890		01	949.63	Check Amt	01-0000-0-5802-001-0000-7110-0000
SEPTEMBER 20 - 21	Check # 795891		01	100.80	Check Amt	Legal Services
	398375-5				Blanket Purchase Order for Equipment Rental	01-0000-0-5814-001-0000-7200-0000
	Check # 795892		13	3,050.00	Check Amt	SUN LIFE FINANCIAL (SUNLIF/1)
DP21-00030	Check # 795893		63	3,769.01	Check Amt	Employee Life Insurance
133051359-0	Check # 795894		01	152.96	Check Amt	01-0000-0-9514-000-0000-0000-0000
	011108707				Copy Machine Rental	THE RENTAL PLACE (RENTAL/2)
					Titan School Solutions (TITANS/1)	01-8150-0-5600-001-0000-8110-0000
					Cafeteria Program Subscription for 20/21	TITAN SCHOOL SOLUTIONS (TITANS/1)
					Phone Services	13-5310-0-5800-001-0000-3700-0000
					Copy Machine Rental	TPX COMMUNICATIONS (TPXCOM/1)
						63-0000-0-5903-001-0000-6000-0000
						XEROX CORPORATION (XEROXC/2)
						01-0000-0-5600-220-0000-2420-0000

Number of Items 23 Totals for Register 000123

2021 FUND-OBJ Expense Summary / Register 000123

Selection Sorted by Check Number, Inv #, Include Address=No, (Org = 46, Source = N, Pay To = N, Payment Method = N, Starting Check Date = 8/27/2020, Ending Check Date = 8/27/2020, Summary? = Y, Sort/Group 1 = 1, Sort/Group 2 =)

2021 FUND-OBJ Expense Summary / Register 000123 (continued)

01-4200	1,652.36	
01-4300	7,607.04	
01-4400	3,674.59	
01-5600	253.76	
01-5800	890.00	
01-5802	520.00	
01-5814	128.00	
01-5903	761.05	
01-9110*		17,118.19-
01-9500*	117.01	
01-9514	1,514.38	
Totals for Fund 01	17,118.19	17,118.19-
12-5903	61.19	
12-9110*		61.19-
Totals for Fund 12	61.19	61.19-
13-4700	66.59	
13-5800	3,050.00	
13-9110*		3,116.59-
Totals for Fund 13	3,116.59	3,116.59-
14-5800	39,701.00	
14-9110*		39,701.00-
Totals for Fund 14	39,701.00	39,701.00-
63-4300	42.00	
63-5200	112.00	
63-5903	6,018.75	
63-9110*		6,172.75-
Totals for Fund 63	6,172.75	6,172.75-
Totals for Register 000123	66,169.72	66,169.72-

2020 FUND-OBJ Summary / Register 000123

01-4300	117.01	
01-9502*		117.01-
Total for Fiscal Year 2020 and Fund 01	117.01	117.01-

2021 FUND-OBJ Summary / Register 000123 (continued)

01-4200	1,652.36	
01-4300	7,607.04	
01-4400	3,674.59	
01-5600	253.76	
01-5800	890.00	
01-5802	520.00	
01-5814	128.00	
01-5903	761.05	17,118.19-
01-9110*		
01-9500*	117.01	
01-9514	1,514.38	
Totals for Fund 01	17,118.19	17,118.19-
12-5903	61.19	
12-9110*		61.19-
Totals for Fund 12	61.19	61.19-
13-4700	66.59	
13-5800	3,050.00	
13-9110*		3,116.59-
Totals for Fund 13	3,116.59	3,116.59-
14-5800	39,701.00	
14-9110*		39,701.00-
Totals for Fund 14	39,701.00	39,701.00-
63-4300	42.00	
63-5200	112.00	
63-5903	6,018.75	
63-9110*		6,172.75-
Totals for Fund 63	6,172.75	6,172.75-
Total for Fiscal Year 2021	66,169.72	66,169.72-
Totals for Register 000123	66,286.73	66,286.73-

* denotes System Generated entry

Net change to Cash 9110 66,169.72- Credit

Mendocino Unified School District



MINUTES

Regular Board Meeting

AUGUST 26, 2020

**MENDOCINO K-8 SCHOOL
44261 LITTLE LAKE ROAD
MENDOCINO, CA 95460**

3:30 P.M. CLOSED SESSION - VIA TELECONFERENCE

4:00 P.M. OPEN SESSION - VIA TELECONFERENCE

<https://zoom.us/j/94354348812?pwd=T0ZpTFNxdHM4dWVxRW1zR0tMS0ROZz09>

Meeting ID: 943 5434 8812 Passcode: 3fVXWR

Dial by your location

+1 669 900 9128 US (San Jose)

Meeting ID: 943 5434 8812 Passcode: 376508

Please "mute" your device during the meeting.

MUSD is not available for technical support for remote meetings.

If the public wishes to make a comment regarding any closed session item before the Board adjourns to closed session, please email JMorse@mcn.org

Board Priorities

- *Develop and expand community partnerships and communication*
- *Increase learning and achievement for all students, families, and staff*
- *Plan wisely for the future while maintaining fiscal integrity*
- *Maintain and improve the physical plant*

Any writings distributed either as part of the Board packet, or within 72 hours of a meeting, can be viewed at the District Office: 44141 Little Lake Road, Mendocino, CA 95460. Board backup materials are also located on the MUSD website at <http://www.mendocinoused.org/District/2285-Untitled.html>

In compliance with Government Code section 54954.2(a) Mendocino Unified School District will, on request, make agendas available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals who need this agenda in an alternative format or who need a disability related modification or accommodation in order to participate in the meeting should contact, Erin Placido Exec. Assistant to the Superintendent, in writing at P.O. Box 1154, Mendocino, CA 95460 or via email at doerin@mcn.org.

MENDOCINO UNIFIED SCHOOL DISTRICT IS PROUD TO BE AN EQUAL OPPORTUNITY EMPLOYER

1. 3:30 P.M., CLOSED SESSION CALL TO ORDER AND ROLL CALL

- 1.1. Call to order and roll call

The meeting was called to order at 3:32 P.M. Virtually present were Trustees Gay, Grinberg, Aum, Schaeffer, Morton and Student Trustee Jung.

- 1.2. The President will verbally identify the agenda items to be discussed during closed session as listed below.

The President verbally identified the agenda items to be discussed.

2. PUBLIC HEARING FOR CLOSED SESSION

Members of the public may take this opportunity to comment on closed session agenda items per Board Policy 9322. Under the requirements of the Brown Act open meeting law, members of the community wishing to address an item on the closed session agenda may do so at this time. Items not on the agenda cannot be addressed at this time. A three-minute limit is set for each speaker on all items. The total time for public input on each item is limited to 20 minutes. (Government Code 54954.3).

No one from the public commented.

3. CLOSED SESSION

The Board will adjourn to closed session pursuant to Government Code 54950 - 54962.

Closed session attendees include Board members and Superintendent Jason Morse.

- 3.1. Conference with labor negotiators (Government Code 54957.6)

Agency Representative: Superintendent Jason Morse

Employee organizations: CEMUS and MTA bargaining units and unrepresented employees

- 3.2. Employment/Personnel Changes

4. 4:00 P.M. RECONVENE TO OPEN SESSION

- 4.1. Call to order and roll call

The meeting was called to order at 4:07 P.M. Virtually present were Trustees Gay, Grinberg, Aum, Schaeffer, Morton and Student Trustee Jung.

- 4.2. Closed session disclosure

Any reportable action taken during closed session will be disclosed at this time.

Nothing was disclosed from Closed Session.

- 4.3. Approval of agenda

Items to be removed from the agenda or changes to the agenda should be done at this time.

MSA Morton/Grinberg (5/0) to approve the agenda as presented.

5. CONSENT AGENDA

Items on the consent agenda are passed in one motion without discussion. Any item may be pulled from the consent agenda by any member of the Board and moved to action when approving the agenda. (action)

- 5.1. Approval of Warrants

5.1.1. 6/11/20, 6/18/20, 6/25/20, 7/9/20, 7/16/20, 7/23/20, 7/30/20, 8/6/20

- 5.2. Approval of Minutes

5.2.1. Board Meeting Minutes: 6/18/20, 7/7/20, 7/23/20, 7/29/20, 8/13/20

- 5.3. Approval of Employment/Personnel Changes

5.3.1. Change Job Title, Classified Employee, 8.0 hours/day, effective 4/1/20

5.3.2. Change Job Title, Classified Employee, 8.0 hours/day, effective 4/1/20

5.3.3. Hire, MCN Operations Tech, 8.0 hours/day, effective 7/1/20

5.3.4. Accept Resignation, MCN Operations Tech, 8.0 hours/day effective 7/29/20

- 5.3.5. Hire, MCN Operations Tech, 8.0 hours/day, effective 8/3/20
- 5.3.6. Hire, Temporary HS Art Teacher, 1.0 FTE, effective 8/24/20
- 5.3.7. Hire, Preschool Site Supervisor, 5.0 hours/day, effective 8/24/20

- 5.4. Approval of the 2020-21 Distance Learning and Self Contained K-8 positions

- 5.5. Approval of the Current Budget Change Report

- 5.6. Approval of Student Body Account Reports (K-8) – March – May 2020

- 5.7. Approval of Enrollment and Attendance Report Months 10

- 5.8. Approval of Mendocino Community Network (MCN) Financial Statements
 - 5.8.1. Unaudited MCN Statement of Fund Net Position with GASB 68 adjustments separated for May 31, 2020 with comparative totals as of June 30, 2019
 - 5.8.2. Unaudited MCN Statement of Revenues, Expenses, and Changes in Fund Net Position with GASB 68 adjustments separated for the ten-month period ending May 31, 2020 with comparative totals as of June 30, 2019

- 5.9. Approval of the MOU with North Coast School of Education's (NCSOE) program regarding Teacher Induction & Intern Support and Supervision

- 5.10. Approval of MUSD Compensation Time Report

- 5.11. Approval of the Fuel Use Agreement with the Mendocino Fire Protection District

- 5.12. Approval of MUSD Quarterly Investment Reports

- 5.13. Approval of the Spring Consolidated Application 2020-21

- 5.14. Approval of Williams Settlement Report for 2020-21 School Year, Quarter 4

MSA Morton/Schaeffer (5/0) to approve the consent agenda pulling Item 5.4 for discussion.

Board discussed Item 5.4

MSA Schaeffer/Morton (5.4) to approve Item 5.4 as presented.

6. REPORTS

6.1. Student Trustee – Olivia Jung

Student Trustee Jung reported that is has been a busy week at MHS. There have been Advisory meetings, Freshmen Orientation, Thursday/Friday is supply pick up for students. ASB is working to keep school togetherness and spirit alive through online activities and clubs. Student Trustee Jung attended a virtual "Governance in School" workshop and reports that she learned how valuable student voices are. During the workshop attendees heard from the head of Khan Academy and the head of CA schools. The mood of the students is one of nervousness. Students are mostly nervous about cramming 1 year into a semester.

6.2. Administrative

6.2.1. Principal – Tobin Hahn

Principal Hahn presented an update to the Board on the plans for distance learning. That presentation is attached to these minutes.

6.2.2. Superintendent – Jason Morse

Superintendent Morse is working on the Continuity Plan and will have it completed prior to the September 10th Board meeting.

Rotary Club wishes to donate funds to the District and will most likely do so through the Family Resource Center.

Thank you to the D.O. staff for working hard all summer and coming in daily. Thank you to staff for all the time and work you are giving the District and your students. Thank you to Otto and team for all the work installing barriers and cleaning/maintenance. Thank you to Principals Humrhouse and Hahn for all their hard work over the summer.

6.3. Bargaining Units

6.3.1. Mendocino Teachers Association (MTA)

Co-President Mimi Sawyer thanked admins for all the hard work being put into helping make this school year work. The 5 extra days of work that were approved have proved to be extremely valuable to staff.

6.3.2. Classified Employees of Mendocino Unified Schools (CEMUS)

No one from CEMUS was present.

6.4. Board Trustee Reports

Trustee Schaeffer has been attending a lot of webinars regarding distance learning and has passed that info onto Superintendent Morse. Noted he recently attended his sons defense of doctorate where his instructor commented on how Ned wanted to incorporate the gathering together of his lab on a regular basis. This proved to be a great idea that was born out of Ned's experience at MCHS.

Trustee Morton thanked all staff.

7. TIMED ITEM 4:30 P.M. - PARENT/COMMUNITY COMMENT

Items not on the agenda, but within the jurisdiction of this body, may be addressed at this time or be submitted to the Superintendent in writing for Board consideration as an agenda item. A three-minute limit is set for each speaker on all items. The total time for public input on each item is limited to 20 minutes (Government Code 54952). The Brown Act does not permit the Board to take action on any item that is not on the agenda. In addition, in order to protect the rights of all involved, complaints about employees should be addressed through the District complaint process. Speaking about a personnel issue at a Board meeting may prevent the Board from being able to act on it. Please see an administrator to initiate the complaint process.

The Board may briefly respond to public comments by asking questions to clarify the speaker's comments and refer the speaker to the Superintendent for further clarification. We thank you for your comments and participation at this meeting.

There were not parent/community comments.

8. INFORMATION/DISCUSSION/POSSIBLE ACTION ITEMS

8.1. Lease-Leaseback Discussion

The Board will discuss the options for selecting a contractor for the High School Modernization project (action)

The Board discussed the Lease-Leaseback options. Superintendent Morse will research the ramifications of making a selection now versus after the drawings have been approved by the DSA. No action was taken and this item will be placed on the September 10th Board agenda.

8.2. Budget Update

Business Manager Jason Fruth will update the Board on the MUSD Budget (information/discussion)

Business Manager Jason Fruth updated the Board on the MUSD Budget via presentation which is attached to these minutes.

8.3. 2020-21 School Year

Superintendent Jason Morse will update the Board on the status of the 2020-21 school year (information)

Superintendent Morse noted that the District could submit a waiver for In-Person learning by Friday 8/28/20 which would allow for small group and special ed. Willits, MUSD and Ukiah are the only Mendocino County Districts that have submitted one. That waiver is now moot as the state will not allow small cohort groups of 14:1. MUSD will utilize this to some degree.

The District has qualified for the Community Eligibility Program so that all students within the District qualify for free lunches for the year. Business Manager Jason Fruth and Payroll Technician Michele Sheldon worked hard to make this happen. It was noted that Michele's records were exceptional and aided in the quick approval. Lunches will be delivered/served to Greenwood School, Albion School, Comptche School and the K-8. Bus drivers will deliver.

8.4. Adoption of the Declaration of Need (DON) for Fully Qualified Educators (2020-21)

In order to be able to fill potential certificated opening in areas where the applicants are typically limited in numbers, the attached Declaration of Need is required. This allows the District to fill these areas with teachers on emergency permits if needed.

(action)

MSA Schaeffer/Morton (5/0) to adopt the Declaration of Need for Fully Qualified Educators.

8.5. Consideration of Leave Requests

8.5.1. Certificated Teacher, 1.0 FTE, requests and Uncompensated Leave of Absence, effective 8/1/20 (action)

MSA Schaeffer/Gay (5/0) to deny the request for Uncompensated Leave of Absence.

8.6. Consideration of Board Policy/Administrative Regulation/Exhibits as a first reading

8.6.1. BP 6157.0: Distance Learning (instruction)

The Board agreed to move forward with BP 6157.0 for final approval at the September 10th regularly scheduled Board meeting.

8.7. Board Policies and Administrative Regulations (for information only)

8.7.1. BP/AR/E 1312.3: Uniform Complaint Procedures (UCP) (community relations)

8.7.2. AR/E 1312.4: Williams Uniform Complaint Procedures (community relations)

8.7.3. BP/E 3555.0: Nutrition Program Compliance (business and noninstructional operations)

The Board agreed to move forward with the above policies as a first reading at the September 10th regularly scheduled Board meeting.

This portion of the Board meeting adjourned to recess at 5:50 P.M.

9. 6:00 P.M. PUBLIC HEARING – TIMED ITEM

9.1. Public Hearing regarding the Caspar Creek Learning Community (CCLC) petition for Charter School

The Board returned from recess at 6:05 P.M. Virtually present were Trustees Grinberg, Aum, Morton, Schaeffer and Student Trustee Jung.

The Board heard comments from staff and community members of the Caspar Creek Learning Community regarding the petition for a Charter School.

Trustees Morton and Schaeffer, along with Superintendent Morse will meet with Board members from CCLC in order to discuss questions regarding the petition. The full Board will then meet again and hold a Public Hearing to make a decision regarding the petition on or before September 30, 2020.

The Public Hearing adjourned at 7:03 P.M.

10. FUTURE AGENDA ITEMS

Strategic Plan, Enrollment Report, NCLB Attestation, Recognition of Scholarships, Resolution/Public Hearing re: Williams Instructional Materials

11. ADJOURNMENT

The next Board meeting is scheduled for **September 10, 2020**.

The meeting was adjourned at 7:03 P.M.



Mendocino High Schools

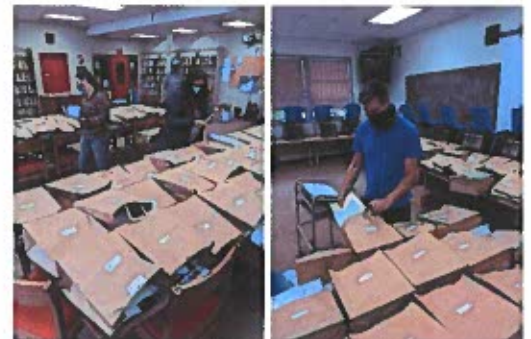
Board Meeting
August 26, 2020



Staff - we've been busy

- Returned 5 days early
- Collaboration and calibration around distance learning
- Tech Training
- Creating Websites
- Meetings with Advisees
- Preparing supplies and information to send home
- Shifting curriculum to distance learning
- Creating new systems and converting systems to new schedules
- Parent Night
- Freshman Orientation
- Working with families to upgrade internet
- Purchasing additional supplies and resources

Supply Distribution



Websites

A True Team

Everyone is playing their part

Selflessness

Understanding - a lot is being asked - flexibility and last minute changes

Innovation and collaboration

Problem solving

Preparation and practice


Have a growth mindset

Perseverance

Grit

Determination

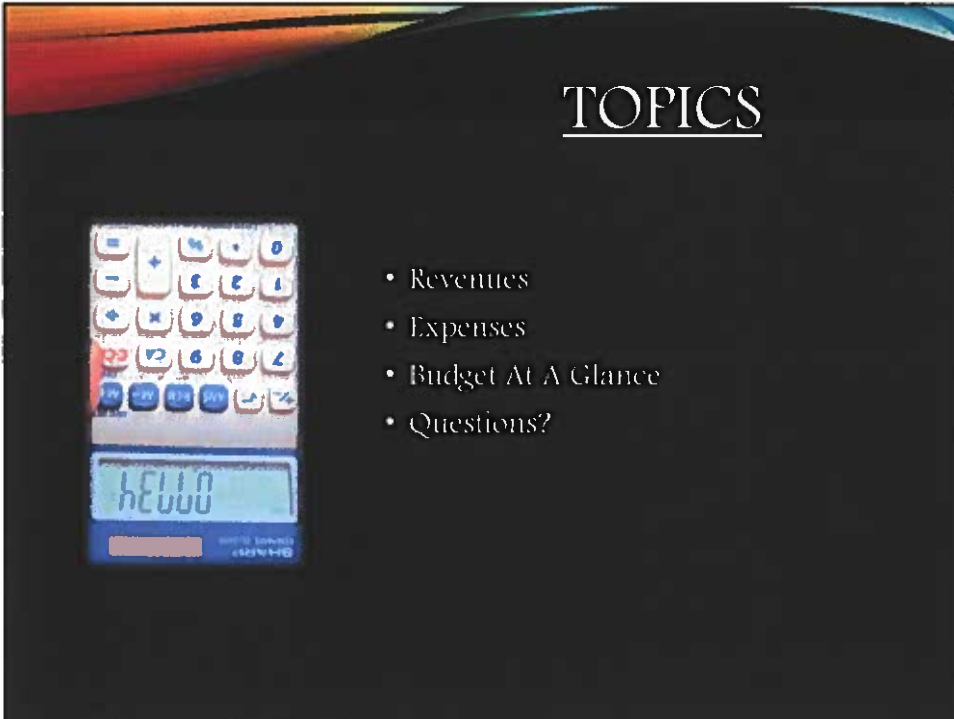
Teamwork - together we will make this work



MENDOCINO UNIFIED SCHOOL DISTRICT

45 – Day Update
Fiscal Year 2020/21

Wednesday, August 26th, 2020
Jason Fruth – MUSD Business Manager



TOPICS

- Revenues
- Expenses
- Budget At A Glance
- Questions?

REVENUES

Stream	20/21 Adopted	20/21 Revised	Assumptions
State Appt	\$1,400,428	\$1,556,031	Fair Share Reduction (10%)
District of Choice	\$135,000	\$150,000	Reinstate DoC Levels (10%)
Learning Loss Mitigation (LLM)	\$0	306,219	1 Time COVID Funding
Total	\$1,535,428	\$1,997,250	+\$461,822

EXPENSES

Category	20/21 Adopted	20/21 Revised	Change
Salaries	\$5,232,116	\$5,081,468	(\$150,647)
Benefits	\$2,539,733	\$2,501,853	(\$37,880)
Materials & Supplies	\$359,227	\$429,227	\$70,000
Total	\$8,131,076	\$1,997,250	(\$118,527)

- Salary Adjustments:
 - Staffing Changes - (\$223,617)
 - Certificated Extra Week - \$72,000
- Benefit Adjustments:
 - Staffing Changes - (\$53,000)
 - Certificated Extra Week - \$15,120
- Material and Supplies - \$30,000
- Broadband Services - \$40,000?
- Unallocated LLM Funds - \$149,099

BUDGET AT A GLANCE

Stream	20/21 Adopted	20/21 Revised
Revenues	\$8,478,578	\$8,710,400
Expenses	\$9,022,325	\$8,632,001 +\$149,099 LLM
Net Change	(\$543,747)	(\$70,700)

QUESTIONS??

Mendocino K8 School

Thank you, teachers!

What We've Been Working On...

- ▶ Schedules
- ▶ Websites
- ▶ Learning Management Systems
- ▶ Welcome calls
- ▶ Curriculum
- ▶ Parent orientation

Schedules

Live Zoom

- ▶ K - 2: up to 1 hour
- ▶ 3rd - 5th : 1 - 1.5 hours
- ▶ 6th - 8th: 1.5 - 2.0 hours

Daily Schedules

- ▶ TK/K: 10:30 - 2:00
- ▶ 1st & 2nd: 9:30 - 2:00
- ▶ 3rd - 6th : 9:00 - 2:00
- ▶ 7th & 8th: 10:00 - 3:00

LMS vs. Website

Google Classroom
Seesaw
Class Dojo

LMS

- Dynamic
- Assign Work
- Collect Work
- Grade Work
- Posts in a stream



Seesaw



Google Sites
Google Slides

CMS

- Static
- Share resources
- Organize Resources
- Provide general information
- Easy to edit



Teacher Websites

- ▶ [Albion School](#)
- ▶ <https://sites.google.com/musdstudents.org/mmlearning/home>

Mendocino Unified School District
2020-21 Combined General Fund Budget Change Report

September 2020
 9/3/2020

REVENUES: \$44,044 September
Meeting Meeting Change Notes

REVENUE LIMIT SOURCES					
8011	State Aid - Current Year	\$1,535,428	\$1,691,031	\$155,603	Fair Share & DoC
80xx	Learning Loss Mitigation (LLM)	\$0	\$306,219	\$306,219	1 Time COVID Aid
8012	Education Protection Account	\$99,800	\$99,800	\$0	
8021	Homeowners' Exemptions Tax	\$41,200	\$41,200	\$0	
8022	Timber Yield Tax	\$120,000	\$120,000	\$0	
8029	Other Subventions/In-Lieu Taxes	\$0	\$0	\$0	
8041	Secured Roll Taxes	\$5,291,646	\$5,291,646	\$0	~\$400K CCLC
8042	Unsecured Taxes	\$155,665	\$155,665	\$0	
8043	Prior Years' Taxes	\$1,400	\$1,400	\$0	
8044	Supplemental Taxes	\$0	\$0	\$0	
8091	Revenue Limit Transfers	<u>-\$75,000</u>	<u>-\$75,000</u>	<u>\$0</u>	
Total Revenue Limit Sources		\$7,170,139	\$7,631,961	\$461,822	
FEDERAL REVENUES					
8181	Special Education Entitlement	\$92,361	\$92,361	\$0	
8182	Discretionary Grants	\$3,200	\$3,200	\$0	
8285	Interagency Contracts between LEAs	\$0	\$0	\$0	
8290	All other Federal Revenue	<u>\$81,419</u>	<u>\$81,419</u>	<u>\$0</u>	
Total Federal Revenues		\$176,980	\$176,980	\$0	
OTHER STATE REVENUES					
8311	Other St. Apportionments Current Yr.	\$0	\$0	\$0	
8550	Mandated Cost Reimbursements	\$20,987	\$20,987	\$0	
8560	State Lottery Revenue	\$96,722	\$96,722	\$0	
8590	All Other State Revenue	<u>\$375,359</u>	<u>\$375,359</u>	<u>\$0</u>	
Total Other State Revenues		\$493,068	\$493,068	\$0	
OTHER LOCAL REVENUES					
8622	Non-Ad Valorem Taxes	\$89,000	\$89,000	\$0	
8631	Sale of Equipment & Supplies	\$0	\$0	\$0	
8650	Leases and Rentals	\$8,000	\$8,000	\$0	
8660	Interest	\$23,000	\$23,000	\$0	
8662	Net Increase in Fair Value Investment	\$0	\$0	\$0	
8675	Transport. Fees from Individuals	\$0	\$0	\$0	
8677	Transportation & Interagency Services	\$21,730	\$21,730	\$0	
8689	Other Fees and Contracts	\$2,000	\$2,000	\$0	
8699	All Other Local Revenue	\$26,935	\$26,935	\$0	
8792	Transfer of Apportionment from COE	<u>\$237,726</u>	<u>\$237,726</u>	<u>\$0</u>	
Total Other Local Revenues		\$408,391	\$408,391	\$0	
TOTAL REVENUES		\$8,248,578	\$8,710,400	\$461,821	

		\$44,044	September	
EXPENDITURES:		<u>Meeting</u>	<u>Meeting</u>	<u>Change</u>
CERTIFICATED SALARIES				
1100	Teachers' Salaries	\$2,769,490	\$2,686,849	-\$82,641
1200	Pupil Support Salaries	\$313,867	\$298,146	-\$15,721
1300	Supervisors' and Admin Salaries	\$367,078	\$367,078	\$0
1900	Other Certificated Salaries	\$600	\$600	\$0
Total Certificated Salaries		\$3,451,035	\$3,352,673	-\$98,362
CLASSIFIED SALARIES				
2100	Instructional Aides' Salaries	\$349,113	\$225,678	-\$123,435
2200	Support Salaries	\$596,744	\$596,744	\$0
2300	Supervisors' and Admin Salaries	\$383,922	\$383,922	\$0
2400	Clerical and Office Salaries	\$439,022	\$439,022	\$0
2900	Other Classified Salaries	\$19,736	\$19,736	\$0
Total Classified Salaries		\$1,788,537	\$1,665,102	-\$123,435
EMPLOYEE BENEFITS				
310X	STRS	\$847,633	\$847,633	\$0
320X	PERS	\$359,542	\$359,542	\$0
33XX	OASDI/Medicare	\$182,020	\$182,020	\$0
340X	Health & Welfare Benefits	\$903,203	\$903,203	\$0
350X	Unemployment Insurance	\$2,432	\$2,432	\$0
360X	Workers' Compensation	\$150,201	\$150,201	\$0
370X	Other Post-Employment Benefits	\$53,877	\$53,877	\$0
390X	Other Benefits (Ret. Inc. & Board bene.)	\$40,826	\$40,826	\$0
3xxx	Est Staff Red	\$0	-\$50,000	-\$50,000
Total Employee Benefits		\$2,539,733	\$2,489,733	-\$50,000
BOOKS AND SUPPLIES				
4100	Approved Textbooks & Core Materials	\$0	\$0	\$0
4200	Books & Other Reference Materials	\$33,031	\$33,031	\$0
4300	Materials and Supplies	\$275,696	\$275,696	\$0
4400	Noncapitalized Equipment	\$50,500	\$50,500	\$0
Total Books and Supplies		\$359,227	\$359,227	\$0
SERVICES, OTHER OPERATING EXPENSES				
5100	Subagreements for Services	\$35,000	\$35,000	\$0
5200	Travel & Conference	\$32,263	\$32,263	\$0
5300	Dues and Memberships	\$27,783	\$27,783	\$0
5450	Insurance	\$88,805	\$88,805	\$0
5500	Operation & Housekeeping Services	\$223,122	\$223,122	\$0
5600	Rentals, Leases, Repairs, Improvmnts	\$37,400	\$37,400	\$0
5800	Consulting Svcs and Op Expenses	\$341,042	\$341,042	\$0
5900	Communications	\$45,493	\$45,493	\$0
Total Services and Other Operating Expenses		\$830,907	\$830,907	\$0
CAPITAL OUTLAY				
6400	Equipment / Equipment Replacement	\$58,887	\$58,887	\$0
Total Capital Outlay		\$58,887	\$58,887	\$0
OTHER OUTGO				
7299	All Other Transfer Out to All Other	\$0	\$0	\$0
7300-7399	Transfer of Indirect Costs	-\$6,000	-\$6,000	\$0
7439	Debt Service - Principal & Interest	\$0	\$0	\$0
Total Other Outgo		-\$6,000	-\$6,000	\$0
TOTAL EXPENDITURES		\$9,022,325	\$8,750,528	-\$271,797
OTHER FINANCING SOURCES AND USES				
8919	Transfer In from MCN Fund	\$40,000	\$40,000	\$0
7612	Transfer Out to Special Reserve Fund	\$0	\$0	\$0
7611	Transfer Out to State Preschool Fund	-\$33,178	-\$33,178	\$0
7616	Transfer Out to Cafeteria	-\$149,697	-\$149,697	\$0
7619	Transfer Out to MCN - telecom	-\$8,190	-\$8,190	\$0
TOT. OTHER FINANCING SOURCES & USES		-\$151,066	-\$151,066	\$0

red 1 FTE, +extra week teachers staffing red

staffing red

Est Staff Red

NET INCREASE (DECR) IN FUND BALANCE		-\$924,813	-\$191,194	\$733,618
		\$44,044	September	
		Meeting	Meeting	Change
FUND BALANCE, RESERVES				
Beginning Fund Balance		\$2,517,006	\$2,517,006	\$0
Ending Fund Balance		\$1,592,194	\$2,325,812	\$733,618
COMPONENTS OF ENDING FUND BALANCE				
9711	Revolving Cash	\$10,000.00	\$10,000.00	\$0
9740	Restricted Balances	\$34,019.33	\$34,019.33	\$0
9789	Designated for Econ Uncertainty	\$368,260.00	\$368,260.00	\$0
9780	Other Designations:			
9790	General (Undesignated) Reserve	\$1,179,914	\$1,913,533	\$733,618

KEY TRANSFERS IMPACTING THE GENERAL FUND UNALLOCATED RESERVE:

Transfer # Purpose	Amount
Total	\$0

2020 Scholarship Recipients Announced



Local Organizations Support the Class of 2020

In these uncertain times where there is little clarity as to what the path forward may look like, one thing is abundantly clear: the organizations of our local communities are taking care of the next generation. The continued support of these organizations, even in these difficult times, is a testament to the value that our community places on education and the success of our graduates.

The Mendocino High Schools are truly grateful for the ongoing and unwavering support these organizations show through their scholarship programs. This year, over a third of the seniors received a total of over \$60,000 in scholarships to help further their education.

Thank You!

To the Recipients

Congratulations! We are extremely proud of you. You have pushed yourselves to take the most challenging courses, to be involved in school and community, and to reach for your dreams. These scholarships are our community's way of saying that they appreciate you and that they believe in you and your futures. We look forward to watching you continue to push yourselves and to take on the important challenges that await. The qualities that made you scholarship recipients are the same ones that are needed to heal our planet and our communities. We are certain that you will make the best of this opportunity, as you have done during your time with us in high school.

Best of Luck!

Scholarships and Recipients

organization name (amount per scholarship) - recipient

- ALMA & AUGUSTA MENDOSA** (\$4000) – Lily Jung
- ANNA B. PESULA** (\$500 each) – Francis Martinez, Lily Semans
- CLUB CARDINAL** (\$2000 each) – Misael Triplett, Remy Damiani, Francis Martinez
- COASTAL MENDOCINO ASSOCIATION OF REALTORS** (\$1000) – Lily Jung
- EUGENE "FOGGY" GOMES** (\$1500) – Lily Jung
- GREENWOOD CIVIC CLUB** (\$2500) – Lou Hug
- JAMES G. CUMMINGS** (\$8000 each) – Heather Brogan-Gealey, Lily Jung, Lily Semans
- FORT BRAGG GARDEN CLUB** (\$1000) – Lily Jung
- FORT BRAGG LIONS CLUB** (\$1000) – Skye Starkweather
- MARY SLAUGHTER MEMORIAL/CLUB CARDINAL** (\$2000) – Lily Jung
- MENDOCINO COAST CHAMBER OF COMMERCE** (\$1000) – Skye Starkweather
- MENDOCINO COAST DISTRICT HOSPITAL AUXILIARY** (\$2500) – Amira Porter-Stauffer
- MENDOCINO COAST ENVIRONMENTAL** (\$2,500, \$2000) – Lily Jung, Heather Brogan-Gealey
- MENDOCINO TEACHERS ASSOCIATION** – Amira Porter-Stauffer
- NORTH SONOMA COAST VOLUNTEER FIREFIGHTER ASSOCIATION** (\$1000) – DALTON ROBINSON
- ROTARY CLUB OF MENDOCINO** (\$2500 each) – Lily Jung, Kaylin Harr
- SANCTUARY FOREST HUMBOLDT REDWOODS COMPANY** (\$1000) – Heather Brogan-Gealey
- SANCTUARY FOREST MARIA AND ROBERT KELLY STEWARDSHIP** (\$1000 each) – Lily Jung, Lily Semans
- SHORELINE RIDERS** (\$1000) – Madison Grimes
- SOROPTIMIST INTERNATIONAL OF NOYO SUNRISE** (\$2000) – Lily Jung

The Mendocino High Schools

10700 Ford Street Mendocino CA 95460

707-937-5871 Tobin Hahn, Principal

Information on local scholarships available at mendocinoused.org/mhs

Instruction

Distance Learning

The Governing Board recognizes that distance learning can be a viable alternative instructional strategy that supports student achievement of academic goals. Distance learning opportunities may be offered to students participating in independent study, credit recovery courses, enrichment courses, or other courses identified by the Superintendent or designee, or in the event that a school site is physically closed due to widespread illness, natural disaster, or other emergency.

The district may offer distance learning through a variety of delivery methods as appropriate for the grade level and subject matter. Distance learning opportunities may include video, audio, and/or written instruction in which the primary mode of communication between the student and teacher is online interaction, instructional television, live or prerecorded video, telecourses, and other instruction that relies on computer or communications technology. They may also include the use of print materials with written or oral feedback.

The Superintendent or designee shall review and select distance learning courses, which may include those taught by district staff or others, that are of high academic quality and are aligned with district standards and curricula. As appropriate, courses may be self-directed to allow students to complete assignments at their own pace and/or may involve real-time interaction among the teacher and students.

The Superintendent or designee shall, in collaboration with teachers, plan for school wide or long-term distance learning in the event of a school closure. In developing the plan, the Superintendent or designee shall analyze the course sequence, prioritize content and standards to be completed, and recommend the grading criteria. In such circumstances, students' social-emotional wellness shall be taken into account, and schedules and learning experiences shall be designed to build continuity, routine, and regular connections with students.

As needed, the Superintendent or designee shall provide teachers with training and ongoing support, including technological support and guidance, to effectively implement distance learning. The district shall also provide opportunities for teachers to communicate and collaborate with each other to exchange information on effective practices.

Staff shall comply with all copyright regulations in developing materials to be used in distance education courses.

The district shall take steps to ensure that distance learning opportunities are available to all students, including economically disadvantaged students, students with disabilities, and English learners. Teachers may use multiple methods of providing instruction to meet student needs. All online programming and Internet content shall meet accessibility standards for students with disabilities, including compatibility with commonly used assistive technologies.

The Superintendent or designee shall assess students' access to technological devices and the Internet and, consistent with the district's budget and technology plan, may loan devices to students to use at home and/or assist families in identifying free service providers. Students are expected to use district technology responsibly in accordance with the district's Acceptable Use Agreement. To the extent possible, the district shall make technical and academic support available to students.

(cf. 3311.4 - Procurement of Technological Equipment)

Legal Reference:

EDUCATION CODE

35182.5 Contracts for electronic products or services; prohibitions

51210-51212 Course of study for grades 1-6

51220-51229 Course of study for grades 7-12

51740-51741 Authority to provide instruction by correspondence

51745-51749.3 Independent study

51865 California distance learning policy

PUBLIC CONTRACT CODE

20118.2 Contracting by school districts; technological equipment

UNITED STATES CODE, TITLE 20

7131 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate); Internet safety

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

COVID-19 Guidance for K-12 Schools

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines

WEB SITES

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

World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

4/20

Resolution 2020-15
Mendocino Unified School District
Mendocino, California
Mendocino County, California

RESOLUTION REGARDING SUFFICIENCY OF INSTRUCTIONAL MATERIALS:

Whereas, the governing board of Mendocino Unified School District, in order to comply with the requirements of *Education Code* Section 60119 held a public hearing on **September 10, 2020 at 5:05 pm**, which is on or before the eighth week of school and which did not take place during or immediately following school hours, and;

Whereas, the governing board provided at least 10 days notice of the public hearing posted in at least three public places within the district that stated the time, place, and purpose of the hearing, and;

Whereas, the governing board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

Whereas, information provided at the public hearing and to the governing board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the district/county office of education, and;

Whereas, the definition of “sufficient textbooks or instructional materials” means that each pupil has a textbook or instructional materials, or both, to use in class and to take home, and;

Whereas, sufficient textbooks and instructional materials were provided to each student, including English learners, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

- Mathematics
- Science
- History-social science
- English/language arts, including the English language development component of an adopted program

Whereas, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes, and;

Whereas, laboratory science equipment was available for science laboratory classes offered in grades 9-12, inclusive;

Therefore, it is resolved that, for the **2020 –21** school year, the Mendocino Unified School District has provided each pupil with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

This resolution was passed and adopted by the Board of Trustees of the Mendocino Unified School District in Mendocino, California, this **10th day of September, 2020**, by the following vote:

President Jim Gay	_____
Clerk Windspirit Aum	_____
Trustee Michael Schaeffer	_____
Trustee Mark Morton	_____
Trustee Jessica Grinberg	_____

(Continued on next page)

(Continued from previous page)

I, Windspirit Aum, Clerk of the Board of Trustees of the MENDOCINO UNIFIED SCHOOL DISTRICT, do hereby certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at a Regular Board meeting held on **September 12, 2019**.

Windspirit Aum, Clerk
Board of Trustees
Mendocino Unified School District
Mendocino County, California

Jim Gay, President
Board of Trustees

September 10, 2020

ATTESTATION

Procedures are in place at each school to ensure that all requirements of the Williams Sufficiency of Instructional Materials as listed in Resolution 2020-15 above.

Kim Humrichouse
Principal, K-8 School, Albion School, and Comptche School

Tobin Hahn
Principal, Mendocino High Schools

Jason Morse
Superintendent, Mendocino Unified School District

Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Mendocino Unified School District, of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and our **Local Control and Accountability Plan (LCAP)**.

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP.

A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Responsibilities of Mendocino Unified School District

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

We shall investigate and seek to resolve, in accordance with our UCP process, any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and

activities implemented by the Mendocino Unified School District that are subject to the UCP.

The Mendocino Unified School District developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by our governing board.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers

- Career Technical and Technical Education; Career Technical; Technical Training (State)
- Career Technical Education (Federal)
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Educational Content
- Economic Impact Aid
- Education Of Pupils In Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In A School District, and Pupils Of Military Families
- Every Student Succeeds Act / No Child Left Behind (Titles I-VII)
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

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

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

Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).

Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

Pupil Fees

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school

district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.

A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

The Local Control 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 we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to California Education Code (EC) Section 52060(d).

The UCP Annual Notice

We ensure annual dissemination of a written notice of our complaint procedures to all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

Our UCP Annual Notice shall also include information regarding the requirements of EC Section 49010 through 49013 relating to pupil fees and information regarding the requirements of EC Section 52075 relating to the LCAP.

Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

UCP Complaint Investigation

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is:

Superintendent Jason Morse
District Office
44141 Little Lake Road
P.O. Box 1154
Mendocino, CA 95460
707-937-5868
jmorse@mcn.org

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is knowledgeable about the laws and programs assigned to investigate.

The Mendocino Unified School District will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in EC Section 200 and 220 and Government Code (GC) Section section 11135, including any actual or perceived characteristics as set forth in Penal Code (PC) Section 422.55. The Mendocino Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived age, ancestry, color, disability, ethnicity, gender, gender expression, gender identity, genetic information, immigration status, marital status, medical information, national origin, parental status, pregnancy status, race, religion, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics in any program or activity we conduct, which is funded directly by, or that receives or benefits from any state financial assistance.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

All complainants are protected from retaliation.

We advise complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

UCP Complaint Resolution

If the Mendocino Unified School District finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school district and pupils in military families, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), we shall provide a remedy.

The remedy shall go to the affected pupil in the case of complaints regarding

- Course Periods without Educational Content,
- Reasonable Accommodations to a Lactating Pupil, and/or
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school district and pupils of military families.

The remedy shall to go all affected pupils and parents/guardians in the case of complaints regarding

- Pupil Fees,
- Physical Education Instructional Minutes and/or
- Local Control and Accountability Plans.

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee.

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 pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

We ensure an attempt shall be made in good faith to engage 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.

We will provide an opportunity for complainants and/or representatives to present evidence or information.

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.

Refusal by the Mendocino Unified School 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.

The complaint will be investigated and a written report with a Decision will be issued to the complainant by us within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This report will contain the following elements:

- i. The findings of fact based on the evidence gathered.
- ii. Conclusion of law.
- iii. Disposition of the complaint.
- iv. The rationale for such a disposition.
- v. Corrective actions, if any are warranted.
- vi. Notice of the complainant's right to appeal our Decision to the CDE.
- vii. Procedures to be followed for initiating an appeal to CDE.

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.

A complainant may appeal our Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP.

UCP Complaint Appeal Process

To appeal a UCP complaint Decision the complainant must file a written appeal within 15 days of receiving the Decision to CDE. This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of our Decision are incorrect and/or the law is misapplied.

In addition, the appeal shall be sent to CDE with:

1. A copy of the original locally filed complaint; and
2. A copy of our Decision of this original locally filed complaint.

To file an appeal regarding a Child Nutrition Services complaint, address your complaint to:

**Child Nutrition Programs
Civil Rights and Program Complaint Coordinator
California Department of Education
Nutrition Services Division
1430 N. Street, Room 4503
Sacramento, CA 95814-5609**

Or:

**USDA, Director, Office of Adjudication
1400 Independence Avenue, Southwest
Washington, D.C. 20250-9410
866-632-9992
Federal Relay Service 800-8778339 (English)
or 800-845-6136 (Spanish)**

Federal And State Laws Cited:

20 United States Code (USC) Section 6301 et seq.
34 Code of Federal Regulations (CFR) Section 299.11 & 300.510-511
California Education Code (EC) Section 200, 220, 222, 234.1-234.5, 262.3, 8200-8493, 8500-8538,
32280-32289; 33380-33384, 35186, 44500, 47606-47606.5, 47607.3, 48645.5, 48645.7(e), 48853,
48853.5, 48985, 49010-49013, 49069.5, 49490-49570, 51210, 51223, 51225.1, 51225.2, 51228.1-
51228.3, 52059, 52060-52075, 52075(a), 52160, 52300-52462, 52500-52616.4, 54440-54445, 56000-
56865, 59000-59300, 64000 (a)
California Government Code (GC) Section 11135, 17581.6 (f)
California Health and Safety Code (HSC) Section 104420
California Penal Code (PC) Section 422.55
California Welfare and Institutions Code (WIC) Section 300, 309, 602
California Code of Regulations, Title 5 (5 CCR) Section 4600-4687

Provided by the California Department of Education
Categorical Programs Complaints Management Office
1430 N Street, Suite 6308, Sacramento, CA 95814-5901
916-319-0929

June 2018

07/2018

Uniform Complaint Procedures (UCP)

Note: To address prohibited discrimination and violations of state and federal laws governing educational programs, 5 CCR 4621 mandates districts to adopt uniform complaint procedures (UCP) consistent with the state's complaint procedures specified in 5 CCR 4600-4670. See the section "Complaints Subject to UCP" below for a list of programs and activities subject to these procedures pursuant to state law.

Note: The California Department of Education (CDE) monitors district programs and operations for compliance with these requirements through its Federal Program Monitoring (FPM) process. The FPM consists of a review of (1) written district policies and procedures for required statements, including prohibition of discrimination (such as discriminatory harassment, intimidation, and bullying) against students pursuant to Education Code 234.1; and (2) records of required activities, such as annual notification provided to students, parents/guardians, employees, and other school community members.

Note: The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal anti-discrimination laws, including Title II of the Americans with Disabilities Act (42 USC 12101-12213), Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000e-17), Title IX of the Education Amendments Act of 1972 (20 USC 1681-1688), Section 504 of the Rehabilitation Act of 1973 (29 USC 794), and the Age Discrimination Act of 1975 (42 USC 6101-6107). OCR has issued guidance describing federal requirements for discrimination complaint procedures. OCR requires such complaint procedures to be "prompt and equitable." OCR evaluates a district's procedures based on factors specified in the accompanying administrative regulation, including whether the procedures (1) provide notice to the district's students, parents/guardians, and employees; (2) ensure adequate, reliable, and impartial investigation of complaints; (3) contain reasonably prompt timeframes for major stages of the complaint process; (4) provide notice to the complainant of the resolution of the complaint; and (5) provide an assurance that action will be taken to prevent recurrence of any discrimination found and to correct its effects.

Note: The following policy and accompanying administrative regulation reflect all components required by law and the 2020-21 FPM instrument. Additional details provided herein may help districts during a compliance check by CDE or in the event that a CDE or OCR investigation occurs.

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

Note: The FPM process includes a review of a district's policies and procedures to determine whether all district programs and activities that are subject to the UCP, as listed in the FPM instrument, are addressed. Items #1-13 list all programs and activities identified in the FPM instrument. According to CDE, the district's policy must list all such programs and activities and, at the district's discretion, may add a paragraph below the list stating the UCP programs and activities that are implemented in the district.

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

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; California State

Preschool Programs; and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code [64000](#)

(cf. [3553](#) - Free and Reduced Price Meals)

(cf. [3555](#) - Nutrition Program Compliance)

(cf. [5148](#) - Child Care and Development)

(cf. [5148.2](#) - Before/After School Programs)

(cf. [5148.3](#) - Preschool Early Childhood Education)

(cf. [6171](#) - Title I Programs)

(cf. [6174](#) - Education for English Learners)

(cf. [6175](#) - Migrant Education Program)

(cf. [6178](#) - Career Technical Education)

(cf. [6178.1](#) - Work-Based Learning)

(cf. [6178.2](#) - Regional Occupational Center Program)

(cf. [6200](#) - Adult Education)

2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code [200](#) or [220](#), Government Code [11135](#), or Penal Code [422.55](#), or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR [4610](#))

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

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 (Education Code [222](#))

(cf. [5146](#) - Married/Pregnant/Parenting Students)

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

5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

6. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)

(cf. 0420 - School Plans/Site Councils)

8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any 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, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

Note: Items #9-11 are for use by districts that maintain high schools.

9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6173.3 - Education for Juvenile Court School Students)

10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)

11. Any complaint alleging district noncompliance with the requirements of Education Code 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 (Education Code 51228.3)

(cf. 6152 - Class Assignment)

Note: Education Code 51222, as amended by SB 75 (Ch. 51, Statutes of 2019), extends the UCP to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12.

12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement (Education Code 51210, 51222, 51223)

(cf. 6142.7 - Physical Education and Activity)

13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code 8235.5; Health and Safety Code 1596.7925)

Note: 5 CCR 4621 mandates that district policy ensure that complainants are protected from retaliation as specified in item #14 below.

14. 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

Note: Pursuant to 5 CCR 4610, a district may, at its discretion, use the UCP to investigate and resolve other complaints.

15. Any other complaint as specified in district policy

Note: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution (ADR) methods, including mediation, to resolve complaints before initiating a formal investigation. However, the district should ensure that any ADR it uses, particularly "in-person ADR," is appropriate for the particular situation. For example, in some instances (e.g., sexual assault), face-to-face mediation should not be used, even if all parties voluntarily agree, given the risk that a student might feel pressured to "voluntarily" agree to it. The following optional paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process 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.

Note: The following paragraph is mandated pursuant to 5 CCR 4621. Appropriate disclosure will vary in each case depending on the facts and circumstances.

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

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Note: It is important to maintain records of all UCP complaints and the investigations of those complaints. If the district is investigated by OCR or CDE, these are important documents in demonstrating that the district has complied with federal law, state law, and its own policies and regulations.

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

(cf. 3580 - District Records)

Non-UCP Complaints

Note: 5 CCR 4611 details complaint issues that are not subject to UCP. Such issues include, but are not limited to, allegations of child abuse, health and safety complaints regarding a child development program, allegations of fraud, and employment discrimination complaints.

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Note: Complaints of employment discrimination are not subject to the UCP. Instead, pursuant to 2 CCR 11023, the district must establish an impartial and prompt process for addressing such complaints. In addition, 5 CCR 4611 requires that employment discrimination complaints be referred to the Department of Fair Employment and Housing (DFEH). See AR 4030 - Nondiscrimination in Employment for applicable complaint procedures.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

Note: Education Code 35186 requires the district to use UCP, with modifications, to investigate and resolve complaints related to the issues stated in the following paragraph (i.e., "Williams complaints"). Because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

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 the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

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: <http://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>

(3/18 3/19 5/20)

Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by [name of your local educational agency (LEA)] of federal or state laws or regulations governing educational programs, including non-compliance with laws relating to pupil fees and our **Local Control and Accountability Plan (LCAP)**.

This document presents information about how we process UCP complaints concerning particular programs or activities that are subject to the UCP.

A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP.

A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees or non-compliance with the requirements of our LCAP.

If the complainant is unable to put the complaint in writing, due to a disability or illiteracy, we shall assist the complainant in the filing of the complaint.

The Responsibilities of Mendocino Unified School District

We shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations.

We shall investigate and seek to resolve, in accordance with our UCP process, any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and

activities implemented by the [name of your LEA] that are subject to the UCP.

The [name of your LEA] developed the Uniform Complaint Procedures (UCP) process with policies and procedures adopted by our governing board.

According to state and federal codes and regulations, the programs and activities subject to the UCP are:

- **Adult Education**
- **After School Education and Safety**
- **Agricultural Career Technical Education**
- **American Indian Education Centers and Early Childhood Education Program Assessments**
- **Bilingual Education**
- **California Peer Assistance and Review Programs for Teachers**

- **Career Technical and Technical Education; Career Technical; Technical Training (State)**
- **Career Technical Education (Federal)**
- **Child Care and Development**
- **Child Nutrition**
- **Compensatory Education**
- **Consolidated Categorical Aid**
- **Course Periods without Educational Content**
- **Economic Impact Aid**
- **Education Of Pupils In Foster Care, Pupils Who Are Homeless, Former Juvenile Court Pupils Now Enrolled In A School District, and Pupils Of Military Families**
- **Every Student Succeeds Act / No Child Left Behind (Titles I-VII)**
- **Local Control and Accountability Plans (LCAP)**
- **Migrant Education**
- **Physical Education Instructional Minutes**
- **Pupil Fees**
- **Reasonable Accommodations to a Lactating Pupil**
- **Regional Occupational Centers and Programs**
- **School Safety Plans**
- **Special Education**
- **State Preschool**
- **Tobacco-Use Prevention Education**

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

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

Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

Employment discrimination, harassment, intimidation or bullying complaints shall be sent to the State Department of Fair Employment and Housing (DFEH).

Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

Pupil Fees

A pupil fee is a fee, deposit, or other charge imposed on pupils, or a pupil's parents or guardians, in violation of state codes and constitutional provisions which require educational activities to be provided free of charge to all pupils without regard to their families' ability or willingness to pay fees or request special waivers. Educational activities are those offered by a school, school

district, charter school, or county office of education that constitute a fundamental part of education, including, but not limited to, curricular and extracurricular activities.

A pupil fee includes, but is not limited to, all of the following:

A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.

A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

The Local Control 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 we are required to prepare an LCAP, which describes how we intend to meet annual goals for our pupils, with specific activities to address state and local priorities identified pursuant to California Education Code (EC) Section 52060(d).

The UCP Annual Notice

We ensure annual dissemination of a written notice of our complaint procedures to all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying.

Our UCP Annual Notice shall also include information regarding the requirements of EC Section 49010 through 49013 relating to pupil fees and information regarding the requirements of EC Section 52075 relating to the LCAP.

Our UCP Annual Notice shall be in English and in the primary language, pursuant to section 48985 of the Education Code, or mode of communication of the recipient of the notice.

UCP Complaint Investigation

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is [USE SAME INFORMATION AS ON CURRENT UCP ANNUAL NOTICE DOCUMENT]:

Superintendent Jason Morse
District Office
44141 Little Lake Road
P.O. Box 150
Mendocino, CA 95460

707-937-5868
jmorse@mcn.org

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is knowledgeable about the laws and programs assigned to investigate.

The [name you're your LEA] will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in EC Section 200 and 220 and Government Code (GC) Section section 11135, including any actual or perceived characteristics as set forth in Penal Code (PC) Section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity we conduct, which is funded directly by, or that receives or benefits from any state financial assistance.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

All complainants are protected from retaliation.

We advise complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

UCP Complaint Resolution

If the [name of your LEA] finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school district and pupils in military families, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), we shall provide a remedy.

The remedy shall go to the affected pupil in the case of complaints regarding

- Course Periods without Educational Content,
- Reasonable Accommodations to a Lactating Pupil, and/or
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school district and pupils of military families.

The remedy shall go all affected pupils and parents/guardians in the case of complaints regarding

- Pupil Fees,
- Physical Education Instructional Minutes and/or
- Local Control and Accountability Plans.

A pupil fees complaint may be filed with the principal of a school or our superintendent or his or her designee.

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 pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

We ensure an attempt shall be made in good faith to engage 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.

We will provide an opportunity for complainants and/or representatives to present evidence or information.

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.

Refusal by the [name of your LEA] 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.

The complaint will be investigated and a written report with a Decision will be issued to the complainant by us within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

This report will contain the following elements:

- i. The findings of fact based on the evidence gathered.**
- ii. Conclusion of law.**
- iii. Disposition of the complaint.**
- iv. The rationale for such a disposition.**
- v. Corrective actions, if any are warranted.**
- vi. Notice of the complainant's right to appeal our Decision to the CDE.**
- vii. Procedures to be followed for initiating an appeal to CDE.**

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.

A complainant may appeal our Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP.

UCP Complaint Appeal Process

To appeal a UCP complaint Decision the complainant must file a written appeal within 15 days of receiving the Decision to CDE. This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of our Decision are incorrect and/or the law is misapplied.

In addition the appeal shall be sent to CDE with:

1. A copy of the original locally filed complaint; and
2. A copy of our Decision of this original locally filed complaint.

Federal And State Laws Cited:

20 United States Code (USC) Section 6301 et seq.

34 Code of Federal Regulations (CFR) Section 299.11 & 300.510-511

California Education Code (EC) Section 200, 220, 222, 234.1-234.5, 262.3, 8200-8493, 8500-8538, 32280-32289; 33380-33384, 35186, 44500, 47606-47606.5, 47607.3, 48645.5, 48645.7(c), 48853, 48853.5, 48985, 49010-49013, 49069.5, 49490-49570, 51210, 51223, 51225.1, 51225.2, 51228.1-51228.3, 52059, 52060-52075, 52075(a), 52160, 52300-52462, 52500-52616.4, 54440-54445, 56000-56865, 59000-59300, 64000 (a)

California Government Code (GC) Section 11135, 17581.6 (f)

California Health and Safety Code (HSC) Section 104420

California Penal Code (PC) Section 422.55

California Welfare and Institutions Code (WIC) Section 300, 309, 602

California Code of Regulations, Title 5 (5 CCR) Section 4600-4687

Provided by the California Department of Education
Categorical Programs Complaints Management Office
1430 N Street, Suite 6308, Sacramento, CA 95814-5901
916-319-0929
June 2018

07/2018

Uniform Complaint Procedures

Note: 5 CCR 4621 mandates that the district's uniform complaint procedures (UCP) be consistent with the procedures of 5 CCR 4600-4670. Additionally, Education Code 52075 mandates districts to adopt policies and procedures implementing the use of UCP to investigate and resolve complaints alleging noncompliance with requirements related to the local control and accountability plan (LCAP) and Education Code 8235.5 mandates districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in license-exempt California State Preschool Programs (CSPP).

Note: Furthermore, a number of federal civil rights statutes and their implementing regulations mandate districts to adopt policies and procedures for the prompt and equitable resolution of complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). For example, all districts are mandated pursuant to 28 CFR 35.107 to adopt policy and procedures to address discrimination on the basis of disability, while districts that receive federal financial assistance are mandated pursuant to 34 CFR 106.8 and 34 CFR 110.25 to adopt such policies and procedures to address discrimination on the basis of sex and age. Some of the factors considered by the U.S. Department of Education's Office for Civil Rights (OCR) when determining whether a district's procedures are "prompt and equitable" are addressed throughout the following administrative regulation.

Note: Apart from these mandates, state law authorizes the use of UCP to resolve complaints of noncompliance with laws related to the development of a school plan for student achievement and the establishment of school site councils; accommodations for pregnant and parenting students; prohibition against the charging of student fees; educational rights of foster youth, homeless students, former juvenile court school students, children of military families, migrant students, and students participating in a newcomer program for newly arrived immigrants; assignment of students to courses without educational content; and physical education instructional minutes. See the section "Complaints Subject to UCP" in the accompanying Board policy.

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.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

Note: 5 CCR 4621 mandates the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with applicable state and federal laws and regulations governing educational programs, including the receiving and investigating of complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and retaliation. During its Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will check to ensure that the district's procedures list the specific title(s) of the employee(s) responsible for receiving and investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below. If a district identifies multiple compliance officers, it is recommended that one be designated the "lead compliance officer."

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Superintendent Jason Morse
District Office
44141 Little Lake Road
P.O. Box 150
Mendocino, CA 95460
(707) 937-5868
JMorse@mcn.org

Note: The following paragraph is for use by districts that have designated more than one compliance officer.

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer'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.

Note: 5 CCR 4621 mandates that the district's policy require employees responsible for compliance and/or for investigating and resolving complaints to be knowledgeable about the laws and programs at issue in the complaints they are assigned. OCR requires that the compliance officer(s) involved in implementing discrimination complaint procedures be knowledgeable about the procedures and be able to explain them to parents/guardians and students. They must also have training or experience in handling discrimination complaints, including appropriate investigative techniques and understanding of the applicable legal standards.

The Superintendent 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 (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)

(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, 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. (Education Code 234.1)

Note: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's UCP to the persons specified below.

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)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)

(cf. [5145.6](#) - Parental Notifications)

Note: 5 CCR ~~4622~~ requires the district to include specified information in its annual UCP notice to students, parents/guardians, employees, and others. During the FPM process, CDE staff will check the notice to ensure that it contains the components specified below.

Note: A sample of the annual notice is available through CDE's web site. It is the district's responsibility to update the notice as necessary to reflect new law.

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy

2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [3260](#) - Fees and Charges)

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

4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred

5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code ~~48853~~, ~~48853.5~~, 49069.5, [51225.1](#), and [51225.2](#), and the complaint process

(cf. [6173](#) - Education for Homeless Children)

(cf. [6173.1](#) - Education for Foster Youth)

(cf. [6173.2](#) - Education of Children of Military Families)

(cf. [6173.3](#) - Education for Juvenile Court School Students)

(cf. [6175](#) - Migrant Education Program)

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints

7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision

9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable

10. A statement that copies of the district's UCP are available free of charge

Note: The following paragraph may be modified to reflect district practice. Pursuant to Education Code 221.61, districts are required to post information related to Title IX on their web sites, including specified information about complaint procedures under Title IX. See AR 5145.3 - Nondiscrimination/Harassment. A district that does not maintain a web site may comply by posting the information on the web site of its county office of education. A comprehensive list of rights based on the provisions of the federal regulations implementing Title IX can be found in Education Code 221.8. In addition, in its April 2015 Dear Colleague Letter: Title IX Coordinators, OCR recommends that districts use web posting and social media to disseminate their nondiscrimination notices, policies, and procedures and communicate current compliance officer(s)' contact information to students, parents/guardians, and employees.

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

Note: Both federal and state laws contain requirements for translation of certain information and documents. Title VI of the Civil Rights Act of 1964 requires districts to ensure meaningful access to their programs and activities by persons with limited English proficiency. OCR has interpreted this to require that, whenever information is provided to parents/guardians, districts must notify limited-English-proficient (LEP) parents/guardians in a language other than English in order to be adequate. OCR enforces this requirement consistent with the Department of Justice's 2002 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. Under the Guidance, a recipient of federal funds has an obligation to provide language assistance to LEP individuals based on balancing four factors: (1) the number or proportion of LEP individuals likely to encounter the program, (2) the frequency with which LEP individuals come in contact with the program, (3) the nature and importance of the services provided by the program, and (4) the resources available to the recipient. State law is more specific than federal law: Education Code 48985 requires translation of certain information and documents if 15 percent or more of students enrolled in the school speak a single primary language other than English.

The Superintendent 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, regulation, 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 Complaints

Note: Complaints filed under UCP may be filed directly with a compliance officer or with any site administrator not designated as a compliance officer. For example, acts of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may initially be reported to a principal. See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment. If a site administrator not designated as a compliance officer receives a UCP complaint, the site administrator must notify a compliance officer. A district may also establish a site-level process for receiving informal reports about incidents for which a UCP complaint may be filed and notifying students and parents/guardians of their right to file a UCP complaint. Any site-level process established by a district should be in writing and distributed in the same manner as the grievance procedures listed herein with an explanation of how it interacts with the UCP complaint process.

The complaint shall be presented to the compliance officer 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. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)

Note: Education Code 49013 and 52075 mandate districts to adopt procedures that allow for anonymous complaints to be filed when a district allegedly violates the prohibition against the charging of student fees or violates any requirement related to the LCAP.

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP 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. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. 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. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

Note: OCR's Revised Sexual Harassment Guidance indicates that if a complainant in a sexual harassment case requests that the complainant's name or that of the victim not be revealed to the alleged perpetrator or asks that the complaint not be pursued, the district should first inform the complainant that honoring the request may limit its ability to respond and pursue disciplinary action against the alleged perpetrator. The OCR publication acknowledges that situations may exist in which a district cannot honor a student's request for confidentiality, but cautions that, in all instances, the district must still continue to ensure that it provides a safe and nondiscriminatory environment for all students. Districts should consult legal counsel before honoring a confidentiality request to withhold the victim's name from the alleged perpetrator, especially in the case of alleged sexual assault. These guiding principles would also apply to harassment on the basis of race, gender, disability, or other protected characteristic.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Note: The following section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through alternative dispute resolution procedures such as mediation; see the accompanying Board policy. The following section may be modified to specify the alternative dispute resolution method and timelines used within the district.

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Note: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, the timeline specified below may be modified to reflect district practice.

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with 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.

Note: In the investigation, the compliance officer should consider all relevant circumstances, such as how the misconduct affected one or more students' education; the type, frequency, and duration of the misconduct; the identity, age, and sex of the individuals involved in and impacted by the conduct and the relationship between them; 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.

In conducting the investigation, the compliance officer 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 shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer 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.

Note: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy or procedures, as specified below.

A complainant's refusal to provide the district's investigator 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 the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator 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. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in 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. (5 CCR 4631)

Timeline for Final Decision

Note: Pursuant to 5 CCR 4631, the district's written decision must be sent to the complainant within 60 calendar days of receiving the complaint. Option 1 below is for districts that do not allow complainants to appeal the compliance officer's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and it requires the compliance officer's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

Note: Pursuant to 5 CCR 4631, only a complainant has the right to receive a written report and to file a complaint with the Board if dissatisfied with the compliance officer's decision. However, OCR has recommended that the same rights be extended to a respondent to a complaint alleging unlawful discrimination to ensure the process is equitable for all involved. Furthermore, OCR recommends notifying the respondent in such a complaint whenever the complainant approves an extension of the timeline. Options 1 and 2 reflect these recommendations and may be modified to reflect district practice.

Note: Pursuant to 5 CCR 4640, when a UCP complaint is erroneously sent to CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

OPTION 1:

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's final written decision at the same time it is provided to the complainant.

OPTION 2:

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. When required by law, the matter shall be considered in closed session. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

(cf. 9321 - Closed Session)

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent the district's final written decision, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

Note: 5 CCR 4631 and guidance provided by OCR specify components that should be part of the district's decision. Inclusion of these items will help protect the district's position in case of an appeal to CDE, a complaint submitted to OCR, or if litigation is filed.

For all complaints, the district's final written decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

a. Statements made by any witnesses

- b. The relative credibility of the individuals involved*
- c. How the complaining individual reacted to the incident*
- d. Any documentary or other evidence relating to the alleged conduct*
- e. Past instances of similar conduct by any alleged offenders*
- f. Past false allegations made by the complainant*

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. The manner in which the misconduct affected one or more students' education*
- b. The type, frequency, and duration of the misconduct*
- c. The relationship between the alleged victim(s) and offender(s)*
- d. The number of persons engaged in the conduct and at whom the conduct was directed*
- e. The size of the school, location of the incidents, and context in which they occurred*
- f. Other incidents at the school involving different individuals*

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code [49013](#) and 5 CCR [4600](#)

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent*
 - b. 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.*
 - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence*
- 6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal*

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

Note: The Family Educational Rights and Privacy Act (FERPA) (20 USC [1232g](#); 34 CFR [99.1-99.67](#)) protects student privacy, including student records containing details of the actions taken in response to a UCP complaint. However, pursuant to 20 USC [1221](#), FERPA may not "be construed to affect the applicability of Title VI of the Civil Rights Act of 1964, Title IX of Education Amendments of 1972, Title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program." In February 2015, the Family Policy Compliance Office (FPCO), the federal agency which administers FERPA, released a letter concluding that FERPA permits a district to disclose to a student who was subjected to unlawful discrimination certain information about the

sanctions imposed upon the offender when the sanctions directly relate to that student. Thus, if properly remedying the impact of discrimination would require disclosing to the alleged victim certain information on how the district disciplined the alleged student offender (e.g., an order that the alleged offender stay away from the alleged victim), FPCO interprets FERPA as allowing the district to disclose that information.

Note: Given the potential liability from improperly disclosing such information, districts are advised to consult with legal counsel when presented with a situation where a victim of unlawful discrimination requests information about sanctions imposed upon the offender.

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

Note: Education Code [48985](#) requires that reports sent to parents/guardians be written in their primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement. Based on Title VI of the Civil Rights Act of 1964, OCR requires districts to ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code [48985](#). In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

Note: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from CDE.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision 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. (Education Code [262.3](#))
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code [262.3](#))
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

Note: The following section may be revised to reflect district practice.

When a complaint is found to have merit, the compliance officer shall 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.

(cf. [5137](#) - Positive School Climate)

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), 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

(cf. [6164.2](#) - Guidance/Counseling Services)

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

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender 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
(cf. [6164.5](#) - Student Success Teams)
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
(cf. [6145](#) - Extracurricular and Cocurricular Activities)
7. Disciplinary action, such as suspension or expulsion, as permitted by law
(cf. [5144](#) - Discipline)
(cf. [5144.1](#) - Suspension and Expulsion Due Process)

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

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.

Note: Generally, when a complaint is found to have merit, an appropriate remedy is provided to the complainant or other affected person. However, in certain instances, the law may require a remedy to be provided to all affected persons, not just the complainant or subject of the complaint. For example, pursuant to Education Code [49013](#) and [5 CCR 4600](#), if the district, or CDE on appeal, finds merit in the complaint alleging noncompliance with the law regarding student fees and charges, the district is required to provide a remedy to all affected students and parents/guardians, as specified below. The same requirement applies to allegations of noncompliance with the LCAP requirements, pursuant to Education Code [52075](#), and to noncompliance with required instructional minutes for physical education, pursuant to Education

Code 51222 and 51223. Districts that do not maintain elementary schools should delete reference to physical education below.

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

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Note: 5 CCR 4632-4633 provide that complainants may appeal to CDE if they disagree with the district's decision on any matter within the scope of the UCP, as provided below.

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR 4632)

Note: Although not required pursuant to 5 CCR 4631-4633, OCR recommends that the right to appeal the district's decision to CDE be extended to the respondent to an allegation of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) to ensure fairness for all parties involved. The following paragraphs reflect OCR's recommendation.

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

Upon notification by CDE that the district's decision has been appealed, the Superintendent or designee shall forward the following documents to CDE: (5 CCR 4633)

- 1. A copy of the original complaint*
- 2. A copy of the written decision*
- 3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision*
- 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 UCP*
- 7. Other relevant information requested by CDE*

Note: CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final written decision; (2) the complainant requires anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; (3) the complainant would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile; (4) the complainant alleges failure to comply with the due process procedures established pursuant to special education law and

regulation to implement a due process hearing order; (5) the complainant alleges facts that indicate that one or more students may be in immediate physical danger or that the health, safety, or welfare of one or more students is threatened; or (6) the complainant alleges failure to follow a student's individualized education program.

Health and Safety Complaints in California State Preschool Program

Note: The following section is for use by districts that operate any license-exempt CSPP program. Education Code 8235.5 mandates districts to adopt policies and procedures for resolving complaints regarding specified health and safety issues in a license-exempt CSPP program.

Note: See the accompanying exhibits for a sample classroom notice and complaint form.

In each license-exempt CSPP classroom, a notice shall be posted notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. (Education Code 8235.5)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint and shall contain a space to indicate whether the complainant desires a response to the complaint. If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. (Education Code 8235.5)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8235.5)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting. (Education Code 8235.5)

Note: Pursuant to Education Code 8235.5, a complainant who is not satisfied with the district's decision related to a complaint of health and safety conditions in a CSPP program may appeal to the Superintendent of Public Instruction. The law does not provide a timeline for filing the appeal, but the 2020-21 FPM instrument provides a timeline of 30 days.

A complainant may file a written appeal of the district's decision to CDE in accordance with 5 CCR 4632. (Education Code 8235.5)

Any such appeal shall be filed within 30 days of receiving the decision.

Note: The following paragraph reflects a requirement of the 2020-21 FPM instrument.

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools.

(3/18/19) 5/20

Mendocino Unified School District

Jason Morse, Superintendent

44141 Little Lake Road • P.O. Box 1154 • Mendocino, CA 95460

Phone: (707) 937-5868

Fax: (707) 937-0714

www.mendocinoused.org

CLASSROOM NOTICE TO PARENTS/GUARDIANS

COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Education Code 35186 requires that the following notice be posted in each classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home
2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe and functional as determined by the Office of Public School Construction.
3. There should be no teacher vacancies or misassignments as defined in Education Code 35186 (h) (1) and (2).

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

4. Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.

To file a complaint regarding any of the above matters, complaint forms may be obtained at the school office, district office, or can be downloaded from the school district's website (www.mendocinoused.org). You may also download a copy of the California Department of Education complaint from the following Web site: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

Uniform Complaint Procedures (UCP) Annual Notice

Note: Education Code 8235.5 requires that the following notice be posted in each classroom with a license-exempt California State Preschool Program (CSPP) (Education Code 8235-8239.1). The notice must include the health and safety requirements that apply to such CSPP programs pursuant to Health and Safety Code 1596.7925, which may be the subject of a complaint under the uniform complaint procedures.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8235.5, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

- 1. Outdoor shade that is safe and in good repair*
- 2. Drinking water that is accessible and readily available throughout the day*
- 3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children*
- 4. Restroom facilities that are available only for preschoolers and kindergartners*
- 5. Visual supervision of children at all times*
- 6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time*
- 7. Playground equipment that is safe, in good repair, and age appropriate*

Note: Education Code 8235.5 requires that the notice include the location to obtain a complaint form and provides that posting a notice downloadable from the California Department of Education's web site will satisfy this requirement. The law does not require that complaint forms be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect district practice, including adding the school and district web site addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

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Uniform Complaint Procedures (UCP) Annual Notice

Exhibit 2

Note: Pursuant to Education Code 8235.5, uniform complaint procedures should be used for complaints alleging that a license-exempt California State Preschool Program (CSPP) does not comply with any of the health and safety requirements specified in Health and Safety Code 1596.7925.

PRESCHOOL COMPLAINT FORM:

UNIFORM COMPLAINT PROCEDURES

Education Code 8235.5 requires that the district's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

Date problem was observed: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

The preschool does not have outdoor shade that is safe and in good repair.

Drinking water is not accessible and/or readily available throughout the day.

The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

Restroom facilities are not available only for preschoolers and kindergartners.

The preschool program does not provide visual supervision of children at all times.

Williams Uniform Complaint Procedures

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following: (Education Code 35186; 5 CCR 4680-4683)

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:

- a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5

CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedures

35292.5 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

(11/07 11/10) 8/14

Williams Uniform Complaint Procedures

Note: Education Code 35186 mandates that districts establish policies and procedures to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, and emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff. When such a complaint is filed with the district, the district is required to investigate and resolve the complaint in accordance with the Williams uniform complaint procedures established pursuant to 5 CCR 4680-4687.

Note: It is recommended that districts use these procedures only for complaints specified in law and this administrative regulation. See BP/AR 1312.3 - Uniform Complaint Procedures for a discussion of the types of complaints subject to the uniform complaint procedures established pursuant to 5 CCR 4600-4670. For procedures related to complaints about employees, see BP/AR 1312.1 - Complaints Concerning District Employees. For complaints concerning the district's adoption and selection of specific instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials. For complaints regarding the district's nutrition program, see BP 3555 - Nutrition Program Compliance.

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)

a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)

a. A semester begins and a teacher vacancy exists.

b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

(cf. 4112.22 - Staff Teaching English Learners)

c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day students attend classes for that semester. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code [35186](#); 5 CCR [4600](#))

(cf. [4112.2](#) - Certification)

(cf. [4113](#) - Assignment)

3. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code [35186](#); 5 CCR [4683](#))

a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code [17592.72](#))

b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code [35292.5](#).

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code [35292.5](#))

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code [35292.5](#))

Note: The following optional paragraph is for use by districts that maintain any of grades 6-12. Education Code [35292.6](#) requires a school that serves any of grades 6-12 and meets a 40 percent student poverty threshold, as defined in 20 USC [6314](#), to stock at least 50 percent of the school's restrooms with feminine hygiene products for use in connection with the menstrual cycle, and to not charge students for such products. See AR [3517](#) - Facilities Inspection. Although Education Code [35292.6](#) does not require a complaint process, it is recommended that the Williams uniform complaint procedures be used to address any allegation of noncompliance with Education Code [35292.6](#) in order to ensure consistency in the procedures that districts use to address allegations of noncompliance with all restroom maintenance requirements.

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC [6314](#), a complaint may be filed alleging noncompliance with the requirement of Education Code [35292.6](#) to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

(cf. [3514](#) - Environmental Safety)

(cf. [3517](#) - Facilities Inspection)

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code [35186](#); 5 CCR [4680](#))

Note: Education Code [35186](#) requires that the district's complaint form contain the elements stated in the following paragraph. In addition, Education Code [35186](#) requires that a notice be posted in each classroom in each school in the district, as specified below. See the accompanying exhibits for a sample form and classroom notice.

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code [35186](#); 5 CCR [4680](#))

The Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code [35186](#). (Education Code [35186](#))

Filing of Complaint

Note: Education Code [35186](#) requires that complaints be investigated and resolved within the timelines specified below. During the Federal Program Monitoring (FPM) process, CDE staff will expect to see statements regarding the filing of the complaint, the investigation, timelines, and the complainant's right to appeal to the Governing Board and to appeal facilities complaints to CDE, as detailed in the following section and the section "Investigation and Response" below.

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code [35186](#); 5 CCR [4680](#))

Investigation and Response

The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority. (Education Code [35186](#); 5 CCR [4685](#))

The principal or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code [35186](#); 5 CCR [4685](#))

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code [35186](#); 5 CCR [4680](#), [4685](#))

Note: Education Code [48985](#) specifies that, when 15 percent or more of the students enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such students be written in English and in the primary language. Education Code [35186](#) requires that, when Education Code [48985](#) is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.

When Education Code [48985](#) is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code [35186](#))

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code [35186](#); 5 CCR [4686](#))

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR [4632](#). (Education Code [35186](#); 5 CCR [4687](#))

All complaints and written responses shall be public records. (Education Code [35186](#); 5 CCR [4686](#))

(cf. [1340](#) - Access to District Records)

Reports

Note: During the FPM process, CDE staff will expect to see the following statement.

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code [35186](#); 5 CCR [4686](#))

Legal Reference:

EDUCATION CODE

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35186 Williams uniform complaint procedures

35292.5-35292.6 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

UNITED STATES CODE, TITLE 20

6314 Title I schoolwide program

Management Resources:

WEB SITES

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

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc>

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

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Mendocino Unified School District

Jason Morse, Superintendent

44141 Little Lake Road • P.O. Box 1154 • Mendocino, CA 95460

Phone: (707) 937-5868

Fax: (707) 937-0714

www.mendocinoused.org

CLASSROOM NOTICE TO PARENTS/GUARDIANS

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2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe and functional as determined by the Office of Public School Construction.
3. There should be no teacher vacancies or misassignments as defined in Education Code 35186 (h) (1) and (2).

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

4. Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.

To file a complaint regarding any of the above matters, complaint forms may be obtained at the school office, district office, or can be downloaded from the school district's website (www.mendocinoused.org). You may also download a copy of the California Department of Education complaint from the following Web site: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

Williams Uniform Complaint Procedures

Note: Education Code 35186 requires that the following notice be posted in each K-12 classroom in each school in the district. During the Federal Program Monitoring process, California Department of Education (CDE) staff will check to ensure that a notice is placed in each classroom in each school and that the notice contains all the information described below.

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:

K-12 COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

- 1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.*
- 2. School facilities must be clean, safe, and maintained in good repair.*
- 3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.*

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

Note: Education Code 35186 requires that the notice inform parents/guardians of the location to obtain a complaint form and provides that posting a notice downloadable from the CDE's web site will satisfy this requirement. The law does not require that complaint form be placed in any specific location. The following paragraph lists locations where complaint forms may be available and should be modified to reflect district practice, including adding the school and district web site addresses.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

(11/07 8/14) 3/19

Mendocino Unified School District

Jason Morse, Superintendent

44141 Little Lake Road • P.O. Box 1154 • Mendocino, CA 95460

Phone: (707) 937-5868 Fax: (707) 937-0714 <http://musd.mcn.org>

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

Education Code 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact information:

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

Location of the problem that is the subject of this complaint:

School _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Date problem was observed: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply: A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

A pupil does not have access to instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

Textbooks or instructional materials are in poor or unusable condition, have missing pages or are unreadable due to damage.

A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code [35186](#); 5 CCR [4681](#))

_____ A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

_____ A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20% English learners in the class.

_____ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions: (Education Code [35186](#), [35292.5](#); 5 CCR [4683](#))

_____ A condition exists that poses an emergency urgent or threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition.

_____ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels of functional hand dryers.

_____ The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when closing of the restroom is necessary for student safety or to make repairs.

4. High school exit exam intensive instruction and services: (Education Code [35186](#))

_____ Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code [37254\(d\)](#) (4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

Please file this complaint with the appropriate person specified below at the following location(s):

Kim Humrichouse, Principal
44301 Little Lake Road
Mendocino, CA 95460

Gail Dickenson, Principal
10700 Ford Street
Mendocino, CA 95460

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(signature)

(date)

Williams Uniform Complaint Procedures

Exhibit (2) 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Note: Education Code 35186 creates the Williams uniform complaint procedures for the filing of complaints concerning deficiencies in textbooks or instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The following form contains elements required by Education Code 35186 and 5 CCR 4681-4683. During the Federal Program Monitoring process, California Department of Education staff will check to ensure that the complaint form includes all of the elements specified below.

K-12 COMPLAINT FORM:

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

Date problem was observed: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

 A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

 Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

 A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code [35186](#); 5 CCR [4682](#))

 A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

 A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

 A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facilities conditions: (Education Code [17592.72](#), [35186](#), [35292.5](#), [35292.6](#); 5 CCR [4683](#))

 A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.

 A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.

Note: The following optional item is for districts that choose to use the William uniform complaint procedures to address complaints alleging noncompliance with requirements to stock restrooms at certain schools with feminine hygiene products pursuant to Education Code [35292.6](#); see the accompanying administrative regulation.

 For a school that serves students in any of grades 6-12 with 40 percent or more of its students from low-income families, as defined, the school has not stocked at least half of its restrooms with feminine products at all times and made those products available to students at no cost.

 The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities

conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff.

Note: Education Code 35186 requires that complaints be filed with the principal or designee and that the complaint form specify the location for filing the complaint. Districts should specify the name and/or location in the spaces below.

Please file this complaint at the following location:

(principal or designee)

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature) (Date)

(11/10 8/14) 3/19

Business and Noninstructional Operations

Nutrition Program Compliance

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her on any basis prohibited by law.

Coordinator

Note: According to the CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs, districts are required to appoint a civil rights coordinator to be responsible for ensuring district compliance with law governing child nutrition programs. The following paragraph may be revised to reflect district practice.

The Board designates the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the district's civil rights coordinator to ensure compliance with the laws governing its nutrition programs and to investigate any related complaints.

Note: Items #1-10 below reflect the duties of the coordinator as provided in CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs.

The responsibilities of the compliance officer/coordinator include, but are not limited to:

1. Providing the name of the civil rights coordinator, Section 504 coordinator, and Title IX coordinator, if different from the civil rights coordinator, to the California Department of Education and other interested parties

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants

5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below

6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency

7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities

8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log and working with the appropriate person to resolve any complaint

10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

Notifications

The U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service shall be displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

The coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their program rights and responsibilities and steps necessary for participation. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be file anonymously or by a third party.

In addition, all forms of communication available to the public regarding program availability shall contain, in a prominent location, the following statement:

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http:// www.ascr.usda.gov/complaint_filing_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider."

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude menus. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, stating "This institution is an equal opportunity provider," may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints

Any complaint concerning the district's nutrition programs shall be investigated using the process identified in AR 1312.3 - Uniform Complaint Procedures.

When a complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 4503, Sacramento, CA 95814-2342 or call (916) 323-8531 or (800) 952-5609

2. U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email program.intake.usda.gov.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, rev. November 2015

U.S. DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE PUBLICATIONS

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

U.S. Department of Agriculture, Food and Nutrition Services: <http://www.fns.usda.gov>

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

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Business and Noninstructional Operations

Nutrition Program Compliance

Note: The following policy is required for any district whose child nutrition programs (i.e., National School Lunch Program, School Breakfast Program, Special Milk Program, and/or other child nutrition program) receive state or federal funding. During the California Department of Education's (CDE) Administrative Review of the district's child nutrition programs, CDE will review whether the district has a written procedure that complies with requirements pertaining to civil rights and nondiscrimination.

Note: Various state and federal laws prohibit discrimination in district programs and activities on the basis of actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. See BP 0410 - Nondiscrimination in District Programs and Activities.

Note: CDE's Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs and the U.S. Department of Agriculture's (USDA) FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, provide guidance to districts on how best to comply with federal law.

The Governing Board recognizes the district's responsibility to comply with state and federal nondiscrimination laws as they apply to the district's nutrition programs. The district shall not deny any individual the benefits or service of any nutrition program or discriminate on any basis prohibited by law.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

Compliance Coordinator

Note: According to CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs, districts are required to appoint a coordinator to be responsible for ensuring district compliance with law governing child nutrition programs. The following paragraph may be revised to reflect district practice.

The Board shall designate a compliance coordinator for nutrition programs, who may also be the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures, to ensure compliance with the laws governing the district's nutrition programs.

Note: Items #1-10 below reflect the duties of the coordinator as provided in CDE's Civil Rights and Complaint Procedures for the Child Nutrition Programs.

The responsibilities of the compliance coordinator include, but are not limited to:

1. Providing the name of the compliance coordinator, and the Section 504 coordinator and Title IX coordinator if different from the compliance coordinator, to the California Department of Education (CDE) and other interested parties

(cf. 6164.6 - Identification and Education Under Section 504)

2. Annually providing mandatory civil rights training to all frontline staff who interact with program applicants or participants and to those who supervise frontline staff

Note: FNS Instruction 113-1 lists required components of training that must be provided to nutrition program staff, as provided below.

The subject matter of such training shall include, but not be limited to, collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.

3. Establishing admission and enrollment procedures that do not restrict enrollment of students on the basis of race, ethnicity, national origin, or disability, including preventing staff from incorrectly denying applications and ensuring that such persons have equal access to all programs

(cf. 6159 - Individualized Education Program)

4. Sending a public release announcing the availability of the child nutrition programs and/or changes in the programs to public media and to community and grassroots organizations that interact directly with eligible or potentially eligible participants

5. Communicating the program's nondiscrimination policy and applicable complaint procedures, as provided in the section "Notifications" below

6. Providing appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency

7. Ensuring that every part of a facility is accessible to and usable by persons with disabilities and that participants with disabilities are not excluded from the benefits or services due to inaccessibility of facilities

8. Ensuring that special meals are made available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet

(cf. [5141.27](#) - Food Allergies, Special Dietary Needs)

9. Implementing procedures to process and resolve civil rights (discrimination) complaints and program-related complaints, including maintaining a complaint log, working with the appropriate person to resolve any complaint, and referring the complainant to the appropriate state or federal agency when necessary

Note: Districts receiving federal financial assistance are required to request racial/ethnic data of all program applicants and participants for purposes of determining whether the program reaches potential eligible persons, identifying areas where additional outreach is needed, selecting locations for compliance reviews, and completing required reports. According to FNS Instruction 113-1, using the applicant's self-identification or self-reporting is the preferred method of obtaining racial and ethnic data.

Note: When requesting such information, districts should be careful to not request any information in regard to the immigration status of students or their family members and, if such information is inadvertently received, to not disclose it to immigration enforcement authorities without parental consent, a court order, or judicial subpoena. See AR [5145.13](#) - Response to Immigration Enforcement.

10. Developing a method, which preferably uses self-identification or self-reporting, to collect racial and ethnic data for potentially eligible populations, applicants, and participants

(cf. [5022](#) - Students and Family Privacy Rights)

(cf. [5125](#) - Student Records)

(cf. [5145.13](#) - Response to Immigration Enforcement)

Notifications

The compliance coordinator shall ensure that the U.S. Department of Agriculture's (USDA) "And Justice for All" civil rights poster or a substitute poster approved by the USDA's Food and Nutrition Service is displayed in areas visible to the district's nutrition program participants, such as food service areas and school offices.

Note: FNS Instruction 113-1 requires districts to notify nutrition program applicants, participants, and potentially eligible persons of program availability, rights, and responsibilities and to advise them at each service delivery site (e.g., the school) regarding the procedure for filing a complaint. Such notice may be distributed through student and parent/guardian handbooks or other method of parental notifications.

The compliance coordinator shall notify the public, all program applicants, participants, and potentially eligible persons of their rights and responsibilities and steps necessary to participate in the nutrition programs. Applicants, participants, and the public also shall be advised of their right to file a complaint, how to file a complaint, the complaint procedures, and that a complaint may be filed anonymously or by a third party.

(cf. [5145.6](#) - Parental Notifications)

Note: As part of its instructions to all recipients of federal funds, USDA requires that all forms of communication available to the public regarding program availability also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. USDA provides specific language for the notification and prohibits its modification in any way. The required language is available on USDA's web site and in the accompanying exhibit.

In addition, the compliance coordinator shall ensure that all forms of communication available to the public regarding program availability shall contain, in a prominent location, a statement provided by USDA about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district.

Forms of communication requiring this nondiscrimination statement include, but are not limited to, web sites, public information releases, publications, and posters, but exclude items such as cups, buttons, magnets, and pens that identify the program when the size or configuration makes it impractical. The nondiscrimination statement need not be included on every page of program information on the district's or school's web site, but the statement or a link to the statement shall be included on the home page of the program information.

A short version of the nondiscrimination statement, as provided by USDA, may be used on pamphlets, brochures, and flyers in the same print size as the rest of the text.

Complaints of Discrimination

Note: 5 CCR ~~4610~~, as amended by Register 2020, No. 21, reduces the applicability of the district's uniform complaint procedures (UCP) for complaints regarding child nutrition programs. 5 CCR 15582, as added by Register 2020, No. 21, requires allegations of discrimination based on race, color, national origin, sex, age, or disability to be referred to USDA. Complaints of discrimination on any other basis are addressed through the district's UCP; see BP/AR 1312.3 - Uniform Complaint Procedures.

Note: For information about compliance complaints, see the section below on "Complaints Regarding Noncompliance with Program Requirements."

A complaint alleging discrimination in the district's nutrition program(s) on the basis of race, color, national origin, sex, age, or disability shall, within 180 days of the alleged discriminatory act, be filed or referred to USDA at: (5 CCR 15582)

U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, (866) 632-9992, (800) 877-8339 (Federal Relay Service - English, deaf, hard of hearing, or speech disabilities), (800) 845-6136 (Federal Relay Service - Spanish), fax (202) 690-7442, or email program.intake.usda.gov

Complaints of discrimination on any other basis shall be investigated by the district using the process identified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Complaints Regarding Noncompliance with Program Requirements

Note: 5 CCR 15580-15584, as added by Register 2020, No. 21, require complaints regarding meal counting and

claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses to be referred to CDE. During the investigation, the complainant will have the opportunity to present information or evidence to support the allegations, and the district will have the opportunity to respond to the complaint. The district may also be subject to an on-site investigation, which may be unannounced. CDE's written decision will be issued within 90 days of receipt of the complaint.

Note: Complaints regarding noncompliance with other nutrition program requirements are addressed locally as described below.

Any complaint alleging that the district has not complied with program requirements pertaining to meal counting and claiming, reimbursable meals, eligibility of a child or adult, use of cafeteria funds and allowable expenses shall be filed with or referred to CDE. (Education Code 49556; 5 CCR 15584)

Complaints of noncompliance with any other nutrition program requirements shall be submitted to and investigated by the district using the following procedures.

Complaints may be filed by a student or the student's parent/guardian by phone, email, or letter. The complaint shall be submitted within one year from the date of the alleged violation and shall include the following: (5 CCR 15581)

1. A statement that the district has violated a law or regulation relating to its child nutrition program
2. The facts on which the statement is based
3. The name of the district or the school against which the allegations are made
4. The complainant's contact information
5. The name of the student if alleging violations regarding a specific student

Note: Pursuant to 5 CCR 15583, as added by Register 2020, No. 21, districts are required to investigate and issue a written report within the 60-day timeline provided within 5 CCR 4631, and the complainant may appeal the district's report to CDE within the 30-day timeframe provided within 5 CCR 4632.

The district shall investigate and prepare a written report pursuant to 5 CCR 4631. (5 CCR 15583)

Note: Option 1 below is for districts that do not allow complainants to appeal the compliance coordinator's decision to the Governing Board. Option 2 is for districts that allow appeals to the Board, and requires

the coordinator's decision within 30 calendar days so that the Board's decision can still be given within the 60-day time limit.

OPTION 1:

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 60 days of the district's receipt of the complaint. (5 CCR 15583; 5 CCR 4631)

OPTION 2:

Unless extended by written agreement with the complainant, the district's compliance coordinator shall investigate the complaint and prepare a written report to be sent to the complainant within 30 calendar days of the district's receipt of the complaint. If the complainant is dissatisfied with the compliance coordinator's decision, the complainant may, within five business days, file the complaint in writing with the Board.

The Board shall consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered pursuant to 5 CCR 4631. When required by law, the matter shall be considered in closed session. The Board may decide not to consider the complaint, in which case the coordinator's decision shall be final.

(cf. 9321 - Closed Session)

If the Board considers the complaint, the Board's decision shall be sent to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Note: The following paragraph is for use by all districts.

If the complainant is not satisfied with the findings in the district's report, the complainant may appeal the decision to CDE by filing a written appeal within 30 days of receiving the decision. (5 CCR 4632)

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination
- 42238.01 Definitions for purposes of funding
- 48985 Notices to parents in language other than English
- 49060-49079 Student records
- 49490-49590 Child nutrition programs

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

15580-15584 Child nutrition programs complaint procedures

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.19 National School Lunch Program, additional responsibilities

210.23 National School Lunch Program, district responsibilities

215.7 Special Milk Program, requirements for participation

215.14 Special Milk Program, nondiscrimination

220.7 School Breakfast Program, requirements for participation

220.13 School Breakfast Program, special responsibilities of state agencies

225.3 Summer Food Service Program, administration

225.7 Summer Food Service Program, program monitoring and assistance

225.11 Summer Food Service Program, corrective action procedures

226.6 Child and Adult Care Food Program, state agency administrative responsibilities

250.15 Out-of-condition donated foods, food recalls, and complaints

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 *Nondiscrimination on the basis of disability, public accommodations, auxiliary aids and services*

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 *Nondiscrimination in federal programs, effectuating Title VI*

104.1-104.39 *Section 504 of the Rehabilitation Act of 1973*

106.1-106.61 *Discrimination on the basis of sex, effectuating Title IX, especially:*

106.9 *Dissemination of policy*

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION
PUBLICATIONS**

Civil Rights and Complaint Procedures for the U.S. Department of Agriculture Child Nutrition Programs, June 2018

**U.S. DEPARTMENT OF AGRICULTURE, FOOD AND
NUTRITION SERVICE PUBLICATIONS**

Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, FNS Instruction 113-1, November 2005

**U.S. DEPARTMENT OF EDUCATION, OFFICE FOR
CIVIL RIGHTS PUBLICATIONS**

Notice of Non-Discrimination, August 2010

WEB SITES

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

U.S. Department of Agriculture, Food and Nutrition Services: <http://www.fns.usda.gov>

U.S. Department of Agriculture, Office for Civil Rights: <http://www.ascr.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

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Food Service /Child Nutrition Program
Mission Statement

The Board of Trustees of the Mendocino Unified District supports a commitment to life long practices of learning, academic achievement, healthful nutrition and physical exercise.

We are committed to the wellness education of the students through the integration of our food service program, physical education and instructional programs.

MUSD students benefit from participation in organic food production, sustainable environmental practices such as vermiculture and recycling, healthful nutritional practices and physical fitness activities.

Curriculum and an integrated food service program shall support on site and local food production, K-12 physical fitness, healthful nutrition and environmental education. The Board supports a curriculum that explores the food and physical movement of different cultures in order to create a knowledge of cultural and global diversity.

The guidelines for the food service program and culinary arts curriculum shall reinforce the district's wellness policy. All meals and snacks served at district sites shall emphasize fresh and organic offerings and meet or exceed federal and state nutritional guidelines.

Physical fitness activities shall be supported by access to safe and well maintained facilities and fields.

NonDiscrimination Statement for Nutrition Programs

NONDISCRIMINATION STATEMENT FOR NUTRITION PROGRAMS

Note: As part of its instructions to all recipients of federal funds for child nutrition programs, the U.S. Department of Agriculture (USDA) requires that all forms of communication available to the public regarding program availability also contain information about that recipient's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the recipient. The following exhibit presents specific language provided by USDA for the notification, which must not be modified in any way.

The following statement shall be included, in a prominent location, on all forms available to the public regarding the availability of the district's child nutrition programs:

"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: <http://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer> and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov

This institution is an equal opportunity provider."

On pamphlets, brochures, and flyers, in the same print size as the rest of the text, the district may print a short version of the nondiscrimination statement, as follows:

"This institution is an equal opportunity provider."

Personnel

Sexual Harassment

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim.

This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an

ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX prohibition against discrimination

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

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Personnel

Sexual Harassment

Note: Education Code [231.5](#), 2 CCR [11023](#), and 34 CFR [106.8](#) mandate the district to have a written policy on sexual harassment. As part of this mandate, the district also should adopt a sexual harassment policy related to students; see BP/AR 5145.7 - Sexual Harassment.

Note: Sexual harassment is prohibited pursuant to Title VII of the Civil Rights Act of 1964 (42 USC [2000e-2000e-17](#)) and/or Title IX of the Education Amendments of 1972 (20 USC [1681-1688](#); 34 CFR [106.1-106.82](#)), as well as the California Fair Employment and Housing Act (Government Code [12900-12996](#)). Whether a complaint of sexual harassment is addressed through federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or procedures adopted pursuant to 2 CCR [11023](#) is dependent on whether the alleged conduct meets the more stringent federal definition of sexual harassment or the state definition. See the accompanying administrative regulation, AR 4030 - Nondiscrimination in Employment, and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Note: Pursuant to 2 CCR 11034, the district may be liable for sexual harassment committed by a supervisor, coworker, or a third party. Pursuant to Government Code [12940](#), employers may also be held liable for sexual harassment committed against their workers by clients, customers, or other third parties if they knew or should have known of the harassment and failed to take immediate and appropriate corrective action to stop the harassment.

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [4030](#) - Nondiscrimination in Employment)

Note: Government Code [12940](#) clarifies that sexual harassment includes harassment based on sex, gender, pregnancy, childbirth, or related medical conditions.

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

Note: Federal and state courts have provided guidance that may help employers avoid liability or mitigate damages in sexual harassment cases. In Department of Health Services v. Superior Court (McGinnis), the California Supreme Court outlined measures that may constitute mitigating factors in the assessment of damages, including establishing anti-harassment policies, communicating those policies to employees, consistently enforcing the policies, preserving the confidentiality of employees who report harassment, and preventing retaliation against reporting employees. The U.S. Supreme Court in Burlington Industries v. Ellerth held that, for certain claims under federal law, an employer may defend against sexual harassment claims by proving that (1) reasonable care was exercised to prevent and promptly correct any sexually harassing behavior, and (2) the employee (victim) failed to take advantage of the preventive and corrective opportunities provided by the employer.

Note: Pursuant to Government Code [12950.1](#), as amended by SB 778 (Ch. 215, Statutes of 2019), employers with five or more employees are required to provide sexual harassment training to supervisory and nonsupervisory employees. See the accompanying administrative regulation for timelines and training requirements.

Note: Items #1-4 below reflect the courts' guidance and Government Code [12950.1](#), and should be modified to reflect district practice.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. *Providing training to employees in accordance with law and administrative regulation*
2. *Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply*
3. *Ensuring prompt, thorough, fair, and equitable investigation of complaints*
4. *Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments*

Note: The following optional paragraph reflects a recommendation of the U.S. Equal Employment Opportunity Commission's informal guidance Promising Practices for Preventing Harassment and may be revised to reflect district practice.

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Note: 34 CFR [106.8](#), as amended by 85 Fed. Reg. 30026, requires the district to designate at least one employee to coordinate its responsibilities under Title IX, who must be referred to as the Title IX Coordinator. See the accompanying administrative regulation.

Note: 34 CFR [106.44](#), as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment, to respond promptly in a manner that is not unreasonable in light of the known circumstances and in compliance with Title IX regulations. 34 CFR [106.30](#), as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. For this reason, the district should train all employees regarding the reporting process.

Note: In Faragher v. City of Boca Raton, one of the factors relied on by the U.S. Supreme Court in finding liability for harassment by a supervisor was the failure of the policy to provide an assurance to its employees that harassing supervisors may be bypassed in registering complaints.

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through either AR [4119.12/4219.12/4319.12](#) - Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX definition of sexual harassment or AR [4030](#) - Nondiscrimination in Employment for complaints meeting the state definition, as applicable, and shall offer supportive measures to the complainant.

(cf. [4119.12/4219.12/4319.12](#) - Title IX Sexual Harassment Complaints)

Note: In addition to district discipline imposed on employees who engage in sexual harassment, Government Code [12940](#) provides that such employees may be held personally liable in a court of law for any damage to the victim(s).

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. [4117.7/4317.7](#) - Employment Status Reports)

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

[12900-12996](#) Fair Employment and Housing Act, especially:

[12940](#) Prohibited discrimination

[12950](#) Sexual harassment; distribution of information

[12950.1](#) Sexual harassment training

LABOR CODE

[1101](#) Political activities of employees

[1102.1](#) Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

[11009](#) Employment discrimination

[11021](#) Retaliation

[11023](#) Harassment and discrimination prevention and correction

[11024](#) Sexual harassment training and education

[11034](#) Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

[4900-4965](#) Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

[1681-1688](#) Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

[2000e-2000e-17](#) Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

[106.1-106.9](#) Nondiscrimination on the basis of sex in education programs or activities

[106.51-106.82](#) Nondiscrimination on the basis of sex in employment in education programs or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

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Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

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U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

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WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

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Personnel

Sexual Harassment

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include how to

recognize prohibited or harassing conduct, the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee. The training shall also include information about processes for employees to informally share or obtain information about harassment without filing a complaint.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

The district's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

8. Practical examples of harassment based on gender identity, gender expression, and sexual orientation

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, at a minimum, components on:
(Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights.
(Government Code 12950)

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Personnel

Sexual Harassment

Note: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sexual harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sexual harassment as applicable to employees.

Note: For information related to sexual harassment involving students, see BP/AR 5145.7 - Sexual Harassment.

The following administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Title IX Coordinator

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment. Districts may modify this policy to designate separate district employees to serve these functions.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Jason Morse, Superintendent

*44141 Little Lake Road
P.O. Box 1154
Mendocino, CA 95460*

707-937-5868

JMorse@mcn.org

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Prohibited Conduct

Note: Alleged conduct that meets the federal definition of sexual harassment in 34 CFR 106.30, as added by 85 Fed. Reg. 30026, requires investigation and resolution through Title IX regulations; see AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.30, sexual harassment includes (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive,

and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291)

Note: Education Code [212.5](#) defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. Conduct that does not meet the definition of sexual harassment in 34 CFR 106.30 shall be investigated and resolved in accordance with AR 4030 - Nondiscrimination in Employment.

Note: In [Oncale v. Sundowner Offshore Services, Inc.](#), the U.S. Supreme Court held that same-sex sexual harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code [212.5](#); Government Code [12940](#); 2 CCR 11034)

- 1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.*
- 2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.*
- 3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.*
- 4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.*

Note: Pursuant to Government Code [12940](#), the district may be held liable for sexual harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sexual harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

- 1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors*
- 2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects*
- 3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements*

Training

Note: Government Code [12950.1](#), as amended by SB 778 (Ch. 215, Statutes of 2019), requires districts with five or more employees to provide sexual harassment training and education to supervisory and nonsupervisory employees by January 1, 2021 (or two years after a training provided in 2019) and once every two years thereafter. As amended, Government Code [12950.1](#) requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.

Note: Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sexual harassment training. Districts should consult with legal counsel to ensure that the appropriate individuals receive training.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code [12950.1](#))

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code [12926](#))

(cf. [4300](#) - Administrative and Supervisory Personnel)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code [12950.1](#))

The district's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code [12950.1](#); 2 CCR 11024)

- 1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment*
- 2. The types of conduct that constitute sexual harassment*
- 3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability*
- 4. Strategies to prevent harassment in the workplace*
- 5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware*
- 6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources*
- 7. The limited confidentiality of the complaint process*
- 8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment*
- 9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint*
- 10. What to do if the supervisor is personally accused of harassment*
- 11. The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed*

Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code [12950.1](#), the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR [106.8](#))

A copy of the Board policy and this administrative regulation shall: (Education Code [231.5](#))

- 1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted*
- 2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired*
- 3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct*

Note: Government Code [12950](#) requires the Department of Fair Employment and Housing (DFEH) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on DFEH's web site.

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, at a minimum, components on: (Government Code [12950](#))

- 1. The illegality of sexual harassment*
- 2. The definition of sexual harassment under applicable state and federal law*
- 3. A description of sexual harassment, with examples*
- 4. The district's complaint process available to the employee*
- 5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)*
- 6. Directions on how to contact DFEH and the EEOC*
- 7. The protection against retaliation provided by 2 CCR [11021](#) for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC*

In addition, the district shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code [12950](#))

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Personnel

Title IX Sexual Harassment Complain Procedures

Note: Title IX of the Education Amendments of 1972 (20 USC [1681-1688](#); 34 CFR [106.1-106.82](#)) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Note: The following administrative regulation reflects the Title IX complaint procedure detailed in 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, which must be used, effective August 14, 2020, to address any complaint of sexual harassment that meets the definition in 34 CFR 106.30. Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment in employment that does not meet this definition should be addressed through the district's complaint procedures described in AR 4030 - Nondiscrimination in Employment.

Note: 34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment, to respond promptly in a manner that is not deliberately indifferent. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school. A district is deliberately indifferent only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Note: Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Districts with questions about specific complaints are strongly encouraged to consult legal counsel.

Note: Also see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment for information about prohibited conduct, training, required notifications, and processes for reporting sexual harassment.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a district employee was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

- 1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwelcome sexual conduct*
- 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity*
- 3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291*

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 4030 - Nondiscrimination in Employment.

(cf. [4030](#) - Nondiscrimination in Employment)

A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

Note: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator should file a complaint in certain situations even when the victim chooses not to do so, including, but not limited to, when a safety threat exists.

Note: In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

Emergency Removal

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Note: Pursuant to Education Code [48900.2](#), a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code [48915\(c\)](#) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR [5144.1](#) - Suspension and Expulsion/Due Process.

Note: 34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, districts are advised to consult legal counsel as to the manner of imposing an emergency removal.

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

- 1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.*
- 2. Obtains the parties' voluntary, written consent to the informal resolution process*

Formal Complaint Process

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

- 1. The district's complaint process, including any informal resolution process*
- 2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.*

If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

- 3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process*
- 4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence*
- 5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process*

Note: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decision-maker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

Note: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

Note: 34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district shall: (34 CFR 106.45)

- 1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence*
- 2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence*
- 3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney*
- 4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties*
- 5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate*
- 6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report*
- 7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness*
- 8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response*
- 9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party*

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

Note: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

Note: Pursuant to 34 CFR 106.45, the person designated as the decision-maker of the determination of responsibility cannot be the same person designated as the Title IX Coordinator, an investigator, or the person who considers appeals. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decision-maker and designate the Superintendent as the person to consider appeals.

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

Note: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

Note: 34 CFR 106.45 mandates that the district's complaint procedures state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. The district should consult with legal counsel in determining which standard to use.

In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

- 1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30*
- 2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process*
- 3. Findings of fact supporting the determination*
- 4. Conclusions regarding the application of the district's code of conduct to the facts*
- 5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or*

preserve equal access to the district's educational program or activity will be provided by the district to the complainant

6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Note: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines established by the district.

Note: The following section should also be revised to identify the person who has been designated as the decision-maker(s) for the appeal. Pursuant to 34 CFR 106.45, the decision-maker for the appeal cannot be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

- 1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties*
- 2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator*
- 3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome*
- 4. Issue a written decision describing the result of the appeal and the rationale for the result*
- 5. Provide the written decision simultaneously to both parties*

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Equal Employment Opportunity Commission.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Remedies

Note: 34 CFR 106.45 mandates that the district's Title IX complaint process list, or describe the range of, possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. [4117.7/4317.7](#) - Employment Status Report)

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

(cf. [3580](#) - District Records)

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination on the basis of sex

[48900](#) Grounds for suspension or expulsion

[48900.2](#) Additional grounds for suspension or expulsion; sexual harassment

[48985](#) Notices, report, statements and records in primary language

CIVIL CODE

[51.9](#) Liability for sexual harassment; business, service and professional relationships

[1714.1](#) Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

[12950.1](#) Sexual harassment training

CODE OF REGULATIONS, TITLE 5

[4600-4670](#) Uniform complaint procedures

[4900-4965](#) Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

[1221](#) Application of laws

[1232g](#) Family Educational Rights and Privacy Act

[1681-1688](#) Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

[2000d-2000d-7](#) Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

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/about/offices/list/ocr>

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Students

Sexual Harassment

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who has experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained

Note: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while he/she is away from school without permission may be reluctant to file a complaint if he/she believes that he/she may be disciplined for the violation. As such, item #4 below clarifies that any other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 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, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

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Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

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/about/offices/list/ocr>

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Students

Sexual Harassment

Note: Education Code 231.5 and 34 CFR 106.8 mandate the district to have written policies on sexual harassment. The following policy addresses harassment by and of students in the school setting. As part of this mandate, the district should also adopt a sexual harassment policy related to employees; see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment.

Note: Both federal law (Title IX of the Education Amendments of 1972) (20 USC 1681-1688; 34 CFR 106.1-106.82) and state law (Education Code 220, 231.5) prohibit sexual harassment and require districts to establish procedures for the prompt and equitable resolution of sexual harassment complaints. Whether a complaint is addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, or the state uniform complaint procedures adopted pursuant to 5 CCR 4600-4670 is dependent on whether the alleged conduct meets the more stringent federal definition or the state definition of sexual harassment. See the accompanying administrative regulation, BP/AR 1312.3 - Uniform Complaint Procedures, and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Note: A district can be held liable for civil damages for the sexual harassment of students pursuant to Title IX if the district is found to have been "deliberately indifferent" in its response to known sexual harassment. Pursuant to 34 CFR 106.30, a district is deliberately indifferent if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Note: In addition to filing a private civil lawsuit, an alleged victim of sexual harassment may file a complaint with the California Department of Education (CDE) and/or the U.S. Department of Education's Office for Civil Rights (OCR), the federal agency responsible for administrative enforcement of federal laws and regulations that prohibit discrimination in programs and activities that receive federal financial assistance from the U.S. Department of Education.

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

Note: 34 CFR 106.44, as added by 85 Fed. Reg. 30026, requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not unreasonable in light of the known circumstances. 34 CFR 106.30, as added, defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of an elementary or secondary school.

Note: It is important to note that a referral to law enforcement does not relieve a school district of its responsibility to investigate the complaint as a matter of sex discrimination.

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other

available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant.

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.3](#) - Uniform Complaint Procedures)

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

(cf. [5145.71](#) - Title IX Sexual Harassment Complaint Procedures)

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post the district's written policy on sexual harassment in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students.

Note: Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it prominently and conspicuously in each bathroom and locker room on campus.

Note: Education Code [231.5](#), as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

Note: Pursuant to 34 CFR [106.8](#), the district is required to notify students, parents/guardians, employees, and bargaining units of its policy to not discriminate on the basis of sex as well as its complaint procedures and processes, and to post this information in a prominent location on the district's web site and in student and staff handbooks.

Note: Requirements related to the dissemination of the district's sexual harassment policy and procedures and best practices for reinforcing the policy are addressed in the accompanying administrative regulation.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained

Note: Where sexual harassment or violence occurs in the context of other possible rule violations, students may be reluctant to report sexual harassment or violence. For example, a student who is sexually harassed while away from school without permission may be reluctant to file a complaint if the student believes discipline will be imposed for the violation. As such, item #4 below clarifies that any

other rule violation will be addressed separately from the sexual harassment complaint in order to encourage students to report the harassment.

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students

6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made

7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues

8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

Note: Pursuant to Education Code [48900.2](#), a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Education Code [48915\(c\)](#) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR [5144.1](#) - Suspension and Expulsion/Due Process.

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. [4117.7/4317.7](#) - Employment Status Report)

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

In accordance with law, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

(cf. [3580](#) - District Records)

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination on the basis of sex

[48900](#) Grounds for suspension or expulsion

[48900.2](#) Additional grounds for suspension or expulsion; sexual harassment

[48904](#) Liability of parent/guardian for willful student misconduct

[48980](#) Notice at beginning of term

[48985](#) Notices, report, statements and records in primary language

CIVIL CODE

[51.9](#) Liability for sexual harassment: business, service and professional relationships

[1714.1](#) Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

[12950.1](#) Sexual harassment training

CODE OF REGULATIONS, TITLE 5

[4600-4670](#) Uniform complaint procedures

[4900-4965](#) Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

[1221](#) Application of laws

[1232g](#) Family Educational Rights and Privacy Act

[1681-1688](#) Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

[2000d-2000d-7](#) Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

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Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

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Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

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Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

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

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Students

Sexual Harassment

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Superintendent
P.O. Box 1154
44141 Little Lake Road
Mendocino, CA 95460
707-937-5868
jmorse@mcn.org

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class

7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5) A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

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Students

Sexual Harassment

Note: Education Code 231.5 and Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibit discrimination based on sex, including sexual harassment, and mandate that the district adopt and publish complaint procedures. Also see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Title IX Coordinator

Note: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX and its implementing regulations. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the compliance officer(s) for the district's uniform complaint procedures pursuant to AR 1312.3 - Uniform Complaint Procedures. Districts may modify this regulation to designate separate district employees to serve these functions.

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Jason Morse, Superintendent

*44141 Little Lake Road
P.O. Box 1154
Mendocino, CA 95460*

707-937-5868

JMorse@mcn.org

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

The district shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

Prohibited Conduct

Note: Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting. For purposes of suspension and expulsion, Education Code 48900.2 defines sexual harassment as conduct, when considered from the perspective of a reasonable person of the same gender as the victim, that is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment for the victim; see AR 5144.1 - Suspension and Expulsion/Due Process. Conduct that meets the federal definition of sexual harassment in 34 CFR 106.30 (i.e., (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291) requires investigation and resolution through Title IX regulations; see AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code [212.5](#); 5 CCR [4916](#))

- 1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.*
- 2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.*
- 3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.*
- 4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.*

(cf. [5131](#) - Conduct)

(cf. [5131.2](#) - Bullying)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [6142.1](#) - Sexual Health and HIV/AIDS Prevention Instruction)

Note: The following list contains common examples of sexual harassment from the OCR January 2001 Revised Sexual Harassment Guidance, and definitions specified in 5 CCR [4916](#).

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

- 1. Unwelcome leering, sexual flirtations, or propositions*
- 2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions*
- 3. Graphic verbal comments about an individual's body or overly personal conversation*
- 4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature*
- 5. Spreading sexual rumors*
- 6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class*
- 7. Massaging, grabbing, fondling, stroking, or brushing the body*
- 8. Touching an individual's body or clothes in a sexual way*
- 9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex*
- 10. Displaying sexually suggestive objects*
- 11. Sexual assault, sexual battery, or sexual coercion*

12. *Electronic communications containing comments, words, or images described above*

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code [48980](#); 5 CCR [4917](#))

(cf. [5145.6](#) - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code [231.5](#))

Note: Education Code 231.6, as added by AB 543 (Ch. 428, Statutes of 2019), requires districts serving students in grades 9-12 to create a poster that notifies students of the district's sexual harassment policy, and to display it, as specified below. The district may partner with local, state, or federal agencies, or nonprofit organizations, for the purposes of the design and content of the poster.

3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

Note: Education Code 234.6, as added by AB 34 (Ch. 282, Statutes of 2019), requires districts, beginning in the 2020-21 school year, to post on the district's web site the district's written policy on sexual harassment as well as other state and federal law requirements, in the manner specified below. 34 CFR [106.8](#) also requires districts that have web sites to prominently display the contact information for the Title IX Coordinator and the district's nondiscrimination policy on its web site.

4. Be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as the district's Title IX Coordinator. (Education Code 234.6; 34 CFR [106.8](#))

(cf. [1113](#) - District and School Web Sites)

(cf. [1114](#) - District-Sponsored Social Media)

Note: Education Code [231.5](#), as amended by AB 543, requires the district to provide a copy of the district's sexual harassment policy as part of any orientation program conducted for new and continuing students.

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code [231.5](#))

6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code [231.5](#))

7. Be included in any handbook provided to students, parents/guardians, employees, or employee organizations (34 CFR [106.8](#))

Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator, regardless of whether the alleged victim files a formal complaint.

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

Complaint Procedures

All complaints of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 1312.3 - Uniform Complaint Procedures.

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Students

Title IX Sexual Harassment Complaint Procedures

Note: Title IX of the Education Amendments of 1972 (20 USC 1681-1688; 34 CFR 106.1-106.82) prohibits discrimination based on sex, including sexual harassment, and mandates that the district adopt and publish complaint procedures.

Note: The following administrative regulation reflects the Title IX complaint procedure detailed in 34 CFR 106.44-106.45, as added by 85 Fed. Reg. 30026, which must be used, effective August 14, 2020, to address any complaint of sexual harassment that meets the definition in 34 CFR 106.30. Pursuant to 34 CFR 106.30, allegations of sexual harassment governed by these regulations include (1) a district employee conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291. Alleged sexual harassment that does not meet this definition should be addressed through the district's uniform complaint procedures (UCP); see BP/AR 1312.3 - Uniform Complaint Procedures.

Note: 34 CFR 106.44 requires the district, when there is actual knowledge of sexual harassment in an education program or activity, to respond promptly in a manner that is not deliberately indifferent. 34 CFR 106.30 defines "actual knowledge" as notice of sexual harassment or allegations of sexual harassment being submitted to the district's Title IX Coordinator, any official of the district who has authority to institute corrective measures, or any employee of the district. A district is deliberately indifferent only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances.

Note: Application of the Title IX complaint procedures to the facts of a specific complaint may implicate complicated questions about the intersection of state law, federal law, and, in cases involving employees, the applicable collective bargaining agreement. Districts with questions about specific complaints are strongly encouraged to consult legal counsel.

Note: See BP/AR 5145.7 - Sexual Harassment for information about prohibited conduct, student instruction, required notifications, and processes for reporting sexual harassment.

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

- 1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct*
- 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity*
- 3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291*

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

A report of sexual harassment shall be submitted directly to or forwarded to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment.

(cf. 5145.7 - Sexual Harassment)

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

Note: Given the district's duty pursuant to 34 CFR 106.44 to respond to reports of sexual harassment in a manner that is not deliberately indifferent, the Title IX Coordinator should file a complaint in certain situations even when the victim chooses not to do so, including, but not limited to, when a safety threat exists.

Note: In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

The Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are nondisciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)

Emergency Removal from School

Note: Pursuant to Education Code [48900.2](#), a student in grades 4-12 may be suspended and/or expelled from school for sexual harassment. Districts should also note that Education Code [48915\(c\)](#) requires the Superintendent or designee to recommend expulsion for any student, irrespective of grade, who commits sexual assault or battery as defined in the Penal Code. See AR [5144.1](#) - Suspension and Expulsion/Due Process.

Note: 34 CFR 106.44 allows a student to be removed in emergency situations as described below, but requires that a student should not be "disciplined" prior to a finding being made pursuant to the grievance process established by 34 CFR 106.45. Due to this inconsistency in state and federal law, districts are advised to consult legal counsel as to the manner of imposing an emergency removal.

On an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

- 1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.*
- 2. Obtains the parties' voluntary, written consent to the informal resolution process*
- 3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student*

Formal Complaint Process

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

- 1. The district's complaint process, including any informal resolution process*
- 2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.*

If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process

4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence

5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

Note: The following paragraph is optional. Although not required by law, a best practice is to provide notice to the parties of the name of the investigator, facilitator, and decision-maker in order to give the parties an opportunity to raise concerns of conflict of interest or bias as prohibited by 34 CFR 106.45.

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

Note: Pursuant to 34 CFR 106.45, when investigating a formal complaint, the burden of proof rests on the district and not on the parties. However, the district must obtain the party's voluntary, written consent to access, consider, disclose, or otherwise use a party's records that are maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, which are made and maintained in connection with the provision of treatment to the party.

Note: 34 CFR 106.45 authorizes, but does not require, the district to conduct a live hearing at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions. If the district chooses to include such a hearing as a component of its complaint procedure, the following list should be modified to include requirements for the hearing in accordance with 34 CFR 106.45.

During the investigation process, the district shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence

2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence

3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney

4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate

6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

Note: Districts with questions about the application of a collective bargaining agreement in the context of a Title IX investigation should consult legal counsel.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

Note: Pursuant to 34 CFR 106.45, the person designated as the decision-maker of the determination of responsibility cannot be the same person designated as the Title IX Coordinator, an investigator, or the person who considers appeals. The following paragraph may be revised to reflect the position designated by the district to provide a written determination of responsibility. While designation decisions will depend on the size of the district, a best practice is to designate an upper-level administrator as the decision-maker and designate the Superintendent as the person to consider appeals.

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

Note: 34 CFR 106.45 requires that the district's complaint process include a "reasonably prompt" timeframe for concluding the complaint process, but does not specify the number of days within which the final decision must be issued. The following paragraph specifies a 45-day period so that, in the event it is determined that the alleged conduct does not meet the definition of sexual harassment pursuant to Title IX regulations, there will be time for the district to complete the resolution of the complaint through uniform complaint procedures within the required 60-day period for that process. Districts may revise the following paragraph to include a different timeline as long as it would satisfy the requirement to act promptly.

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

Note: 34 CFR 106.45 mandates that the district's complaint procedures state whether the district's determination of responsibility will be based on a "preponderance of evidence" standard or "clear and convincing evidence" standard. The following paragraph reflects the "preponderance of evidence" standard, which is a less stringent standard to prove misconduct, and should be revised if the district chooses to use a "clear and convincing evidence" standard. The standard selected by the district must be applied uniformly for all Title IX sexual harassment complaints. The district should consult with legal counsel in determining which standard to use.

In making this determination, the district shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

- 1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30*
- 2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process*
- 3. Findings of fact supporting the determination*
- 4. Conclusions regarding the application of the district's code of conduct to the facts*
- 5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant*
- 6. The district's procedures and permissible bases for the complainant and respondent to appeal*

Appeals

Note: 34 CFR 106.45 allows either the complainant or respondent to appeal the district's decision. The district may revise the following section to reflect applicable timelines established by the district.

Note: The following section should also be revised to identify the person who has been designated as the decision-maker(s) for the appeal. Pursuant to 34 CFR 106.45, the decision-maker for the appeal cannot be the same person as the decision maker that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

- 1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties*

2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator

3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome

4. Issue a written decision describing the result of the appeal and the rationale for the result

5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

Remedies

Note: 34 CFR 106.45 mandates that the district's Title IX complaint process list, or describe the range of, possible remedies that the district may implement following any determination of responsibility. The following section may be revised to reflect district practice.

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code [48900.2](#), [48915](#))

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support

5. Referral of the student to a student success team

(cf. [6164.5](#) - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. [6145](#) - Extracurricular and Cocurricular Activities)

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. [4117.7/4317.7](#) - Employment Status Report)

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4119.11/4219.11/4319.11](#) - Sexual Harassment)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

The Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

(cf. [3580](#) - District Records)

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination on the basis of sex

[48900](#) Grounds for suspension or expulsion

[48900.2](#) Additional grounds for suspension or expulsion; sexual harassment

[48985](#) Notices, report, statements and records in primary language

CIVIL CODE

[51.9](#) Liability for sexual harassment; business, service and professional relationships

[1714.1](#) Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

[12950.1](#) Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 Definition of sexual assault

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.82 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

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/about/offices/list/ocr>

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